

*National Energy Board Act*

the same principles as this bill. It was a case that went to the privy council in London and on which judgment was given by Lord Porter, but irrespective of that particular judgment and the validity that it may have for all time in cases of that kind or, indeed, the effect it might have on analogous cases, the fact is that what we are doing here is enshrining in legislation a decision of that kind. We have great doubts, Mr. Speaker, whether such an important step is advisable and sound as a matter of policy, and certainly we do not accept for a minute that it should be done in this hasty and ill-considered way.

Moreover, Mr. Speaker, we feel that the failure of the minister and the government to consult with the provinces on the matter is open to strong condemnation. It is my information that the bill first came before the other place only a week ago today, and that it was considered again on Tuesday evening of this week. Today is Thursday, and I understand that only on Tuesday evening was the bill sent to the provinces for their examination. The provinces were informed by air mail special delivery, not even by telegram, through letters sent to them not by anybody representing the government but by the clerk of a committee of the other place. That is a very strange procedure indeed to follow on a matter of such concern to the provinces.

If clause 1 were to be approved the national energy board might be involved in the fixation of tolls at the local level. Surely, therefore, before we are asked to approve it the provinces not only should be properly informed about the bill but, if they so desire, they should be given the opportunity to present their views concerning it to parliament.

The provinces were treated in matters of this kind with more courtesy and consideration under the former government. In a similar case, when the bill on international rivers improvements was considered by parliament in 1955, the bill was sent well in advance to the provincial governments, which were given the opportunity to present any views they might have concerning the matter before the standing committee on external affairs.

Surely, Mr. Speaker, the same procedure should be followed in connection with this bill today. If this particular clause were sent to a committee, it would not only give the provinces an opportunity to be heard but it would enable members of this house to hear the officers of the Department of Justice concerning the constitutional basis for this provision, and also to hear members of the

national energy board on the need and advisability of such a provision being enacted at this particular moment.

I ask the minister, what is the particular hurry to amend this clause at this time? What argument can be brought forward against our proposal that this particular clause should be dropped when we get to the committee stage? Then it should be possible to pass the only clause which is of an emergency nature. We would thereby avoid either having to make a snap decision on a constitutional principle of political and economic importance or force companies in this country into breaking the law.

I do not propose at this stage to say anything more about the substance of this amendment. May I sum it up by saying that if the government, at the appropriate time, is prepared to drop clause 1 of the bill, which would make clause 3 unnecessary, we are quite ready to do what we can to ensure that clause 2 of the bill, which is the one that must be passed today, should be passed today.

We believe that clause 1 should be referred to a standing committee. If the government is not willing to accept this course of action, which we think is most reasonable and is put forward as a way out of this difficulty, then I tell the minister that if his bill cannot be approved today by the house because there has been insufficient time for consideration of it, and because there has been no time for provincial views to be heard on it, the government will have to take full responsibility for that unfortunate result and for forcing these Canadian companies into illegality.

**Mr. Hazen Argue (Assiniboia):** Mr. Speaker, the Minister of Trade and Commerce has said that by inadvertence or oversight on his part he has placed the House of Commons in a very difficult situation at this time. One can appreciate that it is possible for anyone to make a mistake, and this is what the minister confesses to us he has done. Nevertheless, since the minister is a member of the government, and since the government is responsible to parliament, whether it has been a mistake of inadvertence or oversight it has a very serious result in that the government, by this means is holding a gun to the head of the House of Commons and is saying to members of the opposition, in effect, "If you exercise your prerogative, your right and your duty of discussing the bill before the house and looking into its effects as it is constituted, thereby carrying the discussion beyond six o'clock, then the responsibility for the dire results that will flow therefrom is yours".