

Clause agreed to.

**The Deputy Chairman:** The hon. member for Peace River is recognized on proposed clause 96.

**Mr. Baldwin:** Mr. Chairman, I am afraid the Minister of Communications has left the chamber. I was hoping he might move my amendment. However, I suppose I must move it myself. I am not going to go back over the ground that has already been covered. Hon. members ought not to have any doubts concerning the validity of this bill. I have read into the record extracts of some decisions of the Supreme Court and the Privy Council and I have given my interpretation of them. For these reasons, before the bill leaves this place there should be some reference to these matters. I therefore move:

● (1540)

That the bill be amended by adding thereto, immediately following clause 95 on page 39, the following:

"Reference to *Supreme Court* 96. (1) Forthwith after this Act is assented to in Her Majesty's name, the Governor in Council, under section 55 of the *Supreme Court Act*, shall refer all questions of law and fact concerning the constitutionality of this Act and every provision thereof other than this section to the Supreme Court.

(2) Until the Supreme Court has certified to the Governor in Council its opinion upon each such question, no provision of this Act, other than this section, shall come into force at the time of commencement provided therefor under this Act or the *Interpretation Act* and then only to the extent, if any, such provision is in the opinion of the Court within the legislative authority of the Parliament of Canada.

(3) The attorney general of each province shall be notified of the hearing under this section in order that he may be heard if he thinks fit."

**Mr. Macdonald (Rosedale):** Mr. Chairman, I would counsel the committee against adopting the amendment, principally on the basis that has been argued all the way through the debate on this bill, that in the judgment of the government and, perhaps more significantly, the legal advisers of the government, the provisions of Bill C-32 are entirely within the jurisdiction of the Parliament of Canada. In their opinion, no doubt exists with regard to this jurisdictional question. On this basis, it does not seem appropriate to delay the matter for the time of the Supreme Court reference. Indeed, if there was a delay it might be impossible for the government to act, if there was any threat of a substantial increase in the prices of oil or natural gas.

I should make it clear to the committee that the fact we do not accept this amendment does not in any sense make it any less possible from a legal standpoint for a private person to raise a question with regard to the statute. It would not, of course, oust the jurisdiction of the Supreme Court in any way. We feel there is a legal basis under the constitution for the action we are proposing to parliament. For that reason, it does not seem to be necessary to seek this particular amendment.

**Mr. Baldwin:** Mr. Chairman, I have only one word on the question of timing. If this country can survive this government for a year and a half or an energy crisis, it can survive a few more months waiting for a Supreme Court decision.

*Oil and Petroleum*

**Mr. Macdonald (Rosedale):** Thank you for those kind words.

**The Deputy Chairman:** Is it the pleasure of the committee to adopt the said motion?

**Some hon. Members:** Agreed.

**Some hon. Members:** No.

Amendment (Mr. Baldwin) negatived: Yeas, 11; nays, 30.

**The Deputy Chairman:** By agreement, the committee will revert to clause 35 of Bill C-32.

On clause 35—*Proclamation*.

**Mr. Macdonald (Rosedale):** Mr. Chairman, as I mentioned to the committee earlier, there have been some discussions about a possible amendment to this clause. I think we might have a form of words which will be found generally acceptable. The essence is that while the bill is to be proclaimed as provided under clause 35, there would be added to the clause, by way of amendment, five sub-clauses. The amendment is as follows:

That Bill C-32 be amended

(a) by renumbering clause 35 as subclause 35(1); and

(b) by adding immediately after the renumbered subclause 35(1) the following:

"(2) A proclamation under subsection (1) shall be laid before the House of Commons not later than fifteen days after its issue, or, if Parliament is not then sitting, within the first fifteen days next thereafter that Parliament is sitting.

(3) Where a proclamation has been laid before the House of Commons pursuant to subsection (2), a notice of motion in the House of Commons signed by ten members thereof and made in accordance with the rules of that House within seven days of the day the proclamation was laid before that House praying that the proclamation be revoked, shall be debated in that House at the first convenient opportunity within the four sitting days next after the day the motion in that House was made.

(4) At fifteen minutes before the expiry of the time provided for government business on the second sitting day following the commencement of consideration of a motion of which notice was given under subsection (3), or at such earlier time as the House of Commons is ready for the question, the Speaker shall put the question forthwith without further debate.

(5) If the House of Commons resolves that the proclamation be revoked, this Division, except this section, shall cease to be in force with effect forthwith but without prejudice to the previous operation of this Division or anything duly done or suffered thereunder or any offence committed or any punishment incurred thereunder and without prejudice to the making of a further proclamation of a like nature to bring this Division into force."

In other words, if for a number of months the proclamation were in operation and subsequently ceased to be operative, any legal rights or obligations created in the interval would not be interfered with thereafter. This division of this part would be brought to an end. I would like to ask the Minister of Labour to move, on my behalf, this amendment to clause 35.

**Mr. Munro (Hamilton East):** I so move.