

National Energy Board Act

was tactful and wise today in accepting readily a responsibility which he says was his. He thereby, of course, contradicts a distinguished public servant who said that the responsibility was his. We also commend that individual. We have before us two willing culprits with respect to the delay for which parliament is now suffering.

An hon. Member: Shocking.

Mr. Martin (Essex East): It is certainly a shocking matter. It is certainly a violation of the rights of parliament. The minister by his very own words has indicated that the delay did not occur because the government suddenly realized its responsibilities. It realized its responsibilities early in February. The minister began his remarks today by saying there was some discussion early in February as to whether there should be one or more amendments to the legislation. He said that he had discussions with the energy board about some amendments, all of which he decided not to incorporate in the measure which came to us from the other place only this afternoon.

But the minister went on to say that he had intended bringing in these amendments early in February, and by that very statement I am sure he will recognize, good sport that he has proven himself to be this afternoon, how valid is the criticism that we level against the government for placing parliament in the position in which it has been placed today as a result of the dilatory actions of the government and of the minister. It is a most unusual situation. The minister certainly will not find in the history of parliament in the last 25 years any situation which could be regarded as a precedent for the inefficient manner in which the government has conducted this phase of the public business.

It should have been within the initiative of the minister to take the course suggested by the Leader of the Opposition, the hon. member for Laurier and the hon. member for Bellechasse, who like this party is concerned with provincial rights. This position should have been taken by the minister at the outset today instead of putting the Leader of the Opposition in the position where he had to offer as a condition precedent to acceptance by the house of the new clause 1, the former clause 2 of the bill. The fact that the minister must have been aware that a request had been made by the other place to inform the provinces of the implications of the former clause 1 should itself have served as notice that that clause ought to have been deleted at once

or that the matter should have been referred to the courts for a determination as to its constitutionality.

The minister says that the law officers of the crown are of one mind in the matter. The evidence does not support that. There is grave doubt whether the bill as first introduced was not one that involved powers that come under section 92 and the property and civil rights section of the British North America Act. So not only are we faced today with the inefficient way in which public business has been handled, not only are we asked to pass legislation involving doubtful constitutional measures, but we are also asked in the former clause 3 to pass a bill which in effect would have been official notice given by parliament to some 20 companies now operating legally of a declaration that "you may break the law of Canada if you like to do so and we will fix you up after the crime has been committed". That is the clear implication of the former clause 3 of the bill.

I am sure that the minister will not readily and easily forget this day. I am sure that those who love this parliament and the protection that it gives to our ancient usages and liberties will not soon forget this day.

Some hon. Members: Oh, oh.

Mr. Martin (Essex East): Hon. gentlemen laugh but I hope that they will remember this on the day that the present Prime Minister introduces his bill of rights, a bill of rights intended not only to preserve the liberties of the subject but intended to preserve the liberties of parliament. Today the liberties of parliament were protected by a small group of individuals sitting on the opposition benches and by one of their own members.

An hon. Member: Order.

Mr. Martin (Essex East): Someone says "order". If I were a young and promising member of this house I would join in the denunciation of a government which by its conduct today has given strong evidence that it has really little regard for the functioning of parliament as we have known it traditionally in this country.

Mr. Churchill: Mr. Chairman, I should like to say that there has been some over-emphasis on the part of the hon. member for Essex East. No one is more adept at shadow-boxing than the hon. member.

Mr. McIlraith: I cannot agree that there has been any over-emphasis whatever on the part of my colleague, the hon. member for Essex East. However, I recognize the extreme urgency of getting the bill, now before us