

*Oil and Petroleum*

I think it is time for a lawyer to be careful. I am convinced that the two distinguished laymen in this House, the hon. member for Nanaimo-Cowichan-The Islands and the hon. member for Qu'Appelle-Moose Mountain, each of whom have held high positions under the Crown, probably know a great deal more about law than many lawyers. However, I shall exercise my great deal of experience in the law in an effort to come between them and make a settlement, without benefit of a fee.

**Mr. Foster:** Confuse them both.

**Mr. Baldwin:** I would present a proposition to the minister for consideration. He stated the law correctly, that in respect of an arrangement between governments, one government cannot delegate to another. One government, however, can in fact delegate, through the proper procedure and with adequate consent, to an entity of another government the right to exercise authority in a field which initially may be squarely within the right or jurisdiction of the first government in question. It is quite obvious that by this legislation a great deal of authority is given, for example, to the National Energy Board. It is my judgment that the National Energy Board, created under the act, is an entity of the federal government? Would the minister agree with that proposition?

**Mr. Macdonald (Rosedale):** Yes.

**Mr. Baldwin:** The minister agrees. The National Energy Board is given very considerable power in respect of granting licences and the functions permitted under those licences. While the hon. member for Nanaimo-Cowichan-The Islands may be right under certain circumstances, I come back to the argument of my hon. friend from Qu'Appelle-Moose Mountain, that if an arrangement is made by way of agreement—I believe under clause 22 an agreement need not be expressed in writing—it may well be to the benefit of the federal government to have a clause such as that suggested in the amendment of my hon. friend which would provide the statutory authority, so that the provincial authority could then, by the consent so given, give to the National Energy Board the authority which the licensing provisions required it to exercise.

I understand the other situation, and it might well be that the courts would decide on certain issues. We will argue that question later: we have a very good beginning. I point out to the minister and to the hon. member for Nanaimo-Cowichan-The Islands that the authority granted the National Energy Board would in some conditions involve the need for a provincial authority to express, by apt words, its approval of that authority. I put forward that proposition. Certainly, in that limited sense it may be that this amendment is required.

**Mr. Macdonald (Rosedale):** Mr. Chairman, in dealing with that point, I suppose it goes back to the question concerning whether or not any addition is necessary to give the federal government the power to carry out the requirements of the statute. Whatever the merits of the proposition of the hon. gentleman, I suppose it is probably a moot question because we think we have all the powers within our own jurisdiction in dealing with interprovincial trade in this regard. So the question of delegation, for example, of the provincial jurisdiction to the National

[Mr. Baldwin.]

Energy Board in our opinion does not arise. Here the federal government is exercising its jurisdiction under section 91.

● (1610)

**Mr. Baldwin:** You might live to regret those words.

**Mr. Horner:** Mr. Chairman, I would like to say a word or two on this clause because it deals, in essence, with the whole bill and allows for perhaps a wider range of discussion than that which has taken place between the hon. member for Qu'Appelle-Moose Mountain and others this afternoon. I am not going to get into the legal interpretation because, as I understood the remarks of the Chair, the clause is hardly needed at all. In fact, the latter remarks of the minister suggest that.

There has been a great deal of discussion about the Department of Transport. The Minister of Transport from time to time has stated that transportation and transportation policy is in a mess. In looking at the question of Canada's role vis-à-vis that of the provinces in regard to energy, if there is a mess in the transportation department there is a double mess in the energy department. The squabble that has been going on between the various levels of government occurred perhaps because over-zealous provincial governments are demanding more and more of the tax dollar. Certainly an over-zealous federal government is invading provincial jurisdiction, for one reason or another.

We had recently an energy conference. Many Canadians viewed it on television with a great deal of interest. I suppose some people in the Liberal Party in the province of Alberta would think that we recently had an Alberta election—

**Mr. Baldwin:** Are there any Liberals left in Alberta?

**Mr. Horner:**—based on the energy question. That is, indeed, if there are any Liberals left in Alberta. Who is wrong and who is right? Basically, after the energy conference the conclusion I reached was that it was a draw or a postponement of the real issues.

The purpose of this bill, in essence, is to set a uniform price, a stable price, to reach some kind of balanced price between consumer and producer. I suppose it is to allow the federal government to assert its authority over the petroleum industry and over the provinces. I think Canadians generally are fed up with the bickering which has taken place between the province of Alberta and Ottawa, and with the mess and the stalemate the politicians have created. Who is wrong? When will there be a righting of the wrong? After the energy conference, the Premier of Alberta went home to Edmonton and stated publicly that any increase in the price per barrel of oil would certainly have to wait until after the budget of the Minister of Finance. The Minister of Finance immediately stated that he would not be bringing down a budget until the price of energy was known.

There, again, we witnessed two politicians vying for the same stage but questioning each other as to the right time to take that stage. All the while, Canada suffers. There has been a tremendous change in the position of the federal government in the last year over that which it took some