

last two provisions would strengthen the tribunal, in the opinion of the public, by incorporating it within the recognized judicial organization, and would ensure a certainty and continuity of decision.

I suggest that if the government of Canada is to be given powers which abrogate the rights encompassed by the Canadian Bill of Rights, including the right to the enjoyment of one's property, it is incumbent upon us to ensure that adequate and comprehensive provision for due compensation is clearly and unmistakably provided for.

It is on occasion necessary to intrude and to infringe upon property rights of Canadian citizens for the common good. However, it is equally necessary, I suggest, that government ensures that individual Canadians who suffer financial loss as a result of action taken and necessary for the common good be compensated so that the burden is shared equitably and equally by all.

I am concerned that there shall be no doubt, no possible doubt, that the individual whose land, for example, may be expropriated for a pipeline right-of-way constructed under the authority of clause 26 of the act shall be entitled to due compensation for the property right lost by him as a consequence of such action. It is not sufficient, I submit, to leave the right to compensation, in such circumstances, as a matter of discretion with the governor in council. Without labouring the matter, I submit that right should be absolute, and I urge the House to support the amendment.

● (2150)

**Mr. Macdonald (Rosedale):** Mr. Speaker, this is an important question which I think should be continued. I should like to take this occasion to move a motion under Standing Order 6. In the event that I have approval, I would move, seconded by the Minister of National Revenue (Mr. Stanbury):

That the sitting be continued beyond the ordinary time of the daily adjournment until the completion of the report stage of Bill C-236, or 11 p.m., whichever be the earliest.

**Mr. Bell:** I rise on a point of order, Mr. Speaker, we have no objection provided the "late show" is preserved.

**Mr. Reid:** On the point of order, Mr. Speaker, I can give that assurance.

**Mr. Knowles (Winnipeg North Centre):** On the same point of order, Mr. Speaker, may I simply say that there have been discussions and we were prepared to agree to this arrangement without the necessity of the Standing Order. In any case, we agree.

**Mr. Bell:** It should not be a precedent.

[Translation]

**Mr. Latulippe:** We, like the other members, would agree to extend tonight's sitting beyond the usual time of adjournment.

[English]

**Mr. Deputy Speaker:** There appears to be unanimous consent. Accordingly I will not, thankfully, have to put the motion.

### *Energy Supplies Emergency Act*

**Hon. Donald S. Macdonald (Minister of Energy, Mines and Resources):** Mr. Speaker, the basic issue between the hon. member for Regina East (Mr. Balfour) and myself in this regard is, in the event of the application of an energy allocation program, where the disadvantage should fall. Should it fall upon those who from time to time, having substantial supplies of petroleum, are ordered by the board to allocate that to other people, or should it fall on the general taxpayers of Canada? I do not pretend this is an easy question and, if I might say so, I appreciate the moderation in the use of words by the hon. member for Regina East in posing this particular question.

The really critical point, however, is at the time when one is interfering, as the allocation board will from time to time, with the very substantial contracts to be made by major oil companies with their own affiliates or substantial suppliers, and this really would be the purpose of the legislation. When you step into existing contractual arrangements and say to the major companies in the field, "No, you cannot deliver it to this particular, very substantial corporation. You are to deliver it to charitable institutions, independent retailers or others who will look after the interests of the individuals in Canada," the government, in the first place, should have the right to do so—and that is the essence of this bill—and, secondly, those who are best able to bear this loss should indeed bear it.

The hon. member referred to the question of deprivation of property under clause 26 of the bill. There is reference there, of course, to the existing provisions of the National Energy Board Act in respect of the acquisition of additional right-of-way for pipeline purposes, and these would apply in that context. The real issue involved here is that if one interferes with advantageous contractual relationships of major oil companies, should the general taxpayer in Canada feel incumbent to compensate the major oil companies, or should this be something that these companies, with their very substantial financial resources, should bear?

In respect of deprivation of property, as I had occasion to point out on the point of order, this refers to the actual situation of acquisition of property rights in a specific personal chattel, as opposed to the right of suit which allows an action against a particular party. The decision we have taken as a government, and which I ask the House to support, is that as between the individual taxpayer and the large corporation it is the latter that is in the better position to bear the disadvantage of this situation, and on that basis I would ask the House not to support the motion.

**Mr. Lawrence:** Would the minister permit a question?

**Mr. Macdonald (Rosedale):** By all means.

**Mr. Lawrence:** I merely ask this question in an attempt to clarify what the minister just said with reference to clause 26 and the pipeline right-of-way. He indicated that the normal procedure of expropriation safeguards in the National Energy Board Act would apply. At least, that is what I thought he indicated. Is he saying that this Clause would not take precedence or priority, if the government wanted it to take priority, over the expropriation safeguards in the National Energy Board Act? Is he saying