

paper so that the provinces will know what they have to bargain against when making their case.

It is not for me to say what that figure should be. I am simply saying that the federal government has to discuss the matter with its opposite numbers in a federal state before it can get agreement. In support of that statement I intended to quote the position of the government of Saskatchewan as made by its minister of resources, the hon. Mr. Cowley, and I was going to quote from the statement of the attorney general for Alberta. On the basis of what we know at this moment I do not think the position of Saskatchewan and Alberta can change very much in regard to this constitutional issue.

The minister is making a lot of waves tonight by saying that Ontario is asking for this type of legislation. I wonder what Ontario's attitude will be next week when it has had time to think through the statement of the Prime Minister. I am not going to quote what has been said by the provinces of Alberta or Saskatchewan because my colleagues, who are much more learned than I, have discussed this better than I could.

I should like to ask the minister this very simple rhetorical question. What kind of Canada do we want? I have the suspicion that the great majority of the members in this House, Liberal, Conservative, NDP and Creditiste, are secretly proud of the fact that of the half a dozen countries with a federal system in the world today, in spite of our constant difficulties, ours is the one that is working fairly well, and I am sure most would like to see this federal system continue.

Let me warn the minister and the government again of that party's own history. Every time the Liberal party has tried to centralize power here in Canada it has got itself into serious trouble with the people of Canada. I do not have to remind them that the people of this country, instinctively in setting up their constitution in the beginning, tried to get a balanced set-up to give the main thrust and power position to the central government, but they did not fully trust the giving of the power to the central government so they kept power over civil rights, property and resources, and that was placed clearly in the hands of the provinces. This was to be the counterbalance against all the power given to the central government to give strong leadership, in contradistinction to the American type of federal system.

● (2100)

I think the majority of the people of Canada believe this is still a good system but they are suspicious when the central government, which has in time of emergency to take on great powers, begins to expand its emergency power into peacetime. I know some people believe a theory that the people of this country are not bright enough, and that members of parliament are not bright enough to make laws, so we must turn the power over to what they call the technocrats, the public servants.

I am simply warning the members on the government side tonight that we cannot maintain this federal system by centralizing power in peacetime without causing serious trouble. The minister has heard of the proposed amendment that is based on the allocation bill. I should like to ask him whether he would object if we placed a

Oil and Petroleum

time limit on the emergency power so that the emergency power would have attached to it, say, a three-year time limitation.

Mr. Macdonald (Rosedale): Well, Mr. Chairman, I do not follow the hon. gentleman. This is not in any sense based on an emergency position but is founded, as I pointed out a few minutes ago and as I said earlier, on the constitution and the fact that the regulation of interprovincial commerce falls under the responsibility of the federal government as a sensible tool under a federal system. So the introduction of a time limit in respect of an emergency power is irrelevant. The basic question is whether we are to have a national market in Canada and, if we are, then the responsibility for that should be with the federal government. In respect of oil and natural gas this is an extension of the powers exercised for many years.

Mr. Hamilton (Qu'Appelle-Moose Mountain): I think that clarifies the issue for many of us because Bill C-32 really is to put into effect the consensus agreement reached on March 27 between the 11 governments. But what we object to are clauses 36 and 52 which say that, if there is not agreement between the government, the government in the form of the minister has unilateral power to decide what will be the price. When you give the minister unilateral power over what the price will be obviously this power is given to a government only in an emergency, because the constitutional power over civil rights and property and resources lies purely in the provincial field. The spokesman for our party, the hon. member for Peace River, made clear that we would support this legislation if it will be used only when the government declares there is an emergency. This was the position of the hon. member for Vancouver South. What we are trying to say is that we want to help the government retain the power to make decisions when it cannot obtain agreement, but that this must be done in harmony with the constitution.

We have the precedent of the allocation bill which simply says that if an emergency is declared we can use the power given by this bill. I am asking a simple question to test the sincerity of the minister and the government. We are willing to go along with this on the basis that it is in harmony with the constitution before these powers are declared. It must be within the constitutional framework of government price-setting.

All the legal jurisprudence is against the government. We have the case quoted by the hon. member for Peace River this afternoon, the Hughes case, the most recent case. I am not a lawyer, Mr. Chairman, but I have read the case which appeared before Mr. Justice Hughes. The arguments used by the lawyers in this case for the company, CIGOL, were exactly the same as the federal government is using in this bill. After long consideration this very able judge at the Queen's Court level looked at all the precedents and came out flatly and said that there is only one level of government which, by law, can steal. This case in Saskatchewan is reported in layman's English. It says that a provincial government which owns these resources can steal all it wants because they belong to it. What is wrong is when someone else also steals. You cannot have two