

Canada Oil and Gas Act

Chair that the hon. member is straying from the principle of speaking specifically to the amendments before us.

Mr. Friesen: Mr. Speaker, you will note what I am driving at. In about two minutes I will come to the application and you will see why I am dwelling on the point that law, if it is good law, must have universal application.

The second principle is that if it is to be good law, it should not be passed on the basis of an individual liking or disliking a person or group of people. That is why we have debated and talked about a charter of rights, to protect people from that kind of prejudice. If we allow that to happen, we get into the danger of an ever-escalating vendetta against one person or group of people. For example, if we were to pick on any one race in our society and adopt property provisions relating to that race, we would quickly agree that that is racism and rule it out as bad law.

Does the clause in Bill C-48 that we are now dealing with pass these two tests of good legislation? Does it enjoy universality of application? Could we take the principle in this piece of legislation and adapt it to other areas of our lives as Canadians and appreciate the legislation? Second, does it look at one person or group of people with special attention? That is really the underlying question.

We are dealing with Clause 27 of the bill. It is called in our jargon the back-in clause. This provision allows the Minister of Energy, Mines and Resources (Mr. Lalonde) through the Crown corporation to expropriate retroactively property that has been developed by any corporate citizen. Whether it is an individual person or a corporate citizen is immaterial to the principle we are now discussing.

Should the government be able retroactively to back in and expropriate property belonging to a person, whether it be an individual or corporate citizen? Does it enjoy the test of universality? Could we apply this principle to all ownership in Canada? I ask the backbench members on the government side whether they would appreciate having this principle of retroactive expropriation applied to their homes, farms or businesses. Should we accept retroactive expropriation?

I enjoyed attending, and I say this with some level of seriousness, the NDP convention last July. It was good theatre, although not much more. I recall looking at their energy resolution which was passed by their executive, although not promulgated originally by the memberships as a whole. I quote clause six of that energy resolution:

Fiscal Incentives for Equity—Any expenditures of public funds, including incentives (both grants and tax write-offs) in support of privately-owned ventures must earn equity in those ventures in proportion to the funds provided.

Having approved that principle, I wonder whether the members of the NDP would like to apply that principle universally?

Mr. Waddell: It was an energy resolution.

Mr. Friesen: Part of the energy resolution in this country is the CHIP program which is designed to spare our energy resources. It is a grant program specifically mentioned in their resolution. They would endorse the application by home

owners to take advantage of those grants, which then become an investment in the home. Their resolution says that those kinds of grants "in support of privately-owned ventures must earn equity".

Mr. Waddell: That's absurd.

● (1610)

Mr. Friesen: Do they support the fact that the government should have equity in those homes or those businesses that make use of that particular grant? Let us look at universality in the application of a law. Should we accept the present legislation, Bill C-48 and its Clause 27, that allows the government retroactively to expropriate an investment that a private citizen or corporate citizen has made?

Mr. Lalonde: You are ridiculous.

Mr. Friesen: Let us turn that around. Maybe it is ridiculous to apply that kind of legislation to a corporate citizen.

I welcome the intervention on the part of the Minister of Energy, Mines and Resources. Does he want that principle applied universally across Canada? What investor across Canada would feel secure if we were to adopt this legislation and accept the principle that it should be universally applied across Canada?

Mr. Lalonde: Mr. Speaker, I rise on a point of order.

Mr. Deputy Speaker: I recognize the hon. Minister of Energy, Mines and Resources on a point of order.

Mr. Lalonde: Is the hon. member asking me a question? If he is, I will be happy to answer it.

Mr. Deputy Speaker: The hon. member for Surrey-White Rock-North Delta has the floor. If the minister is asking the hon. member who is speaking a question, I think that is in accordance with the custom of the House. I am not aware the procedure would permit any reverse questions at this stage.

Mr. Friesen: If the minister could answer a question without making it look like a pretzel, I would not mind having him answer it; but I have never heard the minister yet give a straight answer in the House.

To what extent is the Minister of Energy, Mines and Resources willing to drive home this principle that he is applying in this legislation to other areas of our life? That is the answer we are looking for in the long term. If I had more than 20 minutes given to me now, I would allow the minister to answer that question, because when he first introduced this legislation and this policy, he said in this House that this policy would change the social structure of our country. That is the thing that worries us. If this has universal application, the minister certainly has a funny way of expressing himself.

This is an energy bill that basically has western and maritime application. I recall the Prime Minister (Mr. Trudeau) and the minister talking about the fairness of sharing our resources. The sharing principle is only in terms of energy and