

Senator Phillips: There is nothing in the bill to provide for that situation.

Hon. Mr. Gillespie: Honourable senators, it is a hypothetical question. You will understand my position, that if such an eventuality were to occur, and I cannot believe that it would—

Senator Flynn: Not in the near future.

Hon. Mr. Gillespie:—if a situation of that kind were likely to happen, I imagine there would be discussions ahead of time.

Senator Perrault: Honourable senators are aware, of course, that there are procedures established in negotiating differences between the two houses.

Senator Flynn: That is not a reply. That is not an answer.

Senator Phillips: The procedures, Senator Perrault, are not incorporated in the bill. If you had read the bill you would know that those procedures are not in the bill.

Senator Langlois: There are rules.

The Chairman: Will all those in favour please rise?

Will all those who are against please rise?

The Clerk of the Senate: Yeas 10. Nays 20.

The Chairman: I declare the motion lost.

Shall clause 11 carry?

Senator Flynn: I have just a word on this. I am not reflecting upon the vote just taken, because I reflected on it before.

I merely want to say that this awkward situation is not entirely new. Perhaps the minister would be interested in discussing this matter with the law officers of the Crown when he has time. I doubt that he will have the opportunity to bring in a corrective bill in the next session, but perhaps it is for his successor.

I am looking at the War Measures Act. It is, of course, the main pattern for this kind of legislation. It is broader but, in the area this bill tries to cover, it is the same thing. It mentions the order made by the government under the War Measures Act. In subsection 6(4) it states:

If both Houses of Parliament resolve that the proclamation be revoked, it ceases to have effect—

Therefore, if one of the two houses does not resolve the proclamation, is it not revoked? You have the same problem there, but it is less clear than today. Today the intimation is that the House of Commons alone can revoke. Here there is a lot of doubt as to whether, under the War Measures Act, an order can be revoked by only one house.

Hon. Mr. Gillespie: Honourable senator, you are taking me into an area which, as a non-lawyer—

Senator Flynn: That was just for your edification.

Hon. Mr. Gillespie:—I am not prepared to comment on. But, if I have the opportunity to sit down and discuss these important distinctions with the law officers of the Crown, you may be assured that I will take full advantage of it.

The Chairman: Shall clause 11 carry?

[Senator Langlois.]

Hon. Senators: Carried.

Senator Flynn: On division.

The Chairman: Shall clause 12 carry?

Senator Forsey: Just a minute. Don't be in quite such a hurry. Madam Chairman, for reasons I have already explained, I should like to move:

That Bill C-42 be amended by striking out line 27 on page 9 and substituting the following:

If approved by order of the Governor in Council.

● (1530)

It is the point I made earlier when I was talking about subsection 2(2) and the provisions of subsection 12(3) and subsection 13(1). For the comfort of those who want to get on fast with the thing, I may say that if, as is altogether probable, this particular amendment is defeated, I shall, of course, not move the related amendment to clause 13(1) because it will be a work of supererogation to try. I am sorry that the amendment is not in both official languages, Madam Chairman. I am not enough of a draftsman to attempt it in the other language.

The Chairman: It is moved by Senator Forsey, seconded by Senator Roblin:

That Bill C-42 be amended by striking out line 27 on page 9 and substituting the following therefor:

If approved by order of the Governor in Council

All those in favour of the motion please rise. All those against the motion please rise.

The Clerk of the Senate: Yeas 8. Nays 18.

The Chairman: I declare the motion lost.

Shall clause 12 carry?

Senator Flynn: On division.

The Chairman: Shall clause 13 carry?

Hon. Senators: Carried.

The Chairman: Shall clause 14 carry?

Hon. Senators: Carried.

The Chairman: Shall clause 15 carry?

Hon. Senators: Carried.

The Chairman: Shall clause 16 carry?

Senator Roblin: I object to clause 16. This is the clause that sets out regulatory powers in respect of mandatory allocation of oil under this bill. Members of the committee will have read subparagraphs (a) to (r), which convey the substance of these powers and which cover a wide range of matters, indeed. My particular objection relates to subparagraph (s), which is the basket clause and conveys powers to make regulation on any other topic. Subparagraph (s) reads as follows:

(s) respecting such other matters or things, whether or not of a like kind to those referred to in paragraphs (a) to (r), as the Board considers necessary for the purpose of