

stitutional. On that basis, I should like to move an amendment and I cannot see any reason why there should be any objection to it. I should like to move:

That lines 26, 27 and 28 of clause 20 be deleted and replaced with the word "trade".

I do not think that violates in any way, shape or form the intention of the minister as he has indicated it this afternoon, yet it would prevent governments, this one or any future one, from unfairly interfering with the legislative prerogatives of the province of Alberta.

The Chairman: The committee has heard the proposed amendment. Shall the amendment carry?

Some hon. Members: No.

Some hon. Members: Agreed.

Mr. Andre: Mr. Chairman, I am trying not to be obstinate about this, but why, for goodness sake, will the minister not accept this? Does this involve just a matter of obstinacy? Is what is involved a matter of the government saying that this is the way it is, and it is going to be this way or no way at all? The scenario I have portrayed is realistic; it is a possibility. For goodness sake, the minister should at least have the decency to explain. I find it incredible that the minister would sit there saying the government has a majority and it will force this bill through whether we like it or not.

It is incredible that the minister would indicate he does not care about the logic or the facts, this is the way things are going to be. If that is the situation, it is a deplorable attitude. If that is the situation, perhaps we are all wasting our time here and maybe we should just be around every four years for an election and skip the rest. Some very logical arguments have been raised and I think the minister responsible has a duty to explain or least to attempt to refute the logic we have advanced before forcing a vote.

Mr. Woolliams: Mr. Chairman, before the minister answers, I wonder if I could pour a little oil on troubled waters. Would the minister agree to an amendment which would clarify this, putting it in the terms he says he intends by the clause? Would he agree to an amendment which would make sure that this only applies to crude oil which moves out of the province to another province or to international trade, or crude oil blended or mixed with another commodity? Surely that would be very easy to spell out and there would be no problem. I am only attempting to pour a little oil on troubled waters.

Mr. Macdonald (Rosedale): I do not see the difficulty at all. The legislative scheme is as I have set it out. The fungible goods to which this applies are covered by a clause with no legal consequence; it is the other clauses which are involved in that way. I have given an explanation to the hon. member for Calgary Centre. I do not really expect him to accept it, but I do not think he can fairly say I have not explained this to the committee.

Mr. Baldwin: Mr. Chairman, the minister said in response to a question by the hon. member for Nanaimo-Cowichan-The Islands that this measure does not apply to crude oil at the wellhead. Would he give an earnest indica-

Oil and Petroleum

tion of his good intentions by including a proviso to that effect at the appropriate place?

Mr. Macdonald (Rosedale): I do not have to do that, because it is provided by the other clauses.

Mr. Baldwin: How does the minister get around clauses 41 and 43 which make it quite plain that a sale at the wellhead is covered within the purview of these clauses? The minister may not intend this, but certainly within the four corners of clauses 40, 41 and 42 there is a definite implication that the price at the wellhead is fixed and prescribed. Perhaps the minister does not intend it, but if that is the case it is possible to use this measure in that way. It may well be that he says this does not apply, but it is applicable or can be made applicable by a combination of clause 20 and the other three clauses.

Mr. Macdonald (Rosedale): No, Mr. Chairman, and I repeat again what I said several minutes ago, that clauses 24 and 25 deal with the prescribed price and create the circumstances in which the prescription applies; otherwise it does not.

Mr. Andre: Mr. Chairman, the minister has not explained this adequately, because the Alberta marketing commission would be a licensee and under clause 43(1), in conjunction with clause 20, would not be permitted to pay the producer more than the prescribed price even in respect of oil that would be used totally within the province of Alberta, and the commission should have that authority.

• (1630)

Mr. Macdonald (Rosedale): I would point out to the hon. gentleman, for the fifth time, that this prescription applies to clause 24 and not clause 41.

Mr. Andre: Perhaps the minister would like to take me through this slowly. Does clause 43 not say that no licensee shall purchase any crude oil originating in an exporting province except at a price that does not exceed the prescribed price therefor at the time the purchase is made?

Mr. Macdonald (Rosedale): The over-all pattern is really a general licensing one. Under clause 39 one can be a licensee for one transaction and not for another. We could come back to the matter of licences as set out in clauses 24 and 25.

Mr. Baldwin: Mr. Chairman, the minister referred to clause 39 which says that where an order has been made under section 38 in respect of an exporting province, the board may, in accordance with any regulations under this division, and subject to such terms and conditions as are prescribed by the board, issue a licence to any person engaged in selling any crude oil for consumption outside the exporting province.

As has been pointed out by the hon. member for Calgary Centre and myself, the Alberta energy board, as licensee purchasing at the wellhead, purchases crude oil which in part will be consumed in the province and in part will be exported from the province. At the particular moment when that transaction is made, clause 43 combined with clause 20 applies and the Alberta energy board is obliged,