

National Energy Board Act

especially on account of the extremely broad interpretation in favour of federal authorities that was given by the privy council in the Winner case.

For those reasons, I would feel obliged to vote against the adoption of that section, as now drafted. But I do not believe I shall have to do so, since the minister has indicated that he would see that this section is struck out. I repeat, it seems to me an extremely dangerous one for the powers already exercised by the provinces, or at least by some of the provinces.

(Text):

Mr. Pickersgill: Mr. Speaker, I had not intended to say anything on this bill and I am only going to utter two sentences now. We in the Liberal party are very pleased that the hon. member for Bellechasse (Mr. Dorion) has joined with us in the defence of provincial rights.

An hon. Member: That is the first time in your life you ever did so.

Mr. Speaker: Order. I must advise the house that when the minister speaks he will close the debate.

Mr. Churchill: Mr. Speaker, I had intended to comment on the various speeches that have been made but in view of the fact that I have already agreed to drop the offending clause there seems to be no purpose in further discussion of it. I will say no more than that I think there has been an over-emphasis placed on this bill with regard to the alleged violations of the rights and dignity of this house, the phrase used by the Leader of the Opposition (Mr. Pearson), and in the use of the word "crime" in connection with the export of electricity beyond a certain date, and things of that nature. However, in the course of debate phrases like that sometimes come quickly to hon. members' lips and are uttered.

We seem to have reached an agreement that to prevent any possible criticism on the part of the provinces or any possible doubt that provincial rights might be infringed by the suggested change that it would be wise to postpone consideration of this to some later occasion and I am quite prepared to do that.

Time is passing very rapidly again and we do not want to get into the position where the other house cannot assist us in this matter. There are certain steps that have to be taken, namely the passing of this bill through the other stages, transmitting a message to the other house which has already been alerted and then having the concurrence of the other house with regard to what

we do here with respect to this bill, all of this to be done before royal assent may be granted at a quarter to six.

If I can get an assurance from the other house that their action will be immediate then there is no need for the third clause which occasioned some comments from the other side. If that assurance is not forthcoming then the third clause has to be inserted in order to safeguard the situation, but I think the common sense of both houses will prevail under the circumstances and that we may within just a few minutes deal with the one remaining clause in this bill which refers to the export of electrical energy on the basis of these annual licences.

Motion agreed to, bill read the second time and the house went into committee thereon, Mr. Flynn in the chair.

On clause 1—*Tolls for transmission of gas.*

Mr. Chevrier: Mr. Chairman, will the minister make a statement on this clause?

Mr. Churchill: This is the one we propose dropping. It is just a question now of wording the necessary motion to that effect.

Mr. Smith (Calgary South): Can the minister tell us whether any examination was made by the board itself to determine the legal aspects of clause 1 before it was placed in the bill? On the legal arguments that have been offered, I cannot concur in the suggestions that this should not be included. I have no personal objection, of course, to the minister saying that it should be dropped, but it does occur to me that when the energy board has a former official of a provincial government as its president, the board certainly would not introduce something that was going to offend a provincial statute or a provincial law.

Mr. Churchill: The answer is yes; the energy board did get competent advice with regard to this particular matter and it was on that basis that this drafting was done and the amendment put forward. However, in order to move on with this, I will ask my colleague to move:

That clause 1 be deleted; that clause 2 be renumbered 1 and that clause 3 be deleted.

Mr. Brooks: I so move.

Amendment agreed to.

On clause 2—*Expiry date.*

The Chairman: Shall clause 2, now clause 1, carry?

Mr. Pickersgill: I should like to say a word or two before it carries. The minister can relax because I am not going to prevent