

Hon. Mr. Gillespie: I should like to make just a comment or two, Madam Chairman.

Senator Roblin is absolutely right when he says this bill is seeking extraordinary powers. Of course it is. That is the whole purpose of the bill—to seek extraordinary powers in an exceptional circumstance, the exceptional circumstance being a national emergency, an emergency which affects the national security of this country, which affects the economic stability of this country, which affects the national interest and the welfare of this country; obviously an emergency which goes to the very roots of our existence as a Confederation. So there is no question but that the powers are extraordinary.

As to the question of the delegation, a few moments ago Senator Roblin and I were exchanging views which respect to electrical energy and whether the powers of this bill should be widened to include, on a unilateral basis, the ability of the federal government to intervene or intercede with respect to the allocation of electrical energy. I told him that no, we were not going that way, that we were seeking the agreement of the provinces and indeed giving the provinces a veto right with respect to that.

We are anxious to work with the provinces in the administration of this measure. One of the very important aspects of this power of delegation is that it would enable the Energy Supplies Allocation Board to work with the provinces in a more direct way. It would provide, for example, the power to delegate to provincial officials certain powers relating to the allotment of ration coupons and to the administration of special gasoline entitlements. I should think that would be an important power to have—to delegate to the provinces, in the joint interest but primarily in the national interest, some of these powers. That is why that particular provision has been put in.

Senator Forsey: Why not say so specifically? Why not list some of the people you propose to delegate powers to and list the powers?

It is the comprehensiveness of this thing. You could pick out anybody in the whole country, from the taxicab driver to the President of the Royal Bank of Canada, and make him a sort of czar under this provision. Surely this is not something Parliament should contemplate.

Senator Roblin: I would like to reinforce what Senator Forsey has said on this point.

I go back to our original discussion on electricity and remind the minister I was not suggesting to him that he should include electricity in the bill. I was asking him why he had not done so. He has given us his explanation of it, but he does not want to impute to me any suggestion in respect of that matter. I was curious. My curiosity is still unsatisfied on that point.

But Senator Forsey is completely right. If you have a case here for making this power available to provincial governments, why not put it in the bill in the proper way. When governments, as they always do, it seems to me, ask for more power than they really need, they can expect people to complain about it. That is exactly what we are doing now. They

are asking for more power than they really need, and they ought not to be granted it.

Senator Flynn: There is no doubt that the examples given by the minister as to the application of this clause do not necessarily flow from the text.

There is no doubt that the board could say the chairman is entitled to act alone in all cases. As to the distribution of coupons, it is only an administrative matter. That clause is not needed to deal with that problem. It is not needed at all, because the board will decide where rationing gasoline is required and people will have coupons. Then an arrangement is made with the banks to collect those coupons and burn them, as was done during the last war. I was there. I know what it is like. The powers did not have to be delegated in order to make arrangements with provincial authorities in order to do these things.

This is a possible abdication by the board of all its power to anyone—perhaps the chairman, or anyone else. You could appoint Senator Goldenberg, for instance, czar of rationing in Quebec. Just imagine where that would put us.

Senator Goldenberg: What objection would you have?

Senator Flynn: You do not even drive.

If the minister would candidly tell us that he did not expect the clause to go that far, and it is too late for the government to accept that amendment, I think we would vote to let him have the responsibility of a clause that is certainly unwarranted.

Senator Smith (Colchester): Madam Chairman, if I may take a moment, there seems to me to be another very substantial objection to this clause, and perhaps the minister can correct me by pointing it out if I have missed it. So far as I can find, there is absolutely no provision in the bill which makes it necessary to identify these persons, whoever they may be, to whom delegation is made under the bill or to determine what powers are delegated to them. So unless it is done in some voluntary way at the time, those of us who are subject to the activities of these delegates will not know who they are or what powers they have, except what they tell us. Surely, assuming the minister is right in everything else, which I do not assume, that is a very serious defect.

● (1240)

Senator Perrault: Question!

Hon. Mr. Gillespie: Senator Smith, I believe we have gone over some of this ground. I indicated that board orders would be subject to the Statutory Instruments Act, section 22, and that this particular clause 9(2) provides that the board may by order delegate. So I would have thought that board orders would therefore have covered the point that you are concerned with.

Senator Perrault: Hear, hear.

Senator Smith (Colchester): With respect, unless I misunderstand the Statutory Instruments Act, which I quite well may, it does not provide for any particular publicity, except