

Energy Supplies

● (1250)

Another crusade he has had in his public lifetime is to make sure that orders in council and other policy directives and measures of the government are presented and made public so that they can be debated in this House. On many occasions there are parliamentary manoeuvres, sometimes based upon the rules and sometimes not, which simply do not permit this.

In this particular case the hon. member for Peace River is perfectly justified in proposing this series of amendments. His purpose is based on the fact that he believes, and I agree with him, that this particular bill gives very dangerous powers to the executive which ought to be subject to parliamentary scrutiny. This is the purpose of the government, in some small measure in any event, in relation to the whole series of clauses within the bill which require that the order in council declaring the national emergency be tabled and released for there to be a debate in this House, even though it will be a severely limited and truncated debate, the maximum time of which can only be three days under the provisions of the bill itself.

I think we all agree with the hon. member for Peace River who has said in the past that parliament has been too sloppy and too lax in giving authority away without any recourse. Clause 11 of this particular bill deals with the declaration of an emergency by cabinet. Clause 12 deals with the development of the controls programs. Clause 13 deals with the method of amending the program of controls and clause 19 deals with the rationing program of controlled products.

The amendments before the House for discussion would not prevent the government from passing its orders or acting on controls, but it would compel the government to be far more particular and careful in developing these programs which it would deem to be essential and acceptable. Under these amendments the government would have to be prepared for a possible motion of disallowance.

The thrust of these amendments is to turn the onus around so that the program, the allocation order, the order in council, is not valid unless it is presented to the House within certain times as specified. If it is not presented to the House and if it is not passed by the House, then it is disallowed. This is a complete change from the provisions now before the House. Under such a motion, if these amendments carry, the government would have to be prepared to justify and explain to the House why they are making these orders.

It would also make good sense, if there was a motion for disallowance, to refer the order to the energy committee, which should be given the time, even if the government deems it be limited, to dig up the facts and to shift through the information, and also possibly to call witnesses in respect to a matter which could be fairly technical. All regulations made under clause 16 and clause 20 will appear before the Standing Joint Committee on Regulations and other Statutory Instruments so that they will be scrutinized.

I would like to refer to one other matter briefly. Motion No. 4 deals with a particular amendment. There is a potential problem area relating to the definition of "alternative fuel".

[Mr. Lawrence.]

Although clause 13(2) states that the act applies when an alternative fuel has been added to the compulsory allocation scheme, it also declares in the next phrase that the act applies—

—with such modifications as the circumstances require—

This factor, combined with the provision relating to alternative fuels coming after the tabling requirements of sub-clause 12(6), quite possibly allows an interpretation of the bill by the government whereby an amendment to the allocation program by the governor in council relating to natural gas or other alternative fuels may be exempt from presentation in parliament.

I suggest to the House that, taken as a whole, this is probably not the intent of the minister or of the government, or indeed the intent of Bill C-42, but it might be open to such a legal interpretation. Therefore, I suggest that a re-examination of this whole provision is desirable by the government. That is why I am moving motion No. 4 standing in the name of the hon. member for Peace River. I do this especially in view of a similar provision in the old 1974 Energy Supplies Emergency Act, which in section 13(2) specifically stated that the provisions of the act applied *mutatis mutandis* to alternative fuels, designated controlled products. I suggest the wording of the old act is far more precise and less subject to argumentative interpretation.

To sum up, subclause 12(6) requires regulations made pursuant to the legislation to be tabled forthwith in parliament. There is no such requirement that regulations of a similar scope made pursuant to clauses 13, 14 or 15 be laid before the House, and these amendments in part will rectify what I and the hon. member for Peace River consider to be a very serious omission. I am sure they fall within the intent of the minister and of the government. I am sure they fall within the intent of the drafters of the bill. In my opinion, it is a serious omission which should be rectified, and these amendments attempt to do just that.

Hon. Alastair Gillespie (Minister of Energy, Mines and Resources and Minister of State for Science and Technology): Mr. Speaker, I want to respond to the statements made by the hon. member opposite in some detail. This is a complicated area. There are three amendments that are interrelated, and indeed they relate as well to the previous amendment, motion No. 2. In view of the hour, I would ask Your Honour's indulgence to call it one o'clock.

Mr. Deputy Speaker: It being one o'clock I do now leave the chair until 2 p.m.

At one o'clock the House took recess.

AFTER RECESS

● (1400)

The House resumed at 2 p.m.