

*Energy Supplies Emergency Act*

tion of complaints of deprivation or property occasioned by any regulation under this act, prescribing the time within which complaints may be made—

And so on. There is nothing to stop the governor in council saying that there shall be no appeal from this tribunal. That, clearly, is the effect of clause 22. As my colleagues saw it, if the government were to take unto itself powers which could result in people suffering damages or injury, some adequate means must be found of ensuring that those people had the right to seek some form of compensation. From my many years before the courts I know there can never be full compensation to people who have suffered damage. It is like insurance: to one who has suffered loss, insurance provides only part compensation, never total.

Certainly it is possible to improve upon this meaningless nonentity of a board that the government would set up under clause 22. So first we wanted to say what should be its jurisdiction with regard to property. Our definition of "property" is not perfect, and if my friends to my left think they can improve it they are perfectly welcome to try. However, if they say, because there may be some imperfection in our amendment, they will refuse to pass it or to deal with it and that we should retain clause 22 as it is, they are being to my mind irresponsible.

The amendment does not cover corporations. We made clear in the definition who shall qualify for assistance. It shall apply to individuals as defined under the Income Tax Act. It does not cover commercial corporations. It does not apply to damages suffered outside Canada by those who may be deprived of the right under contract to receive petroleum outside Canada. I received suggestions with regard to that part in committee from members of my party and the NDP. Further, there is not an exclusive definition. It says that "property" shall include such and such, which means that it is possible to include many kinds of damages involving property.

For instance, one could think of the individual service station proprietor who is cut off completely from his supplies of petroleum or petroleum products and must close down. He may be forced out of business and have to give up the business which he has built up over many years. Those are the kinds of people, and there are thousands and thousands of them, who will be covered by our amendment. But who would not be covered and who would sustain damages if an emergency is proclaimed and clause 22 in its present form comes into effect? As to the large oil companies, they are out under this amendment. The amendment provides simply that if there are other ways and means by which compensation or satisfaction can be provided, there is not to be coverage under the amendment. For example, the pipeline company which is asked to divert its product from one source to another on an uneconomic basis is entitled to go to the National Energy Board, as the minister indicated the other day. The National Energy Board has jurisdiction with regard to tolls and has the right to compensate. It may not do so, but it has that right.

We have made it absolutely plain in the amendment that corporations like pipeline companies are not covered because they have other remedies under other legislation. We are thinking of thousands of small people, the co-oper-

[Mr. Baldwin.]

atives, the collective bargaining units and unions which may be covered under collective bargaining agreements. They have entered into a contractual arrangement with a refinery which is cut off completely and must shut down. We are thinking of them. If the hon. member for York South and his supporters are prepared to deprive these people of the right to seek compensation, that is a responsibility his group must bear.

My penultimate comment concerns the difference between the words "shall" and "may". I think the Interpretation Act makes it clear that "may" is permissive and "shall" is mandatory. The word "may" says that the governor in council may do something but is not compelled to carry it out, whereas if "shall" is used, what is prescribed must be carried out. For that reason we have substituted the word "shall" where it is appropriate.

Speaking on the question of appeal, clause 22 provides for no right of appeal for the simple reason that there is nothing to stop this tribunal or the governor in council from passing a regulation saying that there shall be no appeal. That falls squarely within the rights given under clause 22 as at present. Let me read clause 22 again. It provides:

The governor in council may make regulations providing for the establishment and conduct of a tribunal for the hearing and determination of complaints of deprivation of property occasioned by any regulation under this act, prescribing the time within which complaints may be made and the procedure to be followed thereon—

It is perfectly within the competence of the governor in council to pass a regulation saying there shall be no appeal. We are not prepared to accept that. It is possible that this kind of tribunal may be nothing but a kangaroo court, without any real instructions, authorization or funds to handle the disposition of claims against such individuals, as I have mentioned. I want to make it abundantly clear that if the amendment were accepted, there would be a direction by parliament to the government to establish means of appeal. That is the reason for the amendment. If the government and hon. friends to my left are prepared to vote down any attempt for providing a means whereby individual residents of Canada who may have suffered damages may seek relief, that must be their responsibility; it must rest on their shoulders, not on ours.

● (2240)

**Mr. Peter Reilly (Ottawa West):** Mr. Speaker, I am at a loss to understand why the government want to oppose this amendment, unless it is because of their customary arrogance and reluctance to admit that any creation of theirs can be less than perfect. Even the most pejorative member of the New Democratic Party could not call me a western oil man. I had to take out a first mortgage to fill my gas tank. I am not a supporter of multinational corporations. Neither do I believe that because a corporation gets into trouble it should be abandoned simply because it is a corporation. Therefore, I am at a loss to understand why the government does not want this amendment which provides for appeals from decisions of a quasi-judicial tribunal.

I am even more at a loss to understand why the hon. member for York South (Mr. Lewis) should be opposed to this kind of appeal procedure. He is an experienced trial lawyer. More than that, for most of his working life he has