

of state so appointed may during his period of office execute and carry out the duties required which would place the onus, as it should be, upon the government of seeking from this House immediately or if Parliament is not in session, within 15 days of the proclamation, the required authority.

The difference between negative and affirmative of course is very substantial, but it is not so great in this particular instance when we examine it. Under the present rules we would be giving up an entrenched parliamentary right by adopting this amendment. If the minister is prepared to consider this and also to consider the proposal made by my hon. friend from St. John's East in respect of an amendment to part II concerning the department of the environment—I understand there is disposition to work out something in respect of the use of the word "fisheries" in that part—it might well be that matters might be resolved.

All I can do at this point is read the amendment I would have moved had the minister not proposed his motion. I believe I am estopped from presenting it now as a motion because I do not think I can amend the minister's motion. The amendment I would have proposed is the following:

That clause 14 be amended by renumbering it as 14(1) and adding 14(2) as follows:

"14(2) Any such proclamation shall be subject to affirmative resolution of the House of Commons."

That would provide the kind of safeguard I think this House is entitled to have before clause 14 in its present form is passed.

Mr. Drury: Mr. Chairman, the House leader of the official opposition suggested one should controvert the proposed amendment from negative to affirmative. I have listened with considerable care to his suggestion and find it rather difficult to accept. The only reason given for preferring the affirmative rather than the negative resolution is that to rely on the negative alone would deprive members on the government side of their ability—

Mr. Baldwin: That is not the only reason. It is one reason.

Mr. Drury: —to speak out against giving effect to a bill or proclamation made obviously with the consent of the government. I do not feel this is a serious deprivation of the rights of Members of Parliament. It offers the serious disadvantage, as the hon. member has pointed out, when the House is not in session of requiring the use of—I will not say "improper"—cumbersome and rather difficult procedures if one is to avail himself of the flexibility and usefulness of this kind of instrument to achieve the national purpose.

This of course can be set right, when the House reassembles, by the government using government time for what might turn out to be the kind of debate we have had on this occasion, when everybody is in favour of a

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department of the environment and yet after some 15 days unfortunately we have not reached agreement.

The hon. member suggests the government should subject itself to this kind of possibility and yet we are offering to Parliament, if it should disapprove, the ability to make its disapproval known and to withhold the particular proclamation in respect of the setting up of a ministry. The possibilities are clear. They are there; they are open. If they should not be effective it would merely be because the mover and seconder of such a motion could not carry the House. I do not think we should be envisaging procedures which enable, as I mentioned last night, the tyranny of the minority to prevail.

I am not sure we could conclude this debate tonight, and perhaps the best thing to do would be to envisage an early termination of these proceedings. However, before doing so I would ask the indulgence of the committee to raise a point in respect of a clause we have not yet reached, clause 27(3) of part VII, on page 12. Subclause 3 of clause 27 provides, in effect, that the early retirement provisions will be available only in respect of persons who cease to be employed in the public service after the coming into force of this act.

• (5:20 p.m.)

When the act was introduced early in February it was assumed that its passage would be possible prior to April 30. This does not appear any longer possible. In the meantime, plans have been made for lay-offs of employees at two national defence bases in the province of Manitoba, at Rivers and Gimli, and the notices are effective in a number of instances on April 30. If the bill is not passed by then and the lay-offs occur, those who are laid off will not be able to take advantage of this early retirement clause as we had planned and hoped they would.

So, Mr. Chairman, I must give notice that when the House resumes consideration of this bill we will propose an amendment to subclause 3 on page 12, which I hope will be accepted, which will provide that the benefits of the early retirement amendments will be applicable to those who cease to be employed after April 30, 1971.

Mr. Baldwin: I think I am able to tell the minister that provided he can establish a meritorious case for the passage of subclause 3 we will have no objection to such an amendment as may be required to give it retroactive effect. The onus will, of course, be upon him and the government to establish that it is a clause which needs to be passed.

Finally, I want to correct the impression which the minister was trying to create, that the only reason I was raising a question on the affirmative resolution was that I was deeply concerned about backbenchers on the government side. That is true to some extent, but I would point out most categorically that I also said there is no current procedure laid down whereby a negative resolution can be employed. As I read the Standing Orders, we would be in the position of having to move a motion, which would