

Regulations and other Statutory Instruments

could likely get speedy passage when the bill came to the House of Commons. That is one option the government could choose if it is concerned that introducing a specific bill on one particular measure in the House of Commons would be consuming too much time in the House.

The other option is that from time to time there are miscellaneous statute law amendment bills. It would be quite possible for the minister to communicate, I believe it would be with the Minister of Justice (Mr. Chrétien), and to indicate to him that he shares the concern of the parliamentary committee about this particular action, that he accepts that it may be ambiguous, that there is some doubt whether or not it is legal. Or if he wishes to maintain that it is legal, he could indicate that there is doubt in his mind whether or not it was within the intent of Parliament at the time, and that specifically he would like to acquire the consent of Parliament to act that way. The Minister of Justice could include this sort of relatively minor technical adjustment in a miscellaneous statute law amendments bill. These bills by and large get quite speedy passage by the House of Commons and do not tie up the House for a protracted period of time. They enable the government to make some pretty significant changes to the law from time to time.

That brings us to the question as to what I expect and what members of the standing joint committee expect will come of the debate this afternoon. There are a number of options that are possible for the government. It could continue to debate this issue throughout the course of the day. There are a number of members in the House who are interested in doing that. I know that the minister will want to follow me when I complete my remarks and I think members of the House will be looking forward to hearing from him.

• (1540)

Another option which the government could follow is clearly to attempt to seize control of this and to prevent Parliament from coming to a resolution of the matter. That was done once before with one of the committee reports, and it was regrettable because it meant that we were taking away from committees the right to have their unanimous reports debated in Parliament and the right to bring to the attention of Parliament in the case of a standing joint committee actions which we believe could very well be illegal.

The third option is the one which I hope will be followed by the government in this instance. It will expedite proceedings, and I think it will be the most positive course which could be followed by the government. It would be for the minister to say that he continues to maintain his reservations about the question whether or not the regulation was legal or illegal, the question of vires, but that he does accept that there is ambiguity here and that there is some question, at least in the committee's mind, as to whether this was intended by Parliament. He could indicate that he was prepared to recommend to his colleagues that this matter either be introduced in the Senate, to make an amendment to the law as it stands today, or that it

be included in the next miscellaneous statutes amendment bill that comes before Parliament.

If that could be done, I think hon. members of the House would be very pleased. We could certainly make much better progress in terms of dealing with this. We have an obligation. I have not often called for concurrence in committee reports which have been made, because of the fact that I recognize it takes the time of the House to do so and often there is very pressing legislation before the House which the people of Canada have the right to expect to be passed. I do so reluctantly in instances where the committee has come to the conclusion that the government has acted particularly in a way which may be illegal or where there is some serious deficiency in a regulation which has been passed. The committee has a very important responsibility placed upon it by Parliament to review statutory instruments from the basis of a series of technical criteria to ensure that the government is discharging its delegated responsibilities in a way that is proper, legal and conducive to respect for the rule of law in Canada.

If the standing joint committee does not discharge its responsibilities, if I as chairman do not discharge my responsibility when the committee makes a report and it appears that there is an impasse between a minister and the committee, and if Parliament itself does not consider a report where the committee has unanimously said it believes the government is acting in a way which is illegal, then we are deficient in discharging our responsibilities on behalf of Canadians and it is impossible for us to expect that Canadians would have respect for Parliament.

Hundreds and hundreds of orders in council and regulations are passed over the course of a year. Each one of them affects the rights of Canadians. Many of them affect the rights of Canadians in a very profound and fundamental way. Many of them affect the ability of people to earn a livelihood. This particular regulation before us today affects the ability of people to earn a livelihood. Where these rights are affected by delegated legislation and Parliament has given a broad grant of authority to the government to act in a particular manner, then Canadians have a right to expect that Parliament will discharge its responsibilities of scrutiny and oversight, hold the government to account, and ask that the government act in a way which is consistent with the rule of law.

I want to give the minister an opportunity to respond. I know hon. members on all sides of the House will be very interested in hearing his response. I hope the conclusion of this debate will be a positive one of which all members of the House and all Canadians can be proud, because we have taken an action to rectify something which, if left undone, would be an example of serious neglect on the part of Parliament.

Some hon. Members: Hear, hear!

The Acting Speaker (Mr. Corbin): The hon. Minister of Fisheries and Oceans (Mr. LeBlanc).

Mr. Lewis: Mr. Speaker, I rise on a point of order. I believe that the hon. member for Provencher (Mr. Epp), as the