clause 2, and these are the words I respectfully submit must be underlined, states:

This amendment would provide authority to make regulations providing that a week of employment must contain at least twenty hours—

If the minister had the authority to introduce the order in council, which I now question, why did he see to it that clause 2, which covers the very same matter, was included in the bill? If he did not have the authority, which the explanatory note would indicate to be the fact, then I respectfully submit the minister and his official are in serious error.

In conclusion, I would just say that if the parliamentary process as we know it is to function in a proper and meaningful way, without being a sham or a farce, and I will not emphasize those latter two descriptive words, we must abide by what is reasonable under the circumstances. We must be given an opportunity to rely on what this bill says.

The bill has been circulated across the country and states in dealing with clause 2 that it will not go into effect until the bill is proclaimed, rather than on January 1, 1979, as stated by the order in council. It says it becomes effective once the bill is proclaimed. We are entitled to rely not only on the explanatory note but on the application of clause 16. That is why I suggest, with all due respect, that the arguments put forward by my colleague, the hon. member for St. John's East, have great merit. I hope after due deliberation, and after hearing from other hon. members, Your Honour will find that this very serious matter should be referred to the appropriate standing committee for further deliberation and report back to the House.

Mr. Chas. L. Caccia (Davenport): Mr. Speaker, we do admire the rhetorical talents and the heart with which the hon. member for St. John's East (Mr. McGrath) and the hon. member for Hamilton West (Mr. Alexander) have spoken. It seems to me, and I submit this thought for your consideration, Mr. Speaker, that they have in their submissions to you forgotten to stress a couple of thoughts which, in my opinion, are very relevant to this matter, namely, that the proclamation gazetted on November 8 is not a proclamation that did not stem from any power or legislation passed by this parliament. That proclamation flows from a statute already passed by this parliament and therefore it has its roots in a piece of legislation that has undergone parliamentary scrutiny.

● (1412)

In essence, clause 2, which is under discussion, does two things: it narrows the powers outlined in the regulation that has been gazetted and it puts under parliamentary scrutiny, because of the transfer from a regulation into Bill C-14, a regulation which until now was in the regulations and now is being placed in the act for parliamentary scrutiny. It does, I submit, what we all know was recommended over the years by the Standing Committee on Statutory Instruments when it was felt that the regulations ought to flow from laws of parliament and that they ought to be limited, and where possible, the powers ought to be included in the statutes themselves.

[Mr. Alexander.]

The regulation to which hon. members opposite are referring is rooted in an existing statute; it is not in a vacuum. It is valid, and is based on the powers of a piece of legislation that has been approved in the past. What Bill C-14 does, and specifically clause 2, is to narrow the scope of that regulation and submit the substance of it to parliamentary scrutiny. It is not something that has been gazetted. What has been objected to is not something that has been done in anticipation or by second guessing parliament—I am trying to quote hon. members opposite—it has not been done to bypass parliament or in anticipation of what parliament will do. It is a measure or a step taken by the government within the scope of an existing statute and not outside that, as I understand it.

I submit there is no evidence of any prima facie contempt of this House; there is no anticipation on the part of the government or the department that the bill will be approved. If anything—and here I would agree with the hon. member opposite—the explanatory note in the bill is badly worded. But it is just an explanatory note attempting to explain the scope of clause 2; that is all it is.

In many respects, Mr. Speaker, this is a linear or fairly straightforward question. To suggest that there is an attempt to bypass parliament or anticipate what parliament might do is without basis, in my opinion, in view of the fact that the regulation that has been gazetted is rooted in an existing statute previously approved by this House, the Senate and the Parliament of Canada.

Mr. Fonse Faour (Humber-St. George's-St. Barbe): Mr. Speaker, I rise in support of the question of privilege raised by the hon. member for St. John's East (Mr. McGrath) because I consider that the proceedings before this House and the committee represent a serious breach of the confidence of this House and amount to a contempt of this House and contempt of the committee.

We have to examine what was actually done here. I realize we are getting close to a legal inquiry, but I think it is essential to set the stage for the point being made. The order in council issued on November 8 was issued, so we are told, by the department under authority of sections 4(1) and 4(3)(*f*) of the Unemployment Insurance Act, which read as follows:

4. (1) The commission may, with the approval of the governor in council, make regulations for including in insurable employment

4. (3)(*f*) any employment in which persons are employed to an inconsiderable extent or for an inconsiderable consideration.

That is the authority under which the governor in council issued the regulation, and under which the regulation purported to exempt from unemployment insurance benefits any individual whose earnings are less than 30 per cent of the maximum weekly insurable earnings and any individual who works less than 20 hours a week.

The problem arises—and obviously the department has anticipated this—because the wording of Section 4 of the Unemployment Insurance Act is perhaps too vague, too uncertain, in giving the department authority to make those specific regulations. I would suggest that the department realized this