

Employment Support Bill

the statute books in its present form it will enable this government or, on some future occasion, other governments of a different nature, perhaps, to apply the expenditure of public funds to measures affecting individual industries, and to do so, virtually, without any direction. Frankly, I see no justification for leaving such a statute in its present form on the statute books, a statute, involving as this does, such wide ranging discretion on the part of the government.

With all due respect to the minister, and the minister is a man whom, in general, I respect, his arguments respecting the National Energy Board have nothing to do with the case. It is nonsense for anyone to stand here and simply say that a measure like this is justified because every bill gives the government a blank cheque to carry out the purposes of that bill. If the bill is to be placed on the statute books and applied in future to some new situation, there is every reason, surely, for the government to be required to bring its regulations or its orders in council before the House and seek approval.

Frankly, I find it difficult to accept legislation of such general nature as this legislation. I accept the purpose of the bill. I accept the urgency with which the bill is required. In all seriousness, Mr. Speaker, this is a bill involving wide discretion. It is a bill that should not stay on the statute books indefinitely without the kind of requirement proposed by the hon. member for Edmonton West (Mr. Lambert). I most urgently ask the minister to reconsider his position and agree that it is only appropriate that the hon. member's amendment be accepted and reassure the House, or hon. members on this side of the House at least, that this government in future or any future government when attempting to use this bill to meet some new kind of situation will at least need to get the approval of the House before putting into effect regulations which would involve not only the expenditure of public funds but which might very well affect very substantially industries and employment in this country.

Mr. John Burton (Regina East): Mr. Speaker, I had not intended taking part in the debate on this motion. After listening to the remarks of the Minister of Industry, Trade and Commerce (Mr. Pepin), I felt that I should say a few words. I felt that some of the minister's remarks raised some of the concerns regarding the amendment we have before us as well as other, similar amendments and moves which have been made in the House from time to time.

The minister, as I understood him, suggested that each bill gives the government a blank cheque to do whatever the bill allows. If I interpreted the minister's remarks correctly it seems to me that, when using the word "allows", he was implying that there is some degree of discretionary authority. I quite agree that discretion is given to the minister in the bill now before us and in other legislation. There are, certainly, many laws which involve the giving of powers of discretion to the government. These permit the government to take actions or not to take certain actions, or to decide on a wide range of possibilities. It is quite clear that, in many instances, that is the case.

I think it must also be pointed out that in some acts which are the law of this country there is a mandatory requirement. No discretionary authority is given. Those

[Mr. Stanfield.]

acts say that the minister or the government "shall" do such and such. That is the case in the Temporary Wheat Reserves Act which has been discussed in this chamber many times in recent weeks. No discretionary authority whatever is given. Its language is mandatory. Regardless of what bill may be before Parliament, or what the government may have proposed, or of the merits or demerits of one or other proposal that may be before Parliament at any one time, that act is mandatory in effect. Certain laws spell out most explicitly what the government must do until such time as the act is repealed. Thus it seems to me that statements such as those we heard the minister making just now raise some of the concerns which have been expressed by hon. members from time to time.

Speaking on this bill, I do not argue that the point that any piece of legislation such as this, regardless of its merits or demerits, adequacies or inadequacies, must have in it some flexibility. There must be some area of discretion provided to the minister. I think that has been acknowledged and recognized. I think it has also been recognized that the guts of this bill really involve, to a great extent, the regulations which are passed within the framework of the bill itself. Thus hon. members, and particularly hon. members on the opposition side of the House, have from time to time requested that the regulations or the draft of the regulations be made available to hon. members of this House and, particularly, to the Standing Committee on Finance, Trade and Economic Affairs which was studying this bill. Actually, the minister recognized the point by tabling before the committee the draft of the regulations, as they had been prepared up to that point in time. Those draft regulations were discussed by the committee, and properly so. My saying this does not involve any judgment on my part or anybody else's part regarding their adequacy or inadequacy. They were discussed, and validly so, because it would have been impossible to discuss this piece of legislation adequately without looking at the regulations the government had in mind. Thus, it seems to me that the type of amendment we have before us is simply an extension of the government's recognition that we had to have some discussion of the regulations if we were to consider this piece of legislation fully and properly.

[Translation]

PROCEEDINGS ON ADJOURNMENT MOTION

SUBJECT MATTER OF QUESTIONS TO BE DEBATED

Mr. Speaker: Order. It is my duty, pursuant to Standing Order 40, to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Bellechasse (Mr. Lambert)—Finance—Quebec—Alleged unfair treatment with regard to student loans; the hon. member for Egmont (Mr. MacDonald)—Pollution—Threat from sunken "Irving Whale" and "Irving Lake"—Request for progress report on removal; the hon. member for Selkirk (Mr. Rowland)—Taxation—Estate and gift tax proposals—Response to provincial requests for delay.