

Water Resources Programs

basis of all the facts, I believe the government should consult and that is the purpose of my amendment.

In the committee, the minister said that this sort of thing just is not done, that you do not require the government to consult with other people before it passes regulations. In the first place, that is a very high-handed statement to make. Consultation is the essence of any type of government that involves the people. You can call it anything you like, but if you have involvement you must have consultation. Not only that, Mr. Speaker, but there are precedents for such a proposal or such an amendment. I will give them now so that somebody may not say, "This is outrageous. It has never been done."

Here are two or three examples where acts have stipulated that consultation must take place. They are taken from a booklet "Legislative Forms and Precedents" prepared by Mr. E. A. Driedger when he was deputy minister of justice. One example which he quoted concerned the Winnipeg Grain Exchange and the Winnipeg Grain and Produce Exchange Clearing Association Limited. The act required that notice be given to both bodies and that each of the associations, or any member thereof, should be given an opportunity to be heard in connection with proposed regulations. A second example relates to the Unemployment Insurance Advisory Committee. The act requires that before the making of regulations under the provisions of section 40 of the Unemployment Insurance Act "the same shall be reported on by the Unemployment Insurance Advisory Committee." In other words, there must be consultation.

I also have before me a bill which we passed in this Parliament within recent times, the Act to Establish a Canadian Manpower and Immigration Council. This act provides that the council member shall be appointed after consultation with such representative organizations as the Governor in Council deems appropriate. That is section (4) of chapter 13, assented to on December 21, 1967. It is written right into the act that appointments shall be made after consultation. Those are three specific examples where it has been written into the statute that there shall be consultation before regulations or appointments are made.

● (4:50 p.m.)

I do not want to belabour the point any further, Mr. Speaker. I presented my argument in committee. I have removed the objec-

[Mr. Aiken.]

tions that the minister had, and I feel in its present state it is a very acceptable amendment. If it is not accepted, the House will be left wondering exactly how the minister intends to go about recommending the regulations. If he is not prepared to consult with anybody, then I think we can have real suspicions about the effectiveness of the regulations that he will introduce.

Mr. Andrew Brewin (Greenwood): Mr. Speaker, I intend to say simply that we agree with the amendment for the reasons given by the hon. member for Parry Sound-Muskoka (Mr. Aiken). I have nothing to add, but I realize that though such terseness might be appropriate at the judicial bench it is hardly consonant with the traditions of this House so I am going to add a few words.

An hon. Member: Raise a new tradition.

An hon. Member: Be a reformer.

An hon. Member: We are waiting for that.

Mr. Brewin: Mr. Speaker, I am going to shock the members by sitting down in about two minutes—if they do not interrupt me.

There is little argument about the advisability of the type of consultation proposed in the amendment. The industries affected should be consulted and other organizations of citizens who are concerned with the matter should be consulted. We are beginning to learn that the effective enforcement of this sort of legislation depends upon the co-operation of different bodies, depends upon consultation in advance about the sort of legislation that is required. I would have thought that even without such a provision in the legislation itself, there was an obvious need for such consultation and that it would be accepted by any reasonable government. But because it is becoming more and more clear that this sort of consultation is necessary, I cannot see what possible harm it would do in the act. It would amount to an injunction from this Parliament that they expect the government to have this type of consultation in this respect.

A committee of this House has looked into the whole question of delegated powers legislation. If we study their recommendations, we find they have urged the type of consultation recommended in the amendment. For these reasons, we would support the amendment.

Mr. Orange: Mr. Speaker, having listened to the arguments of hon. members across the floor with regard to the value of the amendment proposed by the hon. member for Parry