

Anti-Inflation Act

Motion No. 6

That Bill C-73, an act to provide for the restraint of profit margins, prices, dividends and compensation in Canada, be amended by adding immediately after Clause 46 at page 33, the following Clause:

Transitional "47. The expiration of this Act pursuant to section 46 does not affect any inquiry, investigation, examination, audit, search or proceeding, whether before the Appeal Tribunal or any court of law, that was instituted before the expiration of this Act or that arises out of any other such inquiry, investigation, examination, audit, search or proceeding that was instituted before the expiration of this Act and for the purpose of carrying out or completing all such inquiries, investigations, examinations, audits, searches and proceedings, the Chairman and other members of the Anti-Inflation Board, the Administrator and the Chairman and other members of the Anti-Inflation Appeal Tribunal who hold office on the day immediately preceding the day on which this Act expires continue in office and may exercise the powers and perform the duties and functions of the Anti-Inflation Board, the Administrator and the Anti-Inflation Appeal Tribunal respectively."

He said: Madam Speaker, the purpose of the amendment for which a royal recommendation has been sought, and which is included at page 10 of the order paper for today, is to make certain that if there be investigations under way, or indeed further action by way of prosecution which has been carried on pursuant to the statute when it becomes law, it will then be possible for those investigations, proceedings or acts of litigation to be carried through to a finish, notwithstanding the fact that the proceedings may themselves have been brought to an end. If there is some prospect toward the end of the period of the law being brought to an end that some persons would decide not to comply in the hope of being able to evade legal sanction, this motion is to make certain that, notwithstanding a proclamation by the governor in council that it ceased to be in effect for general application, any outstanding proceedings may be carried through to a conclusion.

Hon. Marcel Lambert (Edmonton West): Mr. Speaker, I find this type of recommendation to be a real limper. In saying that I do not want to be overly critical, but may I point out that Mr. Speaker has ruled that clause 46 is deficient. When a proposed clause is contained within the terms of a recommendation, and therefore forms part of that recommendation, what sort of limper have we? Section 46, referred to in the recommendation, has already been ruled by the Chair to be deficient. Frankly, this motion is leaning on a broken crutch. Section 46 is dead until we make a change. Yet this motion is providing that when the act comes to an end, pursuant to a clause that does not exist certain things will flow.

With great respect, the government House leader and others who are concerned with this matter must look into the methods of drafting recommendations and the question of who is making them. Who is making them? Are there really conflicts of interest between those people who prepare these motions without the advice of the law officers of the Crown? I must say I was surprised earlier today when I found that it seemed the legislation came forward straight from the department somehow and bypassed the government House leader.

● (2140)

What worries me is to think that within the last 12 months there have been four occasions on which I have raised these points. I have been correct on three of them. I must say that the first motion was not as strong a case as the other three, but I think a 75 per cent batting average within a year in calling the attention of the House to these deficiencies is not bad. I do not particularly care to be on my feet making this type of, shall we say, criticism. It is much like quibbling. However, the House must operate on the basis of its rules. We must be legal and do what we should do. It seems to me on the note I have raised I should make this proposition.

First we should look into the matter of the proposals with regard to recommendations on major bills. Years ago when I came here the recommendation was a very general one. There were never any problems. Then somewhere along the line someone decided it was necessary to dot the i's and cross the t's, so that if there was a little inconsistency in the complicated wording out would go the recommendation. The minister at that time was placed in an embarrassing position. I remember the affair in respect of the income tax changes in 1971. It does not make sense for parliament to operate in that way. I realize what they are trying to do.

I think I will draw the line here and just say that we should not proceed with further debate on this particular motion until it is regularized. On that basis I suggest that the House call it ten o'clock, and retire to repair the damage.

Mr. Sharp: Madam Speaker, may I make a rather different suggestion? First, may I say I find myself somewhat in sympathy with the hon. member for Edmonton West (Mr. Lambert). We have been having some discussions among the House leaders which I think will resolve the particular difficulty we face at the moment.

I do not think we should proceed with the discussion on this particular motion until we have clarified the position in respect of the bill by an amended recommendation. It is my understanding there would be unanimous agreement for the substitution to be made of a recommendation that would be in order, and upon which the bill could be firmly based. May I suggest that we adjourn this debate, and proceed to Bill C-61 which was previously under discussion?

The Acting Speaker (Mrs. Morin): Is it agreed that we adjourn the discussion on this legislation and proceed to Bill C-61?

Mr. Munro (Esquimalt-Saanich): On a point of order, Madam Speaker, may I say that having had the floor on Bill C-61, and having been interrupted once already, I would prefer to call it ten o'clock.

Mr. Sharp: Madam Speaker, I thought the hon. gentleman might welcome the opportunity to have the floor at the moment. I was very much interested in the comments of his colleague and thought the hon. gentleman might like to conclude his remarks this evening. However, I have no objection, Madam Speaker, if you see the clock at ten o'clock.