

Export Development Act
GOVERNMENT ORDERS

[English]

EXPORT DEVELOPMENT ACT

MEASURE TO AMEND

The House proceeded to the consideration of Bill C-36, to amend the Export Development Act, as reported (without amendment) from the Standing Committee on Finance, Trade and Economic Affairs.

Mr. Speaker: Before calling the first motion to be considered among the six motions that appear on the order paper at this report stage of Bill C-36, I do want to indicate that both in respect to the report stage of this bill and also the oil and gas measure which has been reported out of committee, we find a similar report stage motion. It is motion No. 5 standing in the name of the hon. member for York-Simcoe (Mr. Stevens). In the other case, the oil and gas measure to which I will refer in more precise detail in a moment, the amendment was in fact made in the standing committee and has been reported, not in the name of any individual member, but as an amended part of the bill. In both cases the attempt is the same, that is, to bind future parliaments to make an automatic order of reference, in this case of a report, and in the other measure, of the act itself.

● (1522)

I invite hon. members to examine these provisions and, when we come to them, to be prepared to argue whether parliament can go further than ordering, in proper procedural terms, a re-examination by parliament or, in the case of a report, order that the report be filed with parliament, and whether an amendment to a particular statute can go further than that and indicate what will happen to a report when it is in the hands of parliament at a future time. It seems to me that in this case there might be an argument that the Standing Orders of this parliament can be amended to accomplish the purpose which the hon. member for York-Simcoe has in mind.

In respect of the other measure, which I only mention peripherally now—we will obviously have the same problem before us more than once and therefore I mention the same argument in respect of the other matter—it is not even a question of a report, it is the referral of the entire statute to a committee which might or might not be in existence, and which is not accurately described. Similar language is used in motion No. 5. The committee is referred to as the committee to which ordinarily things on this subject matter are referred.

When we get to motion No. 5 and think it should be subject to argument, I hope that argument will be helpful to me in making a decision. But I question whether, by amendment to a statute, we can affect the operation of future parliaments, not in having the matter reported to parliament but in having parliament carry on further with it in an automatic way and make an order of reference of that material to a committee, when in fact the committee is not even named. I do not say in an absolute way at this time that it cannot be done, but it

[Mr. Speaker.]

seems to me to be a very dangerous practice to attempt to describe it in a motion.

I do not see any difficulty in the motions that have been introduced in the past where an automatic process of review is proposed. What comes to my mind, for example, is the anti-inflation legislation where, by way of amendment, a review process was introduced so that a report had to be made to parliament; or parliament, as a result of the action of a certain number of members, was able to call into review the operation of the statute. That seems to be a provision which has been accepted in the past.

Certainly there is no argument about statutes which call for a report to be made to parliament, or a report, having been made public, to be filed with parliament. There is nothing the matter with that, but I question whether or not a motion can go one step further and say that when parliament gets it, it must automatically do something with it. In the first place it seems to me that if that can be done it will have to be very specific, and second, if it can be done it would have to be done by an amendment to the Standing Orders, which are what govern our process of reference to standing committees.

Therefore, I invite the hon. member who has sponsored motion No. 5, who is here in the House now, as well as other hon. members, to examine this matter and to give it some thought to see if, when we come to motion No. 5, some argument can be advanced which would dispel my fears that the matter cannot go ahead on procedural grounds.

With respect to the other five motions, I have no difficulty with them from the procedural point of view. Motions Nos. 1 and 3, in the name of the hon. member for St. John's West (Mr. Crosbie), seem to me to have a similar intention and therefore should be grouped for discussion, and the vote on motion No. 1 should also dispose of motion No. 3. Similarly, motions Nos. 2 and 4 should be grouped for debate, and the vote on motion No. 2 will dispose of the vote on motion No. 4. Motion No. 6 in the name of the hon. member for Nickel Belt (Mr. Rodriguez) should be debated and voted on separately. Again these are the suggestions of the Chair for the disposition of the report stage of the bill. If there is any disagreement with those suggestions, I would be glad to hear it.

Now we can proceed to motions Nos. 1 and 3.

Mr. Stevens: Certainly, Mr. Speaker, I will be preparing further comments in anticipation of us reaching motion No. 5, but I would call Your Honour's attention to the Air Canada bill which was recently passed because it has an identical provision to the provision we are proposing in motion No. 5 with respect to the Export Development Corporation, and in fact the wording we have used in motion No. 5 was plagiarized, if you like, from the wording which apparently was approved with respect to Air Canada. In that case there was a permanent reference to a committee of the House considering transportation matters, so I would ask Your Honour to consider in the interim the arguments that were raised at the time of the Air Canada amendment which, as I said, was passed by the House.