

On the surface that does not sound like a very earth-shaking thing. So diligent is this committee, Mr. Speaker, that it looked at the validity of the regulation and said that it was wrong and illegal to make a regulation apply only to a particular body of water.

The Act is so worded that any regulation made under the authority of the Canada Shipping Act must apply to all waters. The committee had quite a lengthy debate about one phrase or clause within the Canada Shipping Act. It reads:

Except where otherwise provided or in any regulation—

**Mr. Nickerson:** That is a very important point.

**Mr. Penner:** The committee wondered whether this was a door that could open the way for the regulation to apply to only one body of water. The committee went further into the role of regulations and the validity of regulations. It drew attention to something that ought to be of interest to all Members of Parliament. When a Bill is drafted, great care must be taken especially if it is an enabling Bill, because every single clause can open a door and, therefore, every word must have a meaning and be given all due importance.

To illustrate how well done this report is, the committee went back to a very old precedent, a precedent that was made by Viscount Simon in a court case about parliamentary legislation. If Members have the report with them, they can find it on page 2. Let me quote very quickly:

—it is to be observed that though a parliamentary enactment (like parliamentary eloquence) is capable of saying the same thing twice over without adding anything to what has already been said once, this repetition in the case of an Act of Parliament is not to be assumed. When the legislature enacts a particular phrase in a statute the presumption is that it is saying something which has not been said immediately before.

That cannot be accepted. It goes on:

The rule that a meaning should, if possible, be given to every word in the statute implies that, unless there is good reason to the contrary, the words add something which would not be there if the words were left out.

**Mr. Nickerson:** Do you agree with that, Keith?

**Mr. Penner:** They have to look at every single word. That is why Members of Parliament do not always get the credit that is due to them for the work they do. All the work does not go on in this Chamber. The most important work goes on in the legislative committees which study the Bills clause by clause.

This Regulations and Other Statutory Instruments Committee concluded that the regulation, which prescribes the maximum quantities that may be carried on board ships of a designated class, must apply to all Canadian waters, except—and the Member for the Western Arctic (Mr. Nickerson) who is very, very attentive this afternoon will know that—it would not apply where there is already a shipping safety control zone. Where is that? Right north of 60. It would not apply either in waters that are under the fishing zones of Canada. They are otherwise protected.

Now I come back to the work of this Parliament. Not long ago in this House we were dealing with Bill C-75. I think the

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Hon. Member for the Western Arctic participated in that debate.

**Mr. Nickerson:** I certainly did.

**Mr. Penner:** This was the Canada Shipping Act. It was an Act to amend the Arctic Waters Pollution Prevention Bill, the Maritime Code Act and the Oil and Gas Production and Conservation Act. When this Bill was in the House being debated, the Minister of Transport (Mr. Mazankowski) knew that Bill C-75, under instruction from the Regulations and Other Statutory Instruments Committee, should have been amended to take into account this problem of a regulation that was too specific and did not have the authority of the Act.

I am sad to say that the Minister—although I want to repeat that this is a parliamentary issue, not a partisan issue—did not even feel the need to do so. He simply stated that the committee had all the explanation necessary. Further, he went on to say that the Department had had legal advice proffered, given by the legal advisers to all Government departments, namely, the legal advisers in the Department of Justice. The Regulations and Other Statutory Instruments Committee wanted to have this legal advice. They said: "Show us this legal advice and maybe we can be persuaded otherwise". What was the response to that? The Hon. Member for Western Arctic (Mr. Nickerson) knows the answer.

● (1500)

**Mr. Nickerson:** Do I?

**Mr. Penner:** Yes, he does. They said: "We cannot release that information because it is confidential". Confidentiality is something about which we hear too much in the House. For "confidentiality", read "secret". There is too much secrecy.

I will make a small point as a diversion for a moment, but I will not belabour it. I really hoped that we would have much more openness from the new Government. I believe in openness from any Government. Those fellows over there promised that Parliament would be supreme and that we would have the information we needed to do our job. There was to be a new openness. My gosh, I listened to those arguments and I almost voted for them myself. However, sanity took over before I went into the polling booth and I withdrew from that temptation. We do not have that. It is another example of confidentiality and secrecy.

Would it be too strong for me to say that this simply disregards the rights of Parliament?

**Mr. Boudria:** No, go ahead and say it.

**Mr. Penner:** Is it all right?

**Mr. Boudria:** Sure.

**Mr. Penner:** Then I will say it. It disregards the rights of Parliament. Once again it overrides the rights of elected Members under the guise of executive privilege. How often have we heard that?