

*Anti-Inflation Act*

ment proposed by the government to clause 46(2). Consequently, the only alternative is that you, Mr. Speaker, should find that your ruling on clause 26(2) that all the words after "proclamation" in line 9 of page 33 offend against the recommendation is applicable and I ask that Your Honour direct that they be struck out.

Additionally, the continuing defect in clause 26(2) should be corrected by limiting the terms of the chairman and the members to the date in the recommendation. In other words, the amendment should not have been for a period of three years as against four years, but the appointments should be limited to the date December 31, 1978. After all, the recommendation is in the clearest possible terms, in the last words, "to provide for the measure to expire on December 31, 1978". There is no mention in the recommendation of a provision for an order in council to be passed prior to that date and that the order in council be debated in the House.

There is now on the order paper, as motion No. 6, a proposal that proceedings before any board or in the courts should have been initiated prior to December 31, 1978, can continue to their termination. That is a new recommendation, but it applies only to court proceedings. Motion No. 6 reads in part:

—any inquiry, investigation, examination, audit, search or proceeding . . . that was instituted before the expiration of this act—

That is, before December 31, 1978, that arises out of any other such inquiry, investigation, examination, audit, search or proceeding that was instituted before the expiration of this act. Of course, included are the powers and the duties of the chairmen and members of the boards in order to deal with the matters referred to. But there is absolutely nothing in the recommendation which authorizes an order in council to continue the act beyond December 31, 1978, and there is nothing that cures the defect in clause 46(2). On that basis, I ask that the Chair examine my proposals. I do not know what the government wants to do on this occasion, but I and my colleagues will be prepared to listen to what they have to say. However, at the moment the bill is really hung up. The ministry have had full notice of the defects. They have missed out on it, in my submission. I have no desire to hold up the bill, but we must have a bill on which we can proceed properly.

● (1510)

**Hon. Donald S. Macdonald (Minister of Finance):** Mr. Speaker, with regard to clause 26(2) I suggest that there is no difficulty in that regard and that quite clearly the bill does provide for a time-frame in which it can receive royal assent. I think there is some expectation that that will happen, so very clearly the maximum period stipulated there is one which would take place within the time-frame set out. Of course, it is not a minimum time-frame but it is a maximum time-frame, and if, as the hon. gentleman says, in the year 1976 it is desired to make an appointment in that particular area, then of course to comply with the statute the appointment would have to be made for a period of less than three years.

My understanding is that the amendments were put in after conversations among the legal advisers of the executive in the Department of Justice and the Law Clerk advising the table. I will be glad to take the direction of the

Chair in this regard. I do not intend to offer my own legal opinion on the question but, as Your Honour knows, this was a matter of some consultation.

**Mr. Speaker:** Order, please. I do not propose to deal definitively with the point at the moment. I would rather reserve it for some time and see if the matter can be resolved. The fact is that the hon. member for Edmonton West (Mr. Lambert) has made reference to the fact that steps were taken in the committee to clear the difficulty in so far as clause 26 is concerned.

**Mr. Lambert (Edmonton West):** But they did not.

**Mr. Speaker:** That was my understanding of the remarks this morning. A problem remains, however, in respect of clause 46 which was alluded to briefly in the original argument by the hon. member for Edmonton West in addition to the very direct argument he made about the problem contained in clause 26 and its conflict with the recommendation. As reported at the top of page 8452 of *Hansard* for October 22, 1975, the hon. member said the following:

Incidentally, clause 46(2) authorizes this House, by regulation prior to the expiry of the bill in 1978, to continue the measure in force as specified in the order of the House. But that provision is not in the recommendation.

That provision remains in the bill at the present time and is not in the recommendation. It would appear, therefore, that the same kind of conflict which exists or existed in respect of clause 26(2) remain in respect of clause 46. However, the manner in which that question might be resolved is perhaps one for discussion. Obviously, the recommendation says that the bill must expire within a specific term, at the end of 1978; leaving in the bill the power by order in council to extend the bill beyond that time certainly would appear to be in direct conflict with that provision. Perhaps I could leave the matter because there are several motions to be discussed. Report stage has already been called for this day and it would seem to me nothing would be lost by carrying on with the several motions on the order paper at this time, in the hope that a resolution of the problem will be made.

In terms of the motions themselves, I would say that consideration has been given to the six motions which are outstanding to be considered at report stage. Only one appears to the Chair to be out of order, and I would be prepared to listen to discussion and argument on it. I refer to motion No. 1 standing in the name of the hon. member for York-Simcoe (Mr. Stevens). Perhaps I could simply indicate the difficulty the Chair sees with that motion. Motion No. 1 proposes, basically, to introduce into the bill an obligation or an element of control of government spending. However laudatory that concept or control may be, the question is twofold. First, is this a bill to control government spending, or to control wages and prices, and is it the introduction of a new concept into the bill to extend to the board the obligation, indeed to put a specific control in percentage terms or in dollar terms on government spending? It would seem to the Chair that that is the case. Second, even it were possible, without going beyond the provisions of the bill, to introduce a new concept into the bill, would it be proper and appropriate to do so by way of the amendment to the particular clause—which is what