

Some hon. Members: Nay.

The Acting Speaker (Mr. Turner): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Mr. Turner): Pursuant to Standing Order 75(11), the recorded division on the motion stands deferred. It is my understanding that motions Nos. 7, 12 and 14 were to be debated, but that this has been changed and motions Nos. 7 and 28 will be debated now and that a vote on motion No. 7 will dispose of motion No. 28. Is that agreed?

Some hon. Members: Agreed.

The Acting Speaker (Mr. Turner): Agreed, and so ordered.

Mr. Eldon M. Woolliams (Calgary North) moved:

Motion No. 7.

That Bill C-51, an act to amend the Criminal Code, the Customs Tariff, the Parole Act, the Penitentiary Act and the Prisons and Reformatories Act, be amended in clause 3 by striking out lines 41 to 44 at page 9 and substituting the following therefor:

“(b) a peace officer or public officer”—

Mr. Eldon M. Woolliams (Calgary North) moved:

Motion No. 28.

That Bill C-51, an act to amend the Criminal Code, the Customs Tariff, the Parole Act, the Penitentiary Act and the Prisons and Reformatories Act, be amended in clause 3 by adding immediately after line 33 at page 43 the following:

“(2) Every order in council, regulation or form made under this act shall be laid before parliament within fifteen days after the order in council, regulation or form, as the case may be, is made or, if parliament is not then in session, within fifteen days after the commencement of the next ensuing session thereof and every order in council, regulation, or form shall be subject to affirmative resolution of parliament and shall not come into force until published in the *Canada Gazette*.”

He said: Mr. Speaker, it is correct that motions Nos. 7 and 28 will be discussed together. These deal with the question of legislating criminal law by order in council. In reply to the hon. member for Moose Jaw (Mr. Neil), the Minister of Justice (Mr. Basford) claimed that Bill C-51 is better than three bills because there are fewer orders in council. His argument, apparently, is that if Bill C-83 proposes 1,000 new laws by order in council, and Bill C-51 proposes only about 100, it is therefore better. When dealing with criminal law, Mr. Speaker, I say it is wrong to legislate by order in council. I know that in most legislation it is necessary to provide for orders in council in relation to administrative matters, but criminal law should be precise and concise so that people know what it is. This government has exhibited a growing tendency to extend the power of the executive over parliament.

On May 11 this year I pointed out that in 1976, 3,326 orders in council were passed, but only 653 were published in the *Canada Gazette*. How can we possibly know we are breaking the law if we do not know what it is—if it never gets published? Clause 3 of the bill provides for the appointment of peace officers and public officers to perform certain duties by order in council. That is the casual group. I suggest that is

Criminal Code

wrong, and motion No. 7 would amend clause 3 by striking out lines 42 to 44. The relevant part of motion No. 28 reads:

—order in council, regulation or form, as the case may be, is made or, if parliament is not then in session, within fifteen days after the commencement of the next ensuing session thereof and every order in council, regulation or form shall be subject to affirmative resolution of Parliament and shall not come into force until published in the *Canada Gazette*.

After days and days of debate on Bill C-83, I asked the minister and the former solicitor general if they would agree to a similar amendment. They agreed to the amendment in substance, but it died on the order paper. There is a tendency in this government today, which makes people uneasy, to do everything in cabinet and bypass parliament. When dealing with the Criminal Code, surely the law should be legislated in a precise and concise manner.

Mr. Speaker, I want to put something on the record that has always impressed me. I have not been a great student of political science, but I should like to refer to a quotation of the late William Lyon Mackenzie King when he sat in opposition to the Conservative government led by the late R. B. Bennett. On one occasion he said:

• (1210)

Now let us come to another point which I wish particularly to stress. I refer to the right set out in Magna Carta that no man shall be disposed of his rights without the lawful judgment of his peers under the law of the land; not the law as made by the governor in council, not the law as made by some unnamed and as yet unexisting body, but the law of the land as known to everyone. It is an essential principle of liberty and freedom that the law of the land should be known, that it should be so known that every man as he runs may read. The law should not be something which is to make its appearance in the *Canada Gazette* after some board or governor in council, not parliament, has passed a regulation; it is something that should appear in the statutes of the country.

It is too bad Mackenzie King is not here, and too bad his ghost does not walk Parliament Hill.

An hon. Member: How do you know it doesn't?

Mr. Woolliams: I have heard his ghost walks somewhere.

Mr. Knowles (Winnipeg North Centre): Where have you been? Haven't you seen it?

Mr. Dionne (Northumberland-Miramichi): We already have too many ghosts around here.

Mr. Woolliams: My hon. friends opposite are excited. They wouldn't like to meet Mackenzie King.

Mr. Stanfield: Or his ghost.

Mr. Woolliams: They know what they are doing, giving power to the executive to bypass parliament. People talk of Trudeaumania. They should call it Trudeaphobia, because power is the name of the game. The party opposite is power hungry. As Mackenzie King said, all should know the law of the land. It should not be made by some unnamed or non-existent body. Mr. Speaker, since the Trudeau government took office we have had several solicitors general. They change, and as new men take on the job they change the law secretly, at night, while Canadians sleep.