

*Oral Questions*

What caused the minister to change his mind, and why did he choose to register the old one rather than issue a new one?

**Hon. Jean-Luc Pepin (Minister of Transport):** Madam Speaker, I still maintain that it was not necessary—I underline “necessary”—to register the order in council referred to. Some of my reasons for believing that are based on precedents which even the hon. gentleman who asked the question established. However, I said that if there was a shadow of a doubt—I underline “shadow of a doubt”—that registration would be useful, if not necessary, I would proceed to register the said order in council. This is what was done to remove that shadow of a doubt, and I still maintain—and my lawyers maintain—that the procedure of registration at this time will not affect the legal status of the order in council, nor the substance of it, nor the date of its implementation, nor the effect that it has on notices given to railway employees.

## LEGALITY OF REGISTRATION

**Hon. Don Mazankowski (Vegreville):** Madam Speaker, perhaps in attempting to clarify the issue the minister has simply clouded it further, because legal counsel to the Joint Standing Committee on Regulations and other Statutory Instruments, Mr. J. C. Eglinton, has offered an opinion on the actions of the minister in terms of this registration as of last Tuesday. He states in a written opinion, and I quote:

—registration of the existing order in council as at today’s date should be an unattractive proposition for the Department of Transport. It would raise too many nice legal questions, not only on Section 5 of the act but also on Sections 3, 7, 8 and 11—

What does the minister propose in response to that legal opinion by a very distinguished servant of the committee, and can he ensure that, as far as he is concerned, the late registration will fulfil all the necessary requirements in terms of proper notification to the workers who will be laid off?

**Hon. Jean-Luc Pepin (Minister of Transport):** Madam Speaker, the opinion expressed by my hon. friend may be right. I tried to be accommodating, as I usually do, and to show respect for the Statutory Instruments Act in this particular instance. The debate referred to is one which has been going on, I understand, for a long period of time between Mr. Eglinton and lawyers from the Department of Justice. I cannot solve this debate on my own. I thought I would make a friendly contribution in acting the way I did.

**Mr. Lawrence:** You made it worse.

**Mr. Pepin:** Be that as it may, the federal tribunal will have an occasion on, I think, Monday of next week, to throw some light on the subject. We will wait and see what it does.

## REQUEST THAT IMPLEMENTATION OF ORDER IN COUNCIL BE DEFERRED

**Hon. Don Mazankowski (Vegreville):** Madam Speaker, in light of the legal confusion which surrounds this whole matter, in light of the fact that now the government of Saskatchewan

has joined the action of the cities of Melville and Watrous and Transport 2000, in light of the fact that Saint John, New Brunswick will be launching a legal action, and the city of Edmonton, the province of Alberta and perhaps a group in Ontario will launch similar actions seeking an injunction on the proposal to discontinue 20 per cent of the rail passenger service in this country—plus there is the potential of the Interstate Commerce Commission in the State of Maine taking action—why will the minister not now defer the date of implementation and refer the matter to the appropriate courts so that the whole issue can be clarified and settled once and for all?

● (1430)

**Hon. Jean-Luc Pepin (Minister of Transport):** Madam Speaker, I have apparently no reason to do that. I have made the case repeatedly—

**An hon. Member:** When?

**Mr. Pepin:**—that the use of Section 64 for the purpose of issuing an order in council to amend some orders of the Canadian Transport Commission is entirely legal.

**An hon. Member:** It is unilateral.

**Mr. Pepin:** The Standing Committee on Regulations and Other Statutory Instruments has not denied that at all. Therefore there is no reason for us to change our minds about the way this was done. Presumably Monday next we will know more about the subject after the Federal Court has heard the case.

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[Translation]

## HOUSE OF COMMONS

## PRESENCE IN GALLERY OF HON. LUCIEN LAMOUREUX

**Madam Speaker:** I cannot resist the temptation of drawing the attention of the House to the presence in our gallery of one of my illustrious predecessors, the Hon. Lucien Lamoureux.

**Some hon. Members:** Hear, hear!

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[English]

## INDUSTRY

## PROPOSAL TO RATIONALIZE PRODUCTION OF RUBBER TIRES

**Mr. Bill Kempling (Burlington):** Madam Speaker, I have a question for the Minister of Industry, Trade and Commerce. More than a year ago, in fact, on July 3, 1980, I asked the minister if he would soon reply to a proposal made by certain manufacturers of rubber tires that supply the automobile industry, the construction and farm machinery industry, which would allow them to rationalize their production. The minister