

been allowed to overrule a decision of parliament. It is a little like discussing capital punishment. The Minister of Justice (Mr. Lalonde) wants to hang someone and he has a friend in the Department of Public Works who is building all the platforms and getting them ready, whether parliament wants to hang people or not!

Another factor that enters into this is that we always have to depend on the law officers. In every department I find ministers hiding behind the law officers. Who the hell are they? I don't know. But they are like lawyers in general. Whoever hires them gets the advice they ask for.

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

**Mr. Peters:** We had an interesting meeting with the minister who is so interested in parliamentary procedure and events in the past. There was some discussion about imports back in 1962 when John Diefenbaker was prime minister. Several days after that parliament ended, he passed an order in council dealing with imports, which eventually was challenged in the courts. The leader of the Liberal government had the same law officers. We were told in the 1963 parliament that those law officers had said it was legal, but when it went to the courts the law officers got cold feet and asked the government to pass a bill to regularize the situation. A bill was passed in 1963 establishing those import laws retroactively, because it was anticipated they would be thrown out by the courts. That is exactly the same situation this time.

● (1452)

The minister does not know whether this regulation is legal or illegal. He has to take somebody's advice. He is paying people to give him the advice he wants. That order in council is standing in line waiting behind a number of other things. A lot of time will go by. In the meantime he tries to pass the bill. If the bill passes, there will be an order in council. That order in council will be added to the line, and the illegal one will be withdrawn. That is what members of parliament are faced with.

I will read the first part of the explanatory note to clause 2 as follows:

This amendment would provide authority to make regulations providing that—

Then it refers to two specifics, the length of the week and maximum insurable earnings. This is a new clause. The minister says it is necessary to make this order in council and to make it specific. If this bill does not pass, in my opinion that order in council would not stand up in any court.

**Mr. Caccia:** Not so.

**Mr. Peters:** The apologist for the government says that is not so. That is not what the minister thought. That was not the advice he received. He was advised to get this clause through so that there would be authority. My privileges are being abused. When I go to a committee—

**Mr. Maine:** First time.

*Privilege—Mr. McGrath*

**Mr. Peters:** The hon. member says "first time", but I have been in the committee several times. I admit that I am not a member of that committee, but if Your Honour saw the game of musical chairs which went on in that committee, Your Honour would be surprised. Most members do not even know what the bill is about. What did the parliamentary secretary do last night? He wanted to continue when all the other members went home at the normal adjournment hour. He wanted to continue so that he could ram the bill through without any opposition. It seems to me that members of parliament should be able to depend on the integrity of the law officers of the Crown and of the minister. We have to have some faith in the whole structure, and ministers certainly have some responsibility regarding the legislation they put forward.

If that clause was not necessary, it should not have been there. If we had defeated it, it still would have applied by virtue of the regulation the law officers said was legal. Where would that put us? Parliament would have decided against it, yet it would have become a fact. Would the minister have got up and said that because of a certain ruling he would withdraw it? Nuts to that! The only reason he wants this authority is that he needs time to get this matter to the Department of National Revenue and to get forms made up for income tax purposes for employers who will be making deductions in accordance with this new category of work week.

The order in council was passed as a matter of expediency. The government knew it would never have to take this order in council to court because before its becoming effective, January 1 would have arrived, and the government anticipated the bill would have been passed by January 1. The dummy regulation would have been standing in place so that employers and the Department of National Revenue could have oriented their computers and their bookkeeping to that system. In the meantime a legal order in council would have been passed. That is the worst kind of abuse the government could inflict on members of parliament and on this country. It indicates, as nothing else does, the inability of this government to govern and to operate as a supervisor of civil servants, who are supposed to serve the government, and its tendency to act as a stoolie for civil servants.

**Mr. Paul McCrossan (York-Scarborough):** Mr. Speaker, it seems to me that three questions have been raised by yourself and by the minister. One question relates to the regulation which was proclaimed, that regulation being the same as clause 2. The second question is whether this represents a change from the previous legislation. The third question is whether the government had the power to do what it did. I want to deal with these questions, one at a time.

I would like to leave for Your Honour documents provided to us by the Minister of Employment and Immigration (Mr. Cullen) outlining what he intended to do through clause 2 of the bill. These documents are entitled "Highlights of the Proposed Amendments". It seems to me quite clear that if one reads through these documents, one finds that the regulation which was gazetted was identical to what was being put before the House.