

Perhaps I should develop that point. My thought is that the bill really creates a system of national parks. It then goes on to provide that if an addition to that list is significant in relation to the park, you can proceed to provide for more parks not by legislation but by proclamation. That proclamation goes through the procedure of advertising, going to a committee of the House of Commons, and coming back to the Commons for approval, without any reference to the Senate.

It occurs to me that if legislation is necessary to create a system of parks, when additional parks are going to be provided of any significant area, at any significant cost, or whatever it might be, it should be done by legislation and not by proclamation.

Senator Beaubien: That would include us.

The Chairman: If an act of Parliament, in which the Senate participates, is necessary to create it and you are dealing significantly with the quantum, then it should be done by legislation. That is my view on the matter. This may be a question of policy, so I would not expect the representatives from the department to venture any comment as to what the minister's view in relation to this would be.

It strikes me that while we should discuss the pros and cons of proclamation in these circumstances, certainly the proclamation method should be limited to insignificant additions by way of expanding the area of an existing park. What I am trying to avoid, if possible, knowing the attitude of the other place now as it exhibited itself in connection with the energy legislation, is a confrontation on this issue, particularly when it strikes me that such a confrontation is not necessary since we can amend the bill now before us. We do not have to amend it in such a way as would make it necessary to consult the Senate, but we can limit the language of the bill to any additions which are not significant.

I do not think I should ask the representatives of the department who are here this morning for their views on that, as I think it is a policy decision. However, when the view of the committee in this connection is ascertained, we can discuss it with the minister. If we do not complete our study of this bill this morning, then we can adjourn it until next week and ask the minister to appear and explain his position.

I now invite comment from the committee.

Senator Molson: Perhaps the Law Clerk can advise us, Mr. Chairman, as to whether or not this manner of dealing with legislation setting out the method by which something will be dealt with in Parliament in detail—the standing committee shall meet without delay and hear witnesses, and they will get up in the morning and go to bed at night, and so forth—is commonly used? I do not recollect seeing legislation that spells out that the House of Commons will do this and that.

The Chairman: You mean this proclamation method?

Senator Molson: Yes. It is usually "Parliament," is it not—not, "The House of Commons shall do this and the House of Commons shall do that"?

Mr. E. Russell Hopkins, Law Clerk and Parliamentary Counsel: Perhaps I might comment, Mr. Chairman. It is an extraordinary procedure. It is fairly new.

Senator Molson: It has not been done, has it?

Mr. Hopkins: It has been done, but only recently.

Senator Flynn: It was done, to some extent, in connection with the corporate tax legislation where 60 members of the House of Commons may force a debate on the continuation of that legislation. If there is a resolution adopted saying the legislation should be amended in a certain way, then the Governor in Council is obliged to bring in legislation in accordance with that resolution.

Senator Molson: But then the Senate gets a crack at the legislation.

Senator Flynn: Yes.

Senator Molson: But that is not the case here.

Mr. Hopkins: It is a manifestation of the same thing.

Senator Molson: What surprises me, also, is setting out the method by which the House of Commons will do this. It seems to me that is rather unusual.

Senator Cook: Following on from Senator Molson's comments, what happens if the standing committee does not meet without delay?

Senator Molson: Exactly.

Mr. Hopkins: I think that is covered, because it says if it is not approved, then the publication may not issue.

Senator Flynn: Yes, that would prevent the proclamation from taking place.

Senator Cook: That is not the intent of Parliament; the intent of Parliament is that it should be considered.

Mr. Hopkins: I agree with Senator Molson that it is unusual.

The Chairman: Proposed section 3.1(5), at the bottom of page 2 of the bill, indicates where the proclamation is not to issue, so you are putting all the authority in the Senate if the Senate committee does not approve of the report.

Senator Molson: The House of Commons committee.

The Chairman: That states:

In the event the House of Commons concurs in a report disapproving of the proposed proclamation or does not concur in a report approving of the proposed proclamation, the Governor in Council shall not issue the proclamation.

It is an extraordinary procedure.

Senator Molson: It is changing the character of legislation.

The Chairman: It is. That is why I feel that rather than run head on into that issue, the limitations on the use of the proclamation should be where there are relatively insignificant additions to be made to an existing park; otherwise, it should be done by legislation.

On that point Mr. Nicol has some comment that he would like to make. He feels there are some things he can say in that connection.