

That Bill C-102, an act to amend the Department of Energy, Mines and Resources Act be amended in Clause 1 by striking out lines 8 and 9 at page 1 and substituting the following therefor:

"and Resources may, where the Governor in Council by order so approves,".

[English]

Mr. Dave Dingwall (Parliamentary Secretary to Minister of Energy, Mines and Resources): Mr. Speaker, I should like to give a brief explanation of this amendment. It is to clarify that the approval of the governor in council is expressed by the order, and therefore to clarify that the order tabled in Parliament for the proposed affirmative or negative resolution is the order expressing the approval of the governor in council. Mr. Speaker, it is strictly a technical amendment and I just make those comments to clarify it.

Hon. Perrin Beatty (Wellington-Dufferin-Simcoe): Mr. Speaker, perhaps I might be able to wear two hats this evening. One is as spokesman for our party. I am indicating that our party supports the changes being made. Secondly, as joint chairman of the Standing Joint Committee on Regulations and other Statutory Instruments, I would like to indicate another reason which was not enunciated by the parliamentary secretary. There is a long standing dispute between the standing joint committee and the Department of Justice concerning the so-called magic formula.

The position has been taken by the Department of Justice for some years now that when a statutory instrument is being proposed, unless it says expressly in the statute that the governor in council may do something by order, the Department of Justice takes the opinion that the matter is not properly before the statutory instruments committee and in some instances need not even be published. Mr. Speaker, what this does is to ensure that the matter will be brought before the regulations and other statutory instruments committee, and that it is deemed to be a bona fide order.

As far as the members of the standing joint committee were concerned, it is our position that all orders in council, whether it says "by order" or not, should be deemed to be properly before the committee and should be deemed to be publishable. But if the government chooses to do this for greater certainty, then we welcome this sign of good intentions on the part of the government and we support it.

Mr. Ian Waddell (Vancouver-Kingsway): Mr. Speaker, in committee both our party and the Conservative Party, and in the House the member for Skeena (Mr. Fulton) and particularly the member for Wellington-Dufferin-Simcoe (Mr. Beatty), have been pressing to make this terrible bill really, in terms of parliamentary procedure, somewhat better. We are prepared to agree to this technical amendment, although we hope that the government will come up with some more amendments that will make the bill one that will fit in with parliamentary tradition as we understand it.

Motion No. 1 (Mr. Lalonde) agreed to.

Mr. Beatty: Mr. Speaker, I am informed that there have been discussions among the various parties and that there

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would be unanimous consent for me to move a motion at this time.

The Acting Speaker (Mr. Ethier): This could be done with the unanimous consent of the House? Is that agreed?

Some hon. Members: Agreed.

Hon. Perrin Beatty (Wellington-Dufferin-Simcoe): Mr. Speaker, I move:

That Bill C-102, an Act to amend the Department of Energy, Mines and Resources Act, be amended in Clause 1 by striking out lines 11 to 14 at page 2 and by renumbering the subsequent subclauses accordingly.

The Acting Speaker (Mr. Ethier): The question is on the amendment by the hon. member for Wellington-Dufferin-Simcoe (Mr. Beatty). Is that agreed?

Some hon. Members: Agreed.

The Acting Speaker (Mr. Ethier): All those in favour of the amendment will please say yea.

Mr. Beatty: Mr. Speaker, I think it would be helpful if I were to explain to the House what we are voting on before we take the vote.

The Acting Speaker (Mr. Ethier): Order. The amendment will have to be put to the House. Mr. Beatty, seconded by Mr. Nielsen, moves:

That Bill C-102, an Act to amend the Department of Energy, Mines and Resources Act, be amended in Clause 1 by striking out lines 11 to 14 at page 2 and by renumbering the subsequent subclauses accordingly.

Mr. Beatty: Thank you, Mr. Speaker. I think it is germane for me to spend a few minutes discussing this, because I consider this the single, most important amendment to this bill that will be dealt with in the discussion of Bill C-102.

The amendments that we will be moving on this side to this bill are not to be deemed, even if they pass, as to warrant support by this party and this House for the bill. The amendments we are proposing tonight are simply a means of damage control, of trying to limit the amount of damage that is being done to the public interest by the bill before us. Let us make no mistake about it; it is a bad bill. It is a bill that does not deserve the support of the members of the House of Commons. It is a bill that is injurious to the interests of the people of Canada.

In no area is this bill a worse bill than the provision in the bill that would automatically accord agent of Her Majesty status to all new Crown corporations incorporated under this legislation. I am delighted that the President of the Treasury Board (Mr. Johnston) is here tonight, because it is the President of the Treasury Board who has the responsibility in government for drawing up comprehensive Crown corporation policy. It is very important that he participate in this debate as well to explain his position as President of the Treasury Board and whether he believes that automatically all new Crown corporations incorporated under this bill should be given special privileges.