

Lazar said, it is that the minister is prepared to say, "If, in our experience, this point develops, I will be prepared to entertain an amendment or to recommend an amendment."

Senator Godfrey: Yes, but we can tell him that, in our experience, there are just as many non-statutory amalgamations, or used to be in the past, as statutory ones.

The Chairman: Well, you may be the expert witness.

Senator Godfrey: Yes.

The Chairman: Are there any further questions at this time, or should we take an early adjournment until 2.15 p.m.? Is that satisfactory?

Honourable Senators: Yes.

The Committee adjourned until 2.15 p.m.

The committee resumed at 2.15 p.m.

The Chairman: We have the minister back with us, and how long he remains here will be determined by the questions. We had a good morning, so far as questions were concerned. There were a few things that were left open and, if I might, I should like to ask a question that I have in mind, and then the committee can take over.

Mr. Minister, this morning after you left we were discussing with Mr. Lazar the points raised by Mr. Macdonald. I was wondering what comment you might have, based on your study, or a study by your people, as to the volume or lack of volume in this area, and what your attitude would be if it should appear to become a material matter.

Hon. Mr. Gillespie: It would be very, very hard to assess what the volume might be. I am mindful of the fact that Mr. Lazar mentioned to the committee after I had left that this was not a question raised by the Canadian Bar Association. There was one raised by them that was dealt with by way of amendment. It may be that the particular question that Mr. Macdonald raised will surface and will create difficulties. I am not yet prepared to say that it will or that it won't, but I can tell you that if it does, I will be prepared to recommend to my colleagues amendments to deal with that question.

The Chairman: Are there any other questions on this point?

Senator Connolly: Not on that point, Mr. Chairman, but I have some others.

The Chairman: Well, may I go on to another point? In the course of the recommendations made by the Senate committee there were a number of items, not too many, possibly six in number, which have not been reflected in whole or in part in the amendments which have been made in the bill or in the undertakings and explanations you gave this morning. I was wondering how far you would be prepared to go in the event of there being amending legislation—and I would say that in a bill of this kind, where you are breaking new ground, there are bound to be amendments and, maybe, quite a number of them within a reasonably short time—whether, when the question of amendments is being considered, you are prepared to say that the recommendations which we have made and which you have not dealt with, or in relation to

which you have not given undertakings, will be looked at for the purposes of any amending bill you may see fit to introduce.

Hon. Mr. Gillespie: Before I answer that question, I should expand slightly on my previous statement with respect to Mr. Macdonald's submission before you this morning.

In the answer I gave you a moment ago I was referring to the corporate reorganization rather than to the other question which I believe he raised with you having to do with the issue of extraterritoriality or some aspects of it which I consider to be a quite separate issue. I would be pleased to talk about that.

On the broader question with respect to the practical difficulties that may emerge in the administration of this bill, I think it only fair to say that because this bill is breaking new ground, to use your own words, it is the first of its kind, undoubtedly there will be in the years to come amendments which will be aimed at improving the bill and removing any weaknesses which in the course of its administration may turn up. I am under no illusions about that, and I think any legislator who has been on the Hill for very long would know that the very nature of the process is one where amendments are introduced from time to time. So, I would say, yes, if difficulties do emerge in the other areas or any area, for that matter, of a practical nature, then I would anticipate that there would be amendments brought forward; and, if I were minister, I would certainly want to recommend to my cabinet colleagues that such amendments be brought forward.

The Chairman: Once this morning, in dealing with real estate, I think you used the expression about appropriate measures. I assume you meant appropriate amendments.

Hon. Mr. Gillespie: I think I was perhaps referring to the judicial review question when I was talking about appropriate measures. I do not think we actually got into a very detailed discussion on the real estate issue. I think that in my opening remarks I referred to the real estate area and the fact that this had been one of the areas of your concern.

The Chairman: According to the transcript, Mr. Minister, this is what you said. You were talking about the provision of an appeal process. You said you would probably seek legal advice first, and that was a smart answer! It was a good answer. Then you said:

I would want to get the advice of the Department of Justice. I do not hold myself out as an expert when it comes to understanding legal opinion, but as I understand the position, clause 18 would provide for the review that you seek. In the event that experience indicated that the opportunities for that review were not there, or that that clause did not apply, then I would seek appropriate measures, or recommend to my colleagues that they take appropriate action to ensure such review.

I assume from that language that you only meant one thing, and that is that you were talking in terms of amendment.

Hon. Mr. Gillespie: When I talked about seeking appropriate measures?

The Chairman: Yes.