

Regulations and other Statutory Instruments

We had hoped to be able to deal with Canagrex today rather than at the end of next week. I understand my hon. colleague is now asking for concurrence in the twelfth report without debate. Yes, provided we do not have to debate the thirteenth report.

Mr. Clark: No relation.

Mr. Pinard: The Leader of the Opposition (Mr. Clark) says there is no relation. I make the relation.

Mr. Clark: We will debate them all.

Mr. Pinard: I am saying that our consent will be given if we do not have to debate the thirteenth report today. If we have to debate the thirteenth report today, there will be no consent, and we will have to deal with Canagrex some time next week or in the following week.

Mr. Beatty: Madam Speaker, if that is the disposition of the President of the Privy Council, would you simply call the motion for concurrence in the thirteenth report, please.

CONCURRENCE IN THIRTEENTH REPORT OF STANDING
COMMITTEE

Hon. Perrin Beatty (Wellington-Dufferin-Simcoe): Madam Speaker, I should like to move that the thirteenth report of the Standing Joint Committee on Regulations and other Statutory Instruments, presented to the House on Tuesday, June 29, 1982, be concurred in.

Some hon. Members: No.

Mr. Beatty: I am disappointed that we so quickly hear "no" on the other side, before we have even had an opportunity to discuss the substance of the thirteenth report of the standing joint committee. The report was unanimously presented to the House of Commons. Members of all parties, both in the Senate and in the House of Commons were unanimous. I regret that the government House leader decided to attach conditions on his approval of the twelfth report. So be it. We will have to deal with the twelfth report at another time.

I believe it is essential, before this House recesses for the summer, that some of these motions for concurrence which stand in my name on behalf of the standing joint committee be called either to receive concurrence or at least so that we can have the opportunity to have a debate in the House of Commons.

● (1510)

Over the years we have found that for a series of motions for concurrence in unanimous committee reports which have sat on the Order Paper in my name, there has been no provision for assurance that the matter will be brought back to the House or no way of assuring support by Parliament for a bipartisan effort by the committee to draw to the attention of Parliament the deficiencies that we feel exist in the statutory instruments we have been asked to examine.

There is no issue that can be more important for Parliament than the question whether the government is acting within the

law and whether it has acted in a way consistent with the intent of Parliament. No Member of Parliament and certainly no chairman of a committee could stand by with any propriety, after a committee has found that the government has acted in a way which in the committee's opinion was ultra vires, and simply set that to one side when the minister responsible has written to the committee to say that, as far as he is concerned, he intends to take no action whatsoever.

Either way, as custodians of the public interest we have a responsibility to ensure that the government is held to account and that its actions are within the law. If we do not make sure of that, then no one is protecting the interests of the people of Canada. That is why I think it is essential, before the House considers breaking for the summer, that we look at some of these reports where a parliamentary committee has unanimously found that the government has acted in an improper way and that it should change its pattern of behaviour.

Another point I should stress is that we still do not know whether it is the intention of the government to put an end to this session of Parliament. If the government decides to call an end to this session, these reports will die on the Order Paper. There will be no way of bringing them before Parliament for the discussion and debate that is provided for in the rules of the House of Commons. That is why it is essential that we ensure that these matters are not simply left in limbo indefinitely. It is essential that Parliament consider some of them at this time.

On June 29, on behalf of the standing joint committee, I presented its unanimous report which deals with the regulations made under the Fisheries Act, the Atlantic coast marine plant regulations, SOR 81-363. The committee's concern about these regulations and the predecessor regulations goes back as far as 1979 when we first became aware of some of the problems with them. The act gives to the government the authority to make regulations and to issue permits for the harvesting of Irish moss, among other things, which is used commercially in Canada. That authority is given to the government and it is allowed to put conditions on the permits which are issued.

When we looked at the original regulations we found that they were written in such a way as to allow the government to suspend the right to harvest indefinitely. We found that that was not provided for in the Act of Parliament passed by this House and the Senate. We wrote to the Minister of Fisheries and Oceans (Mr. LeBlanc), bringing this to his attention and asking that action be taken to bring the government's regulations and its actions into conformity with the law. I think that is a reasonable request to make.

Ultimately, the government amended the regulations which were of concern. However, it attempted to do indirectly what it could not do directly, that is, to put an indefinite suspension of a right in place through a rewording of the regulations when it realized it could not do so directly. Instead of not specifying a time period in which harvesting would not be allowed, it