

Anti-Inflation Act

over, the fact that in this case a committee of the House of Commons would be investigating the work or operations of a joint committee makes it even more difficult and, from a jurisdictional point of view, more awkward.

The question may be asked: If this does not constitute a question of privilege, is the House without a remedy in these circumstances? I think all hon. members would be quick to agree that such is not the case. In the first place, a substantive motion can be put forward for an investigation, presumably by joint action in this and the other place. Since it would not, in those circumstances, be under the restriction of privilege, it would likely have more freedom from a procedural point of view.

Furthermore, it seems to me that there might not be great difficulty in the committee itself, because since it is a joint committee of both places it can, if it wishes, investigate further into this mishap and may proceed to do so. Of course, I am referring to hypothetical circumstances now. If there were a difficulty posed by the terms of reference in connection with this special joint committee, it seems to me, from the attitude expressed from all sides of the House yesterday, that there would be little difficulty in having those terms of reference expanded if, indeed, that were necessary. I would think there would be considerable question as to whether it would be necessary for the committee to obtain extended terms of reference if it wished to inquire into the circumstances surrounding the leak of a confidential report. However, I put that forward only as a suggestion which hon. members may wish to consider.

As I say, because the motion lacks precision and specific detail alleging conduct which constitutes a breach of the privileges of this House, from a procedural point of view—while it deals with a point which in the abstract or in general terms certainly touches upon the privileges of the House—I feel the motion is not sufficiently specific to enable the Chair to grant a question of privilege at this time.

Orders of the day. The hon. member for Edmonton West (Mr. Lambert).

● (1510)

Mr. Lambert (Edmonton West): Mr. Speaker, may I go to another point of order which does not touch upon the privileges of the House and perhaps will not present Your Honour with quite so much difficulty. The point I wish to make is that the royal recommendation appearing in Bill C-73 and in *Votes and Proceedings* of October 16 reads:

His Excellency the Governor General recommends to the House of Commons a measure to provide for the restraint of profit margins, prices, dividends and compensation in Canada and to provide for the measure to expire on December 31, 1978.

I would draw to your attention clauses 26(2) and 46(2). Clause 26(2) provides for four-year appointments, which are far beyond the termination date of the bill as set out in clause 46(2). May I put clause 26(2) on the record:

The chairman of the appeal tribunal shall be appointed to hold office during good behaviour for a term not exceeding four years but may be removed by the governor in council for cause, and each other member shall be appointed to hold office during pleasure for a term not exceeding four years.

The termination date of the bill, under clause 46(2), clearly being December 31, 1978, this House has no author-

[Mr. Speaker.]

ity to make any appointment beyond December 31, 1978, of any member of the tribunal. The limitation of expenditure, as set out in the recommendation of the governor in council, is very clearly and flatly that the measure shall expire on December 31, 1978. Incidentally, clause 46(2) authorizes this House, by regulation prior to the expiry of the bill in 1978, to continue the measure in force as specified in an order of the House. But that provision is not in the recommendation.

I grant you, Mr. Speaker, this is a very technical point, but again I bring to your attention, as I have with budget bills, that the government must follow, in presenting its legislation, the limitations of the authority it seeks. I would therefore ask Your Honour to take this point under advisement and, if you are persuaded by my argument, to direct that the offending clauses be amended to conform with the recommendation or that a new recommendation be brought in in accordance with the intent of the bill as presented. It is either one thing or the other; we cannot have this bastard arrangement that exists in the present bill along with the recommendation that is on the order paper and which is also part of the bill.

Mr. Sharp: Mr. Speaker, the hon. gentleman for Edmonton West (Mr. Lambert) has raised another technical question I agree with him that the point should be clarified, and I think the suggestion he has made that it be clarified by action other than withdrawal of the bill is the kind of action that I hope you will take if you find there is substance to the point he has raised.

May I draw Your Honour's attention to clause 46(2) and (5) of the bill. Subclause (2) provides:

This act expires on December 31, 1978, or on such earlier date as may be fixed by proclamation unless, before December 31, 1978, or any earlier date fixed by proclamation, an order in council is made to the effect that this act shall continue in force for such period of time as may be set out in the order in council.

Subclause (5) provides:

Failure of either House or both Houses of Parliament to resolve that an order in council referred to in subsection (2) be approved does not affect the validity of any action taken or not taken in reliance on the Order in Council prior to the conclusion of consideration thereof pursuant to subsection (3).

Clause 26(2) provides for a term of office not exceeding four years. I would submit that if in fact the governor in council were to make an appointment for four years and then later it was found desirable not to extend the act, then at least that appointment would continue to be valid.

As to the other point, whether it exceeds the royal recommendation, I suggest that is a very technical point. Indeed, if I were to follow the line of the hon. member for Edmonton West, I might argue that the final words, which provide for the measure to expire on December 31, 1978, are insufficient because there is in fact provision in the bill for an extension of the time by an order in council that shall be considered in this House and approved or disapproved. So I suggest, Mr. Speaker, that this is a very technical point. I would argue that the bill is within the general ambit of the royal recommendation.

Mr. Speaker: As usual, the hon. member for Edmonton West (Mr. Lambert) has raised a very interesting point. Use of the words "not exceeding four years" in clause