

Federal-Provincial Arrangements Act

as I indicated in my motion, would not ipso facto have the effect of negating the order in council, but I think no governor in council faced with a negative resolution would dare maintain such a regulation. That is a point which would have to be considered, obviously, by the governor in council. It seems to me it is inherent that if there is to be an agreement there is much to be said for it being between equals. Yet in the statute which embodies the agreement maybe 50 per cent or 60 per cent of the power is reserved unilaterally to the governor in council without consultation with or consent of the provinces. This I find fundamentally wrong.

If there is something that has to be highlighted on behalf of the provinces, then so be it. After all, I would hope that during the course of this debate either the President of the Treasury Board (Mr. Drury) or the Minister of State (Mr. Mahoney) could give us an undertaking on behalf of the government with regard to the other matter of the Statutory Instruments Act. I have raised this question because the Statutory Instruments Act applies to clause 32 of the bill. It is to apply to every section of every act authorizing the governor in council to make regulations.

Months have now passed since the passage of the act, and nothing concrete has been done. It may be that through, shall we say, informal channels some work has been done, but nothing has been done with regard to this or any other act and the House is being asked to pass this bill giving the governor in council *carte-blanche* again. The governor in council may make regulations generally for carrying into effect the purposes and provisions of the act, with some other definitions in between. There is no undertaking with regard to the Statutory Instruments Act. Parliament passed the Statutory Instruments Act and it is now law. Yet we have the governor in council defying the law that this House passed and then coming along and saying, "Give to the governor in council full power again to make statutory instruments, but we deny to parliament the right to review what this provides for." I say that is unacceptable to this House.

It behooves the government to now tell us when we will have positive action and will see the resolutions with regard to the setting up of the committee under the Statutory Instruments Act and all the appropriate changes in the rules so that they can be carried out. Beyond this I have nothing to add to my argument. This is the purpose of my argument: we must have some form of review of statutory instruments. I would think that if we in Parliament cannot provide for a review then we should let the people who are chiefly concerned, the representatives of the provinces, have the right to review regulations.

Remember, this is not a suspensory form of resolution. The regulation has effect unless revoked. It cannot be revoked at some indefinite time in the future but, rather, at the first plenary session of either first ministers of the provinces and of Canada or the finance ministers of the provinces and of Canada. We have a problem which I want to highlight with my amendment and I hope the House will support me.

Hon. P. M. Mahoney (Minister of State): Mr. Speaker, if we need any arguments to support the proposition that the motion should be defeated, the hon. member for

[Mr. Lambert (Edmonton West).]

Edmonton West (Mr. Lambert) who proposed it has certainly given them to us. Really, we are being asked to entertain a very serious amendment to a very serious bill that forms the financial framework of our confederation because of his dissatisfaction with what he feels is lack of action by the government in bringing forth procedures under an entirely different piece of legislation, the Statutory Instruments Act.

I would not denigrate for a moment the seriousness or importance of that act but I do not feel, as important as it may be, that that type of dissatisfaction stands as a valid ground for making unworkable the financial arrangements which exist between the federal government and the provinces on shared-cost programs. This is a curious, if not astonishing amendment to put before the Parliament of Canada. Basically, of course, it would give to provincial governments, provincial cabinets and provincial first ministers—not provincial legislatures and not provincial members—a veto power over changes in a federal program or a series of federal programs.

"The first plenary session of the first ministers of Canada and the provinces" is the expression used in the amendment. Unlike the parliament of Canada or the legislatures of the provinces, the first plenary session of the first ministers of Canada is not something that is bound to meet at any particular time. There have been in our history periods when there have been years between meetings of provincial premiers and the Prime Minister of Canada. There have been other periods in recent years, of course, when these meetings have been very frequent.

It is possible that the financial arrangements on which our confederation is largely based could be established on a basis that the federal government could put forward the regulations and continue the operation of these programs for a period of months or years, and then find that the next plenary session of this particular group could nullify the whole operation. This would be totally unacceptable. This is an exercise in charity and I do, in charity, thank the hon. member for Edmonton West for bringing forward these two amendments, the one that has been withdrawn and the one we are now considering, because they have given members on all sides of the House an opportunity to express their views on very serious matters.

The question of post-secondary education dealt with under the previous amendment specifically is one which must be of great concern to us. I suppose it should be noted that while the bulk of the particular programs that are envisaged under this bill are continued for five years, the post-secondary education program under part VI of the bill is continued for two years only. Obviously, this is a matter that is now under review and under discussion with the provincial governments.

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The balkanization of Canada in respect of post-secondary education or in any other respect is not an objective of the federal government. From that point of view I thank the hon. member for bringing these amendments before the House because it has given all of us an opportunity to debate them. However, the amendments per se are manifestly not acceptable, are manifestly unworkable and perhaps having accomplished the purpose for which they