

did give a specified time-frame, the effect of so doing was such that it did not change the issue which the committee was examining. So it is that issue with which we are dealing today.

Considering the manner in which this matter could be addressed, the committee said in its report:

If your Committee is wrong in its legal conclusion it is of the view that Parliament never intended, in enacting Section 34.3(b), of the Fisheries Act, to allow a licence to be in effect suspended indefinitely and that the attempt to achieve this result by specifying an indefinite period of prohibition amounts to an unusual and unexpected use of power.

The committee has been very positive, and I think that has been the understanding of hon. members in general. Not only has it been the watchdog of Parliament in seeing that regulations are in keeping with legislation passed and within the spirit of such legislation, but the committee also went on to offer certain remedies or recommendations to the minister, and obviously did not accept the remedy which the minister thought would satisfy, at least in the narrow, technical sense, the wishes of the committee. The committee went on to state in its report:

If, however, a power is needed to suspend a licence in a particular area for an indefinite period, Parliament should be asked to grant the power. The minister has rejected this course as impractical.

Today in the House the minister again rejected it as impractical, because it means that he must open the act. It means that he must find time in the House of Commons to open up the prior Fisheries Act. He knows, I know and hon. members of the House in general understand that once one opens the act, anything relating to fisheries can be debated. Maybe that is also an area which we should be examining in the parliamentary committee. I see that the assistant to the Privy Council is here and he also sits on the special committee on parliamentary reform. We should perhaps examine how to pass housekeeping legislation.

The minister found it impractical and he has given his reasons, but the fact remains that even though that difficulty remains, it still did not satisfy the committee. The committee, in its positive way, went on to state that the minister:

—has also rejected your Committee's suggestion that the conditions attached to licences be altered so that they specify on their face that they can not be used in the location now specified in Section 6(a) of the Regulations.

There was another remedy given, that if one could get at the problem from the point of time, then possibly one could bring in regulations which would have changed the operation in view of the licences which were being issued. However, I think the committee makes its conclusions very pointedly when it states:

By rejecting these suggestions the Minister is issuing or continuing in force licences which are in a sense counterfeit. Your Committee regards this as an abuse of Section 34.3(b) of the Fisheries Act.

It is the responsibility of the minister to issue licences which are valid. He has the responsibility to issue licences which are within the legislation and within regulations which are not in violation of the legislation. That has not been done.

I take some hope from the minister's positive comments today that he is also looking for a solution. However, I think this question goes beyond the narrow confines of the Fisheries Act. This is a larger question which is twofold. One is the question of legality. Parliament must at all times operate within the confines of the law. The law gives power, but the

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law also confines. It is the responsibility of every minister and every hon. member in the House of Commons to consider that. In fact, I suggest that is why the committee was established in the first place. I do not want to impute any motives and I am not, but in any act the regulations can be seen to be ultra vires the legislation. That is why Parliament has seen fit to form the committee, in order that those conundrums or difficulties, if they develop, can be brought to the light of day and changed.

I also consider legislation which has taken a longer period of time to prepare. I call to mind the changes to the Immigration Act. Hon. members will recall that there was a controversial issue and changes to the Immigration Act were found necessary. We all recognized that. The government at the time was not sure of the best manner in which to approach it, so it introduced a green paper. I know there were some skeptics concerning the green paper approach and whether or not it would lead to good legislation or to any legislation at all, but after an extensive debate on the subject of the green paper in Ottawa, that committee hit the road. It was one of the most interesting experiences I had in the House because we very quickly found that every immigration issue seemed to be brought before the committee. There were times when we needed police escort out of certain Canadian cities because of the anger generated by the government's immigration policy. But we did give a majority report. Most members on both sides of the House agreed with the thrust of the report. Out of that report, the Immigration Act was then finally brought forward.

The point I am trying to make is that when the committee handed in its report—the legislation had gone to the Standing Committee on Labour, Manpower and Immigration at that time—it was interesting to note that the members who had been through this long process of legislation-making, who were well-informed as to the issues, could look at a specific clause and very quickly realize the likely effect of such a clause. I forget how many amendments were brought forward at that time, but I know that the members of that committee from this party brought forward some 95 amendments. Many of them were approved. To this day, I still believe the reason was that there was a good spirit in that committee in trying to develop the best legislation, the best immigration policy we could.

But there was one lack even in that process. All of us recognized that while the Immigration Act brought forward intentions or gave general guidelines and rules as to how immigration would be administered in Canada, the nitty-gritty of that Immigration Act involved the regulations which would be promulgated by the government, flowing out of the act. Despite our expertise in the committee, we had no ability to persuade the government to state how those regulations might first be promulgated and then interpreted in view of the legislation.

In fairness to the government, and I want to be fair, it did bring in some draft regulations. It was possibly the first time the government brought in draft regulations and tried to show that, while they were not complete regulations, that was the