

National Defence Act Amendment

committee on defence for examination, as I will propose for any regulations which may be made with regard to any amendment, and that these be examined. We have had this undertaking in the finance committee under the Bank Act where a sort of *carte blanche* is being given to the minister to flesh out a general authority given by parliament. I think that the more we develop the practice in this parliament that regulations made pursuant to these general authorities be referred back to the committee which is dealing with the legislation, the better off we are going to be. Far too great a practice has arisen in the years past to rely on this *carte blanche* authority, which is not reviewable by parliament. I would like to know what the minister—

At that point the hon. member for Edmonton West was interrupted by the chairman and then the hon. member continued:

I want the regulations as indicated in section 21 (2) as proposed be referred back and the minister can be given an invitation here. We respect that type of undertaking, as we have done in the finance committee with regard to the Bank Act, with what we have done with the Insurance Deposit Act and others. These regulations will be, as soon as they are prepared and if the house is sitting and this committee is sitting, brought in and referred back to the committee, not merely tabled as an order in council.

The minister, after some further interjections, replied:

If you mean regulations after enactment, I do not see why this could not be arranged.

I should like to ask the minister whether or not these regulations could be brought back to the committee for review prior to the bill being proclaimed.

Mr. Hellyer: I would not like to give that undertaking because it will mean a delay. However, my undertaking to have them referred once they are proclaimed is good. I am sure that at that time the committee or the house, if they want to, would be in a position to pass judgment on them in the normal manner. There are opportunities in the house on motions of non-confidence and that sort of thing to deal with the situation where regulations have been referred and they do not meet with the general approval of the house.

Mr. MacLean (Queens): Clause 3 reads in part as follows:

Subsections (1) and (2) of section 21 of the said act are repealed and the following substituted therefor:

21 (1) Commissions of officers in the Canadian Forces shall be granted by Her Majesty during pleasure.

Subsection 1 of section 21 provides for all commissions for all officers of the Royal Canadian Navy, the Canadian Army and the Royal Canadian Air Force and says that those

commissions shall be granted by Her Majesty during pleasure. When the bill we are now considering is proclaimed the section I have just quoted will no longer be part of the law. I assume, therefore, that all commissions now held by officers in our three services will cease to have any validity. I should like to know if my assumption is correct.

Mr. Hellyer: I think the situation is covered by subclause 2 of clause 6.

Mr. MacLean (Queens): We have here a situation which is the type of thing about which I was talking a little while ago except that in this case it applies to commissioned officers. Upon the proclamation of this bill, as I understand it, present commissions will no longer have any validity. They constitute the terms under which present serving officers engaged in the service. When Her Majesty's pleasure, as it is expressed, has ceased to exist, those commissions in the navy, air force and army will no longer exist. Apparently the minister takes the easy view—so what? These people are going to be commissioned into the new force. These are not the terms under which these officers undertook to serve in the first instance. They undertook to serve in one of the three services.

• (2:40 p.m.)

I am not just being difficult; I sincerely believe it would be recognized as a fact that the commissions of serving officers would no longer be valid. The terms under which they engaged will no longer be valid because they are being abrogated by parliament. Therefore there should be no compulsion on them to accept commissions in the new force. They should, of course, be given the first priority in accepting commissions in the new force if they so desire, but in fairness I do not think that there should be any obligation upon a serving officer to continue to serve in the new force unless he wishes to do so voluntarily.

What we have is a situation where men have embarked on a career on certain conditions which can be very binding upon them and difficult for them under certain circumstances. The conditions of the agreement entered into are enforced in many cases at great inconvenience to the individual. But when it is convenient to the government to do so the government take it upon themselves to abrogate the agreement and to substitute something else. It is like changing the rules half way through the game.