

Export Development Act

With respect to the statutory instruments committee we also amended the Standing Orders to give effect to the design that any statutory instrument, any regulation, be automatically referred, or, in other words, that the committee have authority to examine any statutory instrument or regulation. Otherwise, there would be no purpose for the committee to exist, if it had to wait for an order of reference. It is there as a safeguard against an abuse of power contained in statutory instruments or regulations, and therefore it should have authority to look into every regulation as it is passed.

Those two specific purposes resulted in corresponding amendments to our Standing Orders. Both of those had a clear and explicit purpose. Now we have moved to clauses which say that reports of Crown corporations, once tabled, will be referred automatically to a standing committee. Once again a very meritorious objective, but there is no concurrent amendment to the Standing Orders. That is one very important step away from the original example.

In the forthcoming report stage of the oil and gas measure to which I referred earlier, an amendment has been passed in committee which takes it one step further again. Because in this respect—and I think we will have to look at it very carefully—no report was to be filed, no order was to be made by any board, no statutory instrument and no regulations would be passed; in fact, nothing would take place except that five years hence the act, which is on the statute books, will be referred to a committee. The language of the act suggests that several committees may be involved because several committees may claim jurisdiction, and they are all required, by the language of the statute, to activate themselves, to work quickly and deliberately and to report to parliament.

It may be that procedurally I am stretching too far in trying to stop the practice, and perhaps it is clarity and draftsmanship that is concerned here; but I will not intervene in the motion of the hon. member for York-Simcoe, because examples of it have been repeated in the statute books several times previously and it is exactly in conformity with those provisions, as he said earlier today.

However, I am now worried that we have gone one step further in the oil and gas measure, because there is no intervening step, no initiative taken by any member of parliament, not that parliament will review the practice in the situation with respect to the bill, but that automatically, without any action on the part of any person, without the tabling of any order or regulation or the filing of any report, there is a reference to a standing committee, not to parliament. If that is not bad procedure, it is certainly a vague and dangerous practice.

I simply want to say to the House that the motion of the hon. member for York-Simcoe is procedurally acceptable. However, it seems to be used as a steppingstone to another practice in the oil and gas measure which is close to being too vague to be acceptable on procedural grounds; and if it is acceptable on procedural grounds, it is certainly a dangerous practice in terms of attempting to predict five years into the future, with lack of precision as to how it will be accomplished.

[Mr. Speaker.]

I warn members that when that measure comes forward we should look at it again, whether this week or whenever it comes before us. We should receive the arguments that have been prepared now to see whether it is not too great an extension of the principle which was established on stronger grounds than the ones we find now.

Mr. Stevens: Mr. Speaker, I thank you for your ruling with respect to motion No. 5, but in line with your thinking, in which you have raised considerable doubt concerning a similar provision in the oil and gas legislation, I wonder if you have directed your thoughts to Bill C-60, the constitution bill, which seems to be the ultimate extension of what I think is giving you some trouble in that it is proposed in the bill to make various provisions somehow or other binding on future parliaments. I wonder if before that bill is debated some thought could be given as to whether or not it is procedurally out of order.

Mr. Speaker: It being six o'clock, I do now leave the chair until eight o'clock this evening.

At 6:10 p.m. the House took recess.

● (2002)

AFTER RECESS

The House resumed at 8 p.m.

The Acting Speaker (Mr. Turner): Order, please. Is the House ready for the question?

Some hon. Members: Question.

The Acting Speaker (Mr. Turner): I understand the vote on motion No. 1 will dispose of motion No. 3.

Mr. Stevens: Mr. Speaker, I rise on a point of order. I believe there was some understanding that there would be a deferred vote on the various motions.

The Acting Speaker (Mr. Turner): My understanding of the Standing Orders is that the Chair has the right to postpone the vote until both motions are disposed of.

Is it the pleasure of the House to adopt motion No. 3?

Some hon. Members: Agreed.

Some hon. Members: No.

The Acting Speaker (Mr. Turner): All those in favour will please say yea.

Some hon. Members: Yea.

The Acting Speaker (Mr. Turner): All those opposed will please say nay.

Some hon. Members: Nay.