

Hon. Marcel Lambert (Edmonton West): Mr. Speaker, there are aspects of this bill which the parliamentary secretary has not covered. It is one of those sleeper bills. Immediately after I had read it the first time, I was tempted to think it could be handled in the way such measures are often handled on a Friday afternoon, that is to say, dealt with in committee of the whole and passed through all its stages. Then an innate sense of conservatism and my instincts as a lawyer caused me to reflect further. I looked at the bill again, and I am satisfied that my second thought was superior to the first.

As Your Honour knows, after a good deal of struggle on this side of the House a committee has been set up to deal with statutory instruments. That committee has under its examination—and it can examine not only once but, if necessary, a second or third time—any instrument executed by way of delegation of powers and incorporated either in an order in council or some other statutory instrument.

● (1450)

Unfortunately, there has arisen a difference of opinion between members of the committee of both this House and the other place, on the one hand, and officers of the administration, on the other hand, as to what constitutes a statutory instrument, the more restrictive interpretation naturally being applied by the administrative officers.

As the Satisfied Securities Act provides, there would have to be an order in council passed to discharge any particular security in favour of Her Majesty regarding not only affairs dealing with Indian lands but, I suggest, also the parks department. I suggest that would have some interest as well.

I cannot agree with the parliamentary secretary that mere administrative convenience shall be the overriding consideration. I know it is difficult to have all of these orders in council cluttering up the landscape, and I also realize many other orders in council are having to go through. I remember, when dealing with the Immigration Act, often the admission to Canada of an immigrant, after initial admittance by ministerial permit, had to be validated by order in council, which was perhaps anything from five to six months after the event.

In this particular instance, not merely administrative requirements have to be met under the Satisfied Securities Act; the rights and obligations of subjects of the land must also be recognized. As long as the Satisfied Securities Act is in force, an order in council discharging the right of the Crown against any land held by a subject shall be subject to scrutiny by the statutory instruments committee.

As I have indicated privately to the minister, when we get into committee we want to get an answer to the question whether there is a guarantee that the instruments to be executed by any minister in any form authorized by the deputy attorney general—I am not too sure that the language of the new section of the Financial Administration Act is any more felicitous from a legal point of view than the provision in the Satisfied Securities Act—are not merely departmental documents but will also be subject to examination. Not only the

Financial Administration Act

parties themselves but the interests of the public can be satisfied by examination.

The proposal that is before the House in this bill merely means that a minister may execute the discharge of a security, in whatever form it is, and that it will then be sent out, say to a land titles office, where the discharge of the security is registered. Outside of that there is no other means of examining the document, whereas under an order in council, of course, the document is to be examined by the statutory instruments committee.

That is basically my point this afternoon, Mr. Speaker, and it is the question on which my colleagues and I will have to be satisfied in committee. Let me reiterate that this motion to give the bill second reading is not an acceptance of the bill. The motion is that the bill be read the second time and referred to the committee for examination. Then the bill is read the second time, after the report stage, if one examines our procedures. I would therefore recommend to the members of the House that the bill be read the second time and referred to the committee so that the committee can look into the judgment of what is the better legal position under either the Satisfied Securities Act or under this amendment to the Financial Administration Act.

Mr. Stanley Knowles (Winnipeg North Centre): Mr. Speaker, I had thought that the first reaction of the hon. member for Edmonton West (Mr. Lambert) was the correct one. In fact, at that point I felt that he had stolen the sentence that I was going to offer, namely that this bill is so simple that we might as well take it in committee of the whole and complete the job this afternoon. I see that he has now been drawn away from that position; he feels that the bill should go to the Standing Committee on Finance, Trade and Economic Affairs. I have listened to his argument but he has not convinced me.

There are times around here when we demand the right to see more things, and so on, but there are other times when we complain about the place being cluttered with too much detail. It strikes me that this is a very simple administrative process that ought not to clutter the work of the committee on statutory instruments or any other body, and I feel that it would have been better just to finish the job this afternoon. Of course, this would require unanimous consent, so all I can say is that if we are prepared to agree to second reading of the bill, and if there is still a suggestion that it be dealt with in committee of the whole, we would agree with that as well.

Motion agreed to, bill read the second time and referred to the Standing Committee on Finance, Trade and Economic Affairs.