

Energy, Mines and Resources

people of Canada and exercised its responsibility as custodian of the public purse. Then, under the current provisions of the bill, we would find that unless the Senate passed a similar negative motion, they would have in essence a veto. The Senate's failure to veto also the government's decision, its failure to reiterate a House of Commons vote, would give the government the authorization to go ahead over the express opposition of the House of Commons. My guess is that the only reason we see a somewhat improved provision here for a negative resolution is that the government recognized the very real prospect that the incorporation of a Crown corporation under that sort of procedure could very well be struck down in the courts. The government does not want to run that risk and consequently is proposing a whole new procedure here for negative resolutions.

There was a rather amusing exchange of letters between the chairman of the Standing Joint Committee on Regulations and Other Statutory Instruments and the Minister of Energy, Mines and Resources (Mr. Lalonde), where the chairman expressed very serious concerns about the negative resolution procedures in the bill. The government then put down this amendment which they were proposing. However, last week we received from the minister a letter stating that he rejected the concerns of the committee. As far as he was concerned, the procedure was adequate, notwithstanding the fact he had already moved an amendment to change it. It was a curious action on the part of the minister because he indicated that he simply was not aware of what he was doing.

What do we have now, Mr. Speaker? We have a provision which is infinitely preferable to the existing one. The Senate will not have the ability to overrule the House of Commons and authorize the creation of new Crown corporations which the House has specifically rejected. However, we have a curious lack of symmetry in the bill. There is the belief, which most of us in the committee have cherished for some time, that where you have a negative resolution procedure, either House passing a negative resolution should be enough to cast a veto on a statutory instrument. Yet what we have is a provision in this amendment whereby those negative resolutions can be initiated here but not in the Senate. By the same token, there is a provision where if the minister, under some unexplained circumstances, chose to put forward an affirmative resolution, he could do so, but it would have to be initiated in the House of Commons.

It makes sense to me, Mr. Speaker, and I am sure it would to all members of the House, that if the government is going to go to the trouble of putting down an affirmative motion, it should be entitled to do so in either the House or the Senate. Indeed, because of the legislative demands on our schedule here in the House, it often makes sense that other actions such as this should be initiated in the Senate where the schedule is less intense.

It is surprising that the government proposed an amendment which goes some way to addressing the House's concern, but creates a complete lack of symmetry and a situation where action cannot be initiated in the Senate to strike down or

affirm the statutory instrument. It would have been our strong preference to give the option to the Senate to initiate that action there instead of having to wait until the House had disposed of the matter.

Having said that, the proposal before the House today is infinitely preferable to what is in the bill at the present time. This amendment, if passed, may result in a bill which was unconstitutional again coming into conformity with the Constitution of Canada. Consequently, we are prepared to accept that although we feel the measure proposed by the government only goes half way to meeting the concerns of members of the House.

The other point is that a negative or affirmative resolution procedure is no substitute for the government coming back to Parliament and putting down a bill to create a new Crown corporation and having it debated. Anyone who has had the opportunity to read the reports of VIA Rail Canada is aware of the fact that on two separate occasions the president of VIA Rail has said that perhaps the greatest problem facing that company is that their mandate was never spelled out by the Government or Parliament of Canada. They find themselves charged with the responsibility of running a passenger system which has never been properly mandated by Parliament; they have never been told by Parliament what is expected of them.

We have had no explanation whatsoever from the government as to the need for these new energy Crown corporations. Surely, if it was setting up the mechanism for them, one would have thought it would take the House of Commons into its confidence and explain why the government feels it may need to create an unlimited number of Crown corporations. Surely it would be preferable to deal with them on a case-by-case basis, and that in each instance where the government felt it was necessary to intrude in the marketplace and set up a new Crown corporation, it would have come back to Parliament with legislation to be debated in the same way as PetroCan. Instead, the sole parliamentary control will be through the procedure included in this amendment before us today. There will be, I believe, three hours of debate in the House and three hours in the Senate on what could be the setting up of a Crown corporation worth perhaps \$2 billion and with enormous consequences for industry. Yet our sole involvement in this House will be a three-hour debate.

I suggest to you, Mr. Speaker, that Parliament is irresponsible if we accept the proposition that a three-hour debate is adequate when the government is considering making a major intervention in the marketplace and possibly committing billions of tax dollars to a new Crown corporation. The issue is not whether or not there should be Crown corporations. That is an issue for another day, and we should be able to look at it on a case-by-case basis. The issue is not whether the government should be forbidden to incorporate a new Crown corporation in the future. How do we as trustees for the taxpayers of Canada discharge our responsibility and make sure that their tax dollars are spent in a way that is prudent and wise?