

Employment Support Bill

political relationships, its political alliances and, by definition, in its trade patterns.

For all these reasons I support the motion and hope we can have a vote on it so that we can get it out of the way as quickly as possible and proceed with the bill. I hope the minister will consider this motion and let it go through.

Mr. Mark MacGuigan (Windsor-Walkerville): Mr. Speaker, because of the importance of the subject which has been brought to our attention by the hon. member for Edmonton West (Mr. Lambert) in this proposed motion, I should like to direct a few comments to it. I think I may say I agree with the hon. member opposite that orders in council which are required in respect of statutory instruments in general should be open to debate in this Parliament. Indeed, that was one of the principal recommendations of the Special Committee on Statutory Instruments which reported earlier to this Parliament, recommendations which indeed were accepted by the government. Like other members of the House, I am anxiously awaiting introduction by the government of changes in the rules which will enable us to have a permanent scrutiny committee either of this House, of the Senate, or of both Houses together, which would enable Parliament, through an agreed on means, to find an efficient way to deal with problems of this kind.

As I say I agree with what I believe is the intention of the hon. member for Edmonton West, but I have two reasons other than those offered by the hon. member for Perry Sound-Muskoka (Mr. Aiken) for suggesting I do not agree with this motion as it appears here. First of all, I believe the solution ought to be a general solution and not one we attempt to work out on a statute by statute basis. Now we have reached the point of having a recommendation from the committee on this point, and the government has given its acceptance to that, I hope we can expect changes to the rules to be introduced in this Parliament to bring about a scrutiny committee. I would much prefer to await the introduction of those changes so that we would have a generally satisfactory system of achieving this purpose.

Secondly, I would not in any event be very happy with the requirement of an affirmative resolution. The general scheme I would envisage is rather the opposite. Parliament would have the right to negative a statutory instrument which the government had made but in very few, if any, cases should Parliament have the right to pass on a resolution before it was made. I am sorry—not a resolution but rather the passing of a statutory instrument before it is made.

Mr. Aiken: Mr. Speaker, may I ask the hon. member a question.

Mr. MacGuigan: Yes.

Mr. Aiken: I am wondering how he could perceive of Parliament passing on an Order in Council before it was promulgated by the government.

Mr. MacGuigan: I was not thinking about an Order in Council before it was promulgated by the government. As I understand this amendment, before the affirmative resolution by both Houses is promulgated the Order in Council would not take effect. My proposal would be just the

reverse. Parliament should have the right to negative generally. In cases where a scrutiny committee would report that a statutory instrument was not acceptable or was a very unusual departure from the ordinary method of procedure, if Parliament were to have a right of recourse it should be a right to negative what the government has done rather than stymie the whole administrative process by requiring approval in advance. To require approval in advance really eliminates the largest benefit of the whole regulation making process because one of the very important purposes of making regulations by the executive is to allow not only the development of greater expertise on the part of those making the regulations but also to enable this Parliament to free itself from the encumbrance of having to pass statutory instruments which are being made.

I realize the hon. member opposite will suggest this is a special case and that as such perhaps there should be an exception, but I do not believe there should be a special case here. I believe this should be treated on the same basis as other statutory instruments, and I hope we will have a general policy forthcoming from the government in explicit terms on this question.

Mr. G. W. Baldwin (Peace River): Mr. Speaker, I had intended to intervene briefly in any event, but the hon. member who has just resumed his seat has made it easier and more palliative for me to say what I intended to say. The hon. member of course was the chairman of the special committee appointed to inquire into the matter of statutory instruments and what should be done about them. This was a very good committee. It came up with a number of very useful recommendations. I must say, however, that when I look at the order paper I find item No. 96 to which the hon. member referred. It reads:

That Standing Order 65 (3) be amended by adding thereto the following:

“(c) On Regulations and other Statutory Instruments, to act as members on the part of this House on the Joint Committee of both Houses established for the purpose of reviewing and scrutinizing statutory instruments standing permanently referred thereto by section 26 of the Statutory Instruments Act, to consist of 12 members;”

This motion stands on the order paper because of the persistence of myself and other hon. members—I give credit to some members on the other side—in making sure that something is done about the Statutory Instruments Act. We have the act, but there has to be a useful, vigilant and ingenious committee. In this case, I have no objection to a committee of both Houses. My hon. friends to my left might take exception to this. It may, of course, be that we should have a committee of this House alone, but it is much better to have a committee of both Houses than no committee at all. When are we to get this new standing committee? I asked about the business of the House not so long ago and the intimation by the government House leader at that time was that the House would deal with the matters on the order paper in respect of which bills had reached the report stage.

• (4:50 p.m.)

This does not preclude the possibility of this particular committee being established. But there is no intimation of that from the government House leader, and having in