

Regulations and other Statutory Instruments

Hon. Jake Epp (Provencher): Mr. Speaker, as the seconder to the concurrence motion moved by my colleague, the hon. member for Wellington-Dufferin-Simcoe (Mr. Beatty), I would like to put a few comments on the record regarding the motion. Initially, I want to thank the hon. member for Wellington-Dufferin-Simcoe not only for the lucid manner in which he again demonstrated to the House his grasp of the subject matter in the Standing Joint Committee on Regulations and other Statutory Instruments, but also for his attempts in the House time after time to make the government and the bureaucracy more accountable to members of the House and, through us, more accountable to Canadians generally. I believe all of us have been impressed with the manner in which he has approached his work in the committee, co-chairing it with a member from the other place.

Before I get into the body of my comments I want to congratulate you, Mr. Speaker. It is my first opportunity to do so since you have taken your position of presiding over the affairs of the House.

Some hon. Members: Hear, hear!

Mr. Epp: In his response to the mover of the concurrence motion, the minister raised the dilemma in which a minister finds himself in terms of fulfilling the responsibilities of administration in a department and having the necessary legislative and regulatory authority to fulfil that responsibility, on the one hand, and fulfilling as well the intentions of the House of Commons which are, of course, embodied in legislation that govern the minister's responsibilities in his administration. I think that those of us who have occupied those chairs and have had that responsibility have faced that frustration of how to find time in the House to open up an act, because when so doing it takes up so much time of the House that not only can the amendments not take place, but you become involved in so many other areas that even the limited intention is eventually lost as well.

I recall that when I was Minister of Indian Affairs and Northern Development there was a strong attitude expressed in the House and throughout the country generally that the discriminatory clauses of the Indian Act should be amended, especially Section 12(1)(b) which discriminates against Indian women. Our government made a commitment to amend that section of the act, and while other sections in the Indian Act needed amendment, we felt it was pressing that Section 12(1)(b) be amended quickly. However, we found there was not enough time in the House to bring that matter before it to get that section in particular amended.

Since that time history now shows that not only has the act still not been amended even though we passed the Charter of Rights, but we have also found that for the first time in Canada's history it has had an issue brought before the Human Rights Commission of the United Nations. Canadians, through the House and its legislative process, have been found to be discriminating against Indian women by that international forum.

The minister's statement about that frustration, conundrum or dilemma is very valid. I also appreciated the suggestion by the minister that a mechanism is needed in terms of finding House time whereby what is referred to commonly as housekeeping amendments can, in fact, be brought forward.

I intend to address that subject in my comments today as I support the concurrence motion, especially as it relates to parliamentary reform. I think that it is one of the questions that should be addressed by the special committee which has been struck to consider parliamentary reform when it sits again in the early fall of this year.

What is important for members of the House to understand is what is meant by the concurrence motion. This is the thirteenth report of the committee in which it specifically looked at the Fisheries Act and Section 34, subsection (2) and whether the regulations flowing from that section were in violation of or ultra vires the legislation passed in the House. The issue might be seen as an unimportant one by some. It concerns the harvesting of marine plants. Obviously, it is important to those involved in that enterprise. Some might ask why it is necessarily an issue which a committee, co-chaired by my colleague for Wellington-Dufferin-Simcoe, should take the time to study both in the committee and the House. It is an important issue and I intend to use another example to show Canadians that the work the committee does is vitally important.

You will recall that a year ago, Mr. Speaker, during the Christmas recess of the House, the government passed an emergency planning order. That was also done by the regulatory process. That issue has created a great amount of concern in many parts of Canada as to whether that type of planning order has not gone beyond the regulatory scope of government or whether that matter should have been brought to the House of Commons and debated in the form of legislation. You will recall that during the FLQ crisis in 1970, at which time the Prime Minister (Mr. Trudeau) used the War Measures Act, he said that from then on he would bring in special legislation which would not be as draconian as the War Measures Act in order to deal with issues of a domestic nature.

Returning to the thirteenth report of the committee, the committee was looking at the Fisheries Act which has empowered the minister to set conditions for the issuance of licences for the harvesting of marine plants. But as well the committee pointed out that the conditions had to have a specified period of time. That was where the Standing Joint Committee on Regulations and other Statutory Instruments took issue with the regulations passed.

● (1600)

In an attempt to get around that difficulty, the minister did put in a time-frame, namely, from January 1 to December 31. I do not think it takes too much imagination to recognize that that takes care of an entire year, and if no date as to year is set out, it means that the licence will not be issued because the omission has taken care of every day of every year. While in a very narrow sense it might be argued by the minister that he