

*Privilege—Mr. McGrath*

particular issue and come to some conclusion about it, we would find ourselves seized with jurisdiction with respect to it maybe four or five months from now. We are not looking for work. I can assure Your Honour that with all governments and this bureaucracy we are guaranteed tremendous amounts of work so long as the committee is in existence, but it might well be that the committee on statutory instruments is the proper form to examine any issue should Your Honour come to a certain decision, and should the House decide that it is a matter which necessitates some examination. I just put those ideas forward for the benefit of the Chair.

**Mr. Speaker:** As a result of the last intervention by the hon. member for Peace River (Mr. Baldwin), I am wondering if there is any merit in considering the possibility of his committee getting to work at once on the examination of this particular regulation and statutory instrument, as it would do in the normal course in any event, and to suspend consideration of any matter of privilege until such time as the committee has had an opportunity to examine the regulation and report back to the House. That is in the normal course of the work of the statutory instruments committee. I am not considering that to be a special reference in any way. But as the hon. member has said, the statutory instruments committee in the normal course will have this before it, as it does all other regulations.

There seems to me to be two or three areas of argument here, and they are becoming intertwined. One of those has to do with whether or not the regulation has its roots in proper statutory authority. That is an argument that has not been waged by some members in support of this question of privilege, but it has been referred to by others. There also seems to be some argument as to whether or not this regulation and the section of the act referred to have an identical purpose. It would certainly help the Chair a great deal to be able to put those two questions aside. If the work of the statutory instruments committee, which will do that work any way, might accomplish that, it might be a worth-while consideration to think that this regulation be referred to them without prejudice to carrying this question of privilege forward after the statutory instruments committee has examined the regulation and reported to the House as it does in the normal course. From the point of the Chair this might be very helpful.

**Mr. McGrath:** Mr. Speaker, that is a very useful suggestion. However, it leaves us with one dilemma. We have a bill before us which contains a section which has already been incorporated by a statutory instrument, that is, by order in council, and we will have to address ourselves to that bill at third reading. If the debate on the bill can be suspended until the statutory instruments committee has a chance to deal with this, then that obviously would be the answer. If Your Honour would so rule, I think that would solve the problem.

**Hon. Bud Cullen (Minister of Employment and Immigration):** Mr. Speaker, even in the preamble of the hon. member's question he suggested a section of the act has been proclaimed. That is not the case. We are dealing with a specific issue here. Mr. Speaker has indicated that legal authority was provided.

[Mr. Baldwin.]

The timing aspect is significant. This view should be put and a ruling should be made. I do not think there is any question of contempt here or any breach of privilege. I would like to make my comments along that line.

● (1432)

It is fair to say that Bill C-14 with which we are dealing is a very complex piece of legislation. The issues have been hotly contested both before the bill was introduced and the announcement was made, and when the bill was tabled at first reading. Hon. members who have participated in the debate know that on occasion it has become somewhat rancorous.

I think the debate has been fruitful. It has been positive. There have been some suggestions on the bill here and there. We have had a thorough study of the bill. Witnesses appeared before the committee expressing their varying points of view. I believe we are now up to something like 32 meetings of the committee. It can hardly be said the bill has not received thorough study.

I am not in a position to suggest that we delay the implementation of this particular piece of legislation, important though it is, while we wait for the committee to study something I do not think in this instance has to be studied. The question of privilege can therefore be done away with.

One particular clause in Bill C-14 establishes a very specific and detailed regulation making authority. Members indicated they were not aware that there exists already a more general authority for similar regulations, and they were surprised to learn that a regulation had been made on October 26 under the existing authority.

I would like to deal with several aspects of this matter today, Mr. Speaker. The legal issue is whether there is authority under the present Unemployment Insurance Act to make the regulations which were recently published in the *Canada Gazette* or whether the authority set out in clause 2 of Bill C-14 is essential in order to make the desired regulations. In discussing this issue it should be understood that the regulations pertain to standards to be used by National Revenue in determining whether certain employment shall be excepted from coverage under the Unemployment Insurance Act.

When I determined the need to submit the regulations in question to the governor general in council for its approval, I was advised by my legal officers that there was present authority found in section 4(3)(f) of the act to support the making of the regulations and that it was not specifically necessary to await passage of Bill C-14. In fact the regulations replace earlier ones made under the same statutory authority which were never challenged as being ultra vires.

As all members should know, proposed regulations must be reviewed by Department of Justice officials, including the legal officers to the Privy Council office who examine the regulations in accordance with the requirements of the Statutory Instruments Act. That examination also involves a determination as to whether there is proper statutory authority to make the proposed regulations. I am satisfied that the appro-