

Energy, Mines and Resources

by that House, the particular order to which the motion relates shall stand revoked.

9. If a motion described in paragraph 7(2)(b) is adopted by the House of Commons, the particular order to which the motion relates shall stand revoked.

&ed1339;-1 10. (1) If a motion described in paragraph 7(2)(a) is taken up and considered by the House of Commons in accordance with subsection 7(3) and is adopted by that House, a message shall be sent from the House of Commons informing the Senate that the motion has been so adopted and requesting that the motion be concurred in by the Senate.

(2) Where a request for concurrence in a motion is made to the Senate pursuant to subsection (1), the Senate shall, not later than the fifth sitting day of Parliament following the receipt by the Senate of the request, take up and consider the motion.

(3) A motion taken up and considered in accordance with subsection (2) shall be debated without interruption for not more than three hours and, on the conclusion of such debate or at the expiration of the third such hour, the Speaker of the Senate shall forthwith, without further debate or amendment, put every question necessary to determine whether or not the motion in question is concurred in.

(4) If a motion taken up and considered in accordance with subsection (2) is concurred in by the Senate, the particular order to which the motion relates comes into force immediately on the concurrence therein.

(5) If a motion taken up and considered in accordance with subsection (2) is not concurred in by the Senate, the particular order to which the motion relates shall stand revoked.

11. (1) If a motion described in paragraph 7(2)(b) is taken up and considered by the House of Commons in accordance with subsection 7(3) but is not adopted by that House, the particular order to which the motion relates shall come into force on the fifth sitting day of Parliament after the failure of the House of Commons to adopt the motion unless before that day a motion to the effect that the order be revoked, signed by not less than fifteen members of the Senate, is filed with the Speaker of the Senate.

(2) Where a motion for the consideration of the Senate is filed as provided in subsection (1), the Senate shall, not later than the sixth sitting day of Parliament following the filing of the motion, take up and consider the motion.

(3) A motion taken up and considered in accordance with subsection (2) shall be debated without interruption for not more than three hours and, on the conclusion of such debate or at the expiration of the third such hour, the Speaker of the Senate shall forthwith, without further debate or amendment, put every question necessary for the disposition of the motion.

(4) If a motion taken up and considered in accordance with subsection (2) is adopted by the Senate, the particular order to which the motion relates shall stand revoked.

(5) If a motion taken up and considered in accordance with subsection (2) is not adopted by the Senate, the particular order to which the motion relates comes into force immediately on the failure of the Senate to adopt the motion.

12. An order of the Governor in Council under subsection 6(1) that has been laid before Parliament but has not come into force shall stand revoked on the dissolution or prorogation of Parliament.

13. For the purposes of this act "sitting day of Parliament" means a day on which either House of Parliament sits."

Mr. Dave Dingwall (Parliamentary Secretary to Minister of Energy, Mines and Resources): Mr. Speaker, very briefly, this amendment contains the procedure for an affirmative or negative resolution. It provides the following.

A motion for negative resolution can only be filed if no motion for affirmative resolution has been filed.

Where a motion for affirmative resolution is filed, if the House does not adopt the motion, the order is revoked and therefore the Senate does not play any role.

Where a motion for affirmative resolution is adopted by the House, the Senate will have an opportunity to look at the

order. If the Senate concurs with the House, the order will come into force. If the Senate does not concur with the House, the order is revoked.

Where a motion for negative resolution is filed, if the House adopts the motion, the order is revoked and the Senate has no role to play.

Where a motion for negative resolution is filed, if the House does not adopt the motion, the Senate has an opportunity to consider the order. If the Senate concurs with the House, the order enters into force. If the Senate does not concur with the House, the order is revoked.

Finally, it should be noted that the amendment provides for the situation where there is a dissolution or prorogation of Parliament. In this case, an order that has been laid before Parliament but has not come into force is revoked.

Mr. Ian Waddell (Vancouver-Kingsway): Mr. Speaker, we debated this matter in committee at some length, and before we got to committee the hon. member for Wellington-Dufferin-Simcoe (Mr. Beatty) gave a very succinct and well-thought-out speech on this issue in the House. The hon. member for Skeena (Mr. Fulton) did likewise. Both opposition parties agreed that this negative resolution procedure is an inadequate procedure at best. As the hon. member for Wellington-Dufferin-Simcoe pointed out, at the worst it is perhaps even an unconstitutional procedure.

This matter was debated in the committee with some care. The government has moved to bring an amendment forward, but it seems to us that we are still in the odious position of dealing with a bill containing a negative resolution aspect.

The reason we introduced an amendment a few minutes ago—and perhaps this should have been said then—is that there can be parties in the House which do not have 30 members. For example, in 1979 when I first came to this House, my party had only 26 members. Even if we had wanted to do so, we could not have mustered the 30 members necessary to deal with a negative resolution. Now we have 32. What is the magic in the number 30? If the government really wanted to be democratic, it could have reduced the number to ten. Perhaps we are past that, but we are still dealing with the negative resolution problem.

This goes back to the original problem of creating a Crown corporation. The government has basically asked to be allowed to create Crown corporations by order in council and, to allow some semblance of parliamentary scrutiny, the government has said it will allow a negative resolution, tabling and so forth. However, that does not really allow for a full and fair debate in Parliament such as there would be if the government brought in a bill and we had second reading debate and committee study and the bill returned to the House for third reading. That is the proper way to deal with matters and that is why Clause 1 of this bill is still defective.

I see it is six o'clock, Mr. Speaker. Perhaps I can conclude my remarks very briefly when we debate this, probably next Tuesday, and we will have a vote shortly thereafter.