

fore, I have for that reason, after some consideration, decided to support my hon. friend from Edmonton.

● (4:20 p.m.)

Mr. Robert McCleave (Halifax-East Hants): Mr. Speaker, I shall not be long, and I am sure if the minister finds any comfort in what I say he will regard it as the kind of comfort Job's friends gave Job. The fact is this situation proves that when these mammoth bills which contain many ramifications, such as the government organization bill, come up in this Parliament frequently we would be justified in calling them disorganization bills. I should simply like to quote from chapter 226 of the Revised Statutes of Canada 1952. I refer to section 27, which was wiped out by the reorganization bill of last year. The heading is "Canada Gazette, Etc." It reads as follows:

The Queen's Printer shall print and publish, or cause to be printed and published, for the Government, under his superintendence, the Statutes of Canada, the official Gazette of Canada, which shall be known as the Canada Gazette,—

I think that is the designation of it right there.

—and all such official and departmental and other reports, forms, documents, commissions, and other papers, as he is required to print and publish, or cause to be printed and published, by or under the authority of the Governor in Council; and whatever is printed under his superintendence, by authority of this Act, shall be held to be printed by him.

That, Mr. Speaker, is the rather large mouthful that was knocked out when we passed the reorganization bill last year.

Mr. Deputy Speaker: Is the House ready for the question?

Some hon. Members: Question.

Mr. Deputy Speaker: The question is on Motion No. 1. All those in favour of the said motion please say yea.

Some hon. Members: Yea.

Mr. Deputy Speaker: All those opposed please say nay.

Some hon. Members: Nay.

Mr. Deputy Speaker: In my opinion the nays have it.

Mr. Lambert (Edmonton West): On division.

Mr. Deputy Speaker: I declare the motion negated on division.

Motion (Mr. Lambert, Edmonton West) negated.

Mr. Deputy Speaker: The House will now proceed to motion No. 2.

Hon. Marcel Lambert (Edmonton West): I move:

That Bill C-182, An Act to provide for the examination, publication and scrutiny of regulations and other statutory instruments, be amended by deleting paragraph (b) of subclause (2) of clause 11 in lines 33 to 37 at page 7 and substituting therefor:

"(b) it is proved that at the date of the alleged contravention reasonable steps had been taken for the purpose of bringing the purport of the regulation to the notice of the public, or the persons likely to be affected by it, or of the person charged."

Statutory Instruments Act

I do not wish to talk out my motion, Mr. Speaker, or suggest there should be opposition to it. In effect, I am restoring to the act the wording which existed for many years. What it really boils down to is that it is more difficult under the present wording for the Crown to convict on unpublished regulations and is harder for the accused to defend himself. This is the effect of paragraph (b).

An hon. Member: What was the reason?

Mr. Lambert (Edmonton West): If the hon. member would please read the section, he would see that it was in much more general terms. Because of the changes with regard to unpublished regulations there is a strong possibility that by passing clause 10, as we just have, there shall be a retroactive effect in respect of criminal cases now before the courts. I was actually disappointed at the minister's rather too cursory, if I may say so, explanation of the government's case. It was only a slight expansion of what he said in the committee and what he said there was insufficient. I think the minister should explain why he wants to change this exception in paragraph (b).

We are now dealing with clause 11 in the Statutory Instruments Bill, Bill C-182, which proposes to repeal the present Regulations Act and incorporate its provisions in Bill C-182. Clause 11 (2) (b), at page 7 of the reprinted bill, reads:

(b) it is shown that at the date of the alleged contravention reasonable steps had been taken to bring the purport of the regulation to the notice of those persons likely to be affected by it.

If we compare that wording with the wording that has been in existence over a number of years, I would say there is a great deal of difference. First of all, in the proposed law the wording is "it is shown that" whereas in the previous regulations the wording was "it is proved". There is a world of difference between "it is proved" and "it is shown".

[*Translation*]

Mr. Albert Bécharde (Parliamentary Secretary to Minister of Justice): But the French version reads "s'il est prouvé"—

Mr. Lambert (Edmonton West): Mr. Speaker, I am very grateful to the Parliamentary Secretary to the Minister of Justice, but I will say that if the French text were faithful to the English one, it would read "s'il est démontré", and not "prouvé". The texts must agree. If, in the French version, the word "prouvé" is used, a proof is required. In English, only a demonstration is required.

[*English*]

So, there is a difference in the wording. Secondly, we come to the question of what persons. The proposed amendment refers to "those persons likely to be affected by it". Who is to judge who is likely to be affected? What the minister is incorporating in his amendment today reminds me of a book by C. K. Allen. If I recall correctly, he might also have attended to lectures of the late Professor Cheshire of Exeter College. The British had the