

Statutory Instruments

nity. And these loans should not be charged at rip-off interest rates, either, as implied in my hon. friend's suggestion.

I think also that we want to reduce the size of many give-away programs. On the other hand, we want to provide working and equity capital to the business community, capital of which our business community is desperately short.

Mr. Knowles (Winnipeg North Centre): Does the hon. member not believe in free enterprise?

Mr. Cafik: That would help, as I think hon. members opposite agree. I know that much remains to be done, but am convinced that the government has a greater commitment toward the small business community than the party opposite, whose big concern has primarily been the big business community. May I call it six o'clock, Mr. Speaker?

Mr. Knowles (Winnipeg North Centre): We are trying to figure out which is the Tory party in this House.

Mr. Deputy Speaker: Order, please. The hour appointed for the consideration of private members' business having expired, I do now leave the chair until eight o'clock p.m.

At six o'clock the House took recess.

AFTER RECESS

The House resumed at 8 p.m.

ROUTINE PROCEEDINGS

[English]

REGULATIONS AND OTHER STATUTORY INSTRUMENTS**CONCURRENCE IN SECOND REPORT OF STANDING COMMITTEE**

The House resumed consideration of the motion of Mr. McCleave that the Second Report of the Standing Joint Committee on Regulations and other Statutory Instruments, presented to the House on Thursday, February 3, 1977, be concurred in.

Mr. Baldwin: Mr. Speaker, just before five o'clock I had responded very briefly to what I consider to be a very smug and fatuous statement by the Minister of Justice (Mr. Basford). He said that this system of governing by order in council regulation cannot be too bad because nobody is suing the government, because no one is taking the time and the trouble to bring the government to court. What a stupid and fatuous thing to say.

As I pointed out, it is a pretty big job to take City Hall to court. First, you need to know that you have a right. Second, you need to have the determination and the money to go to trial. Third, you have to know on what your rights are based.

[Mr. Cafik.]

For over a year the standing joint committee has been frustrated and inhibited by the refusal of a number of departments of government to tell us what rights they are operating on, the basis of their declaring that certain orders in council have been passed and showing us the orders in council. If the co-chairman of the committee, the hon. member for Halifax-East Hants (Mr. McCleave), and the co-chairman from the other place, were unable to find out what kind of orders in council and what documents the government was basing its operations on, what chance has the ordinary person on the street?

This was a good committee. My friend was a very good co-chairman, as was the co-chairman from the other place. They worked together. It was a committee where politics was hardly present. Shortly after its organization we had a tremendous task to undertake on behalf of the people of Canada. The committee members worked together very well. It was not a case of being frustrated because of politics in committee.

The committee was united in its determination to get to the bottom of this problem. If we could not do it, what chance has the ordinary individual, the farmer from my country, the fisherman from Newfoundland, the storekeeper, or the person in the factory?

In a great many instances it is not a case of being able to sue the government. It is not a case of the government acting illegally or in a way which is ultra vires. It is a case of a government having the power like a gigantic monstrous operation and using that power unjustly and inequitably. That is the kind of thing that affects people.

The woods are full of situations and cases. For example, people are to be deprived of saccharin. We will not know until the facts are disclosed whether there is a good case for it or not. However, thousands of people have been placed out of court. They have no opportunity to challenge this because the government has acted under statutory instruments, legally passed, properly enacted, and under regulations which have been dealt with under the enabling powers.

As I said before five o'clock, we all know of thousands of cases. There is not a member of this House who cannot put a finger on a dozen cases which come to his attention every time he returns home. What about the Indian people in Yellowknife who have probably been slowly poisoned by taking arsenic waters from the lake there? All this is controlled by regulations and statutory instruments. What of the AIB regulations? How we are controlled, as far as wages and prices are concerned, is all done under statutory regulation.

For the minister to make the absolutely stupid remark that what the government is doing must be all right because no one is suing the government, is not a defence that will not stand up for consideration.

The minister also said that this is a comparatively new problem. He said they are facing up to it, and doing what they can. I gave the minister credit, and I repeat it now. In his appearance before the committee the minister at least discussed with us some of the more minor problems that we have