

One may query why these are not in the form of regulations duly published.

Department of Finance, Question 10:

In administering the Municipal Grants Act an Assessment Manual has been issued for the guidance of the field officers who check on the valuation of Crown property . . . Information concerning the interpretation of the Crown Corporations (Provincial Taxes and Fees) Act is communicated from time to time by circular letters to the heads of Crown Corporations and to Provincial officials concerned . . .

As a result of this oral and written evidence as to the multitude and scope of departmental directives, your Committee is not satisfied that some, perhaps many, directives are not legislative in character. This is a matter on which it was impossible for your Committee to satisfy itself because such departmental directives and guidelines are secret documents, available neither to your Committee nor even to Parliament itself. Your Committee feels that such directives, where they affect the public, ought to be published and subject to parliamentary scrutiny.

5. *The Proposed Definition of "Regulation"*

Your Committee recommends that the Regulations Act should be amended to provide a more inclusive definition of the word "regulation". Section 9 (2) would still enable the Governor in Council to provide for limited exemptions. We would suggest replacing Section 2(a) by the following:

2. In this Act,

(a) "regulation" means

- (i) a rule, order, regulation, directive, by-law, proclamation, or any other document made in the exercise of a legislative power conferred by or under an Act of Parliament;
- (ii) a rule, order, regulation, directive, by-law, proclamation or any other document made in the exercise of a legislative power conferred by or under the prerogative rights of the Crown and having force of law;
- (iii) a rule, order, regulation, directive, by-law, proclamation or any other document made in the exercise of a legislative power coming within sub-paragraphs (i) and (ii) and which has been subdelegated;
- (iv) a rule, order, regulation, directive, by-law, proclamation or any other document for the contravention of which a penalty or fine or imprisonment is prescribed by or under an Act of Parliament;

but does not include a rule, order, regulation, directive, or by-law or any other document of a legislative character of a corporation incorporated by or under an Act of Parliament, which is not a Crown corporation, unless such a rule, order, regulation, by-law or document comes within sub-paragraph (iv).

This definition casts the net as widely as is reasonably possible. *All* exercises of subordinate *law-making* power are covered (except those of private corporation), and, so that the matter is put beyond doubt, all regulations, etc., for the contravention of which penalties are prescribed, are also covered. Apart from private corporations, the identity of the regulation-making authority should be irrelevant, since we want to cover all such authorities.

Your Committee feels that in the interest of providing a basic safeguard of wide initial application the definition should be cast in these general terms. Your Committee recognizes that there are situations where the publication provisions of the *Act* may not be appropriate or serve any useful