

*Statutory Instruments*

presented the other day, though it was the feeling of the committee that very large and substantial issues are involved here. I could have mentioned these earlier when we dealt with some of the criteria as examples, but I thought I would deal with this specifically at the tail end of my remarks.

It is our opinion that in the past the powers given under agricultural acts to marketing agencies and the like are too broad and sweeping. As a matter of fact, it was said in the committee that we thought ordinary farmers should be treated no worse than ordinary criminals, yet criminals have rights established under the common law and in the Criminal Code which ordinary farmers would probably give some of their eye-teeth to have. For example, here is something which came out in the Saskatchewan hog information, interprovincial and export, regulations. I do not mention this because it is the worst example, but because it was an ordinary example of what one finds under the Agricultural Products Marketing Act. This is one part of the regulations, which is set forth in paragraph 130 of our report:

5(1) Any member or authorized representative of the commission may, at any reasonable time, inspect any place or premises used for the marketing of hogs.

(2) Every person in possession or control of any place or premises referred to in subsection (1) shall

(a) permit any member or authorized representative of the Commission to inspect such place or premises; and

(b) furnish any member or authorized representative of the commission with such information in respect of the marketing of hogs as he may reasonably require.

What the regulations do in this case is to give powers of inspection without any requirement that the inspecting officer show his authority or establish his identity. There is no limitation on what is a "reasonable time". The requirement to produce information to an inspector is stronger than that which a peace officer can require of a person. For example, it could destroy, and it does destroy, the inspected person's basic right not to incriminate himself.

These problems have been taken up with the Department of Agriculture and that department is setting to work to remove the objectionable features of many of the regulations pertaining to agricultural marketing. The point should be made that over the years some bad practices had grown up as a result of the actions of people who drew up regulations without there apparently being the scrutiny that we in parliament would have given them had the regulations been presented to us in the first place in the form of legislation.

I think the committee can pat itself on the back for digging out some of these things and starting to effect cures, but it is a long and slow process and sometimes one does not get all the co-operation one would like. Departments, being composed of human beings, as is the committee, are apt to see things in a different light. While mentioning the co-operation of the Department of Agriculture, I am hoping for the co-operation of the Department of Fisheries since some four dozen queries have been directed to that department regarding which the committee has not yet received satisfaction. I should also mention the co-operation that we have enjoyed from both the Privy Council office and from the Minister and Department of

Justice. So gradually I think battles are being won, though there is still an enormous number of battles to be fought.

Finally, Mr. Speaker, may I make four points of a general philosophic nature in concluding my contribution to this debate. The first is that parliament need not fear the delegation process. I say this because there have been some silly press reactions to the original report of the committee, as though all delegation in itself is necessarily evil. Parliament need not fear the delegation process any more than it need fear its own process of enacting legislation. What we have to fear here is whether the delegation process is properly used. We should also insist that the delegation process be scrutinized properly by the joint committee of which I have the honour to be a chairman. In other words, every member of parliament should take it upon himself to want to know that, when legislation leaves here and is subsequently carried on by a delegated process, that delegated process is exercised properly and examined properly.

Secondly, we must improve our method of dealing with the delegation process. From time to time the House and the other chamber must welcome members of the committee to come and relate our problems, just as I and others are doing. I think possibly there should be a debate at least once a year, or once a session, on the question of how we cope with the delegation process.

Thirdly—I have mentioned this before but it is worth mentioning again—the procedure committee should also take a look at the problem. Perhaps we should be establishing a process whereby all regulations go to the committee most directly affected. For example, regulations under the Agricultural Products Marketing Act should go to the agriculture committee at least once so the members of that committee have an opportunity to discuss them. After all, those members are the most concerned with agricultural matters, much more so than the members of the Standing Joint Committee on Regulations and Other Statutory Instruments. They can pronounce more directly on whether the regulations carry out the intention of the legislation and on what they understood to be the intention when that legislation went through.

We do have the advantage in the regulations committee that regulations and statutory instruments are automatically referred to us if passed, I think, since January 1, 1972. Once a regulation properly comes before us, as I understand that most generous reference in section 26 of the Statutory Instruments Act, then it is possible for us to again and again go to the same regulation if we feel it is offensive or should be examined for some reason or another. We never lose our power to examine that particular regulation. The fact is that some of us would feel comfortable if the Standing Committee on Fisheries and Forestry would look at some of the regulations dealing with fisheries, in that they only do so once in a lifetime.

● (1550)

My fourth and final point is that more members and more people from the public should use the process of the committee to look at regulations. If those regulations bother them, they