

Criminal Code

their provinces, and I believe it is incumbent upon this House to take their representations into account. The amendment of the hon. member for Calgary North (Mr. Woolliams) would go contrary to the expressed request of the provincial attorneys general.

With regard to motion No. 28, the one which I believe the hon. member regards as being more important, I would say, first of all, that it was moved in committee and debated there and that the hon. member for Calgary North could not carry even his own members on that one. For example, there was disagreement on the part of the distinguished co-chairman of the standing committee on statutory instruments. As hon. members know, all regulations passed by the governor in council stands permanently referred to the committee on statutory instruments for examination. That committee published an excellent report some time ago calling attention to improvements which should be made in the process of delegating legislation, its examination, and so on. Some of those recommendations have been accepted and the government is working on others. However, the responsibility for dealing with this matter lies, surely, with the statutory instruments committee, and our attention should be directed toward improving the processes followed in the examination and supervision of statutory instruments.

I must resist this amendment as a matter of principle. It was on this ground that it was not supported in the committee by the co-chairman of the statutory instruments committee. It would require that every order in council not only be laid before the House—I do not think there would be any great objection to that—but that it should be the subject of an affirmative resolution. I take this to mean that every order in council passed under the Criminal Code would have to be debated in the House. I see an hon. member shaking his head. He had better read the amendment carefully, because that is what it provides. This is a process of supervising regulations which has not even been suggested by the statutory instruments committee, a body which has a very deep and conscientious interest in this matter.

Mr. Woolliams: May I rise on a question of privilege? I know the Minister of Justice has not done this deliberately, but he has misquoted me. I said, "Every order in council made under this act", meaning Bill C-51, the amendments to the Criminal Code. I was not dealing with the regulations made under all statutes. I would ask the minister to make that point clear.

Mr. Basford: I am sorry. I was not trying to mislead the House. I meant to say, "under the Criminal Code", and I thought I had done so. In drawing up Bill C-51 we were conscious of the criticism which had been raised to the effect that there were too many areas covered by regulation. I believe that any impartial examiner of Bill C-51 would agree with me now that we have markedly reduced the areas of regulation and that the bulk of the regulations to be passed will relate to dealers and manufacturers. As I explained in committee, it is proposed to appoint chief provincial fire-arms officers who

would become part of a national advisory committee to which would be attached representatives of the dealers and the gun sports. I have undertaken expressly to consult with this committee on the drawing up and making of the regulations. This, in my view, is an effective way of dealing with the matter. It would seem to me that these arrangements, together with the safeguards provided by the normal processes of the statutory instruments committee, are sufficient to meet the hon. member's objections. Provision is made for input into regulation-making by those interested in gun sports and in the sale of guns, while the work of the statutory instruments committee ensures that the Bill of Rights applies to all these regulations, together with some 18 other considerations which the committee takes into account.

I indicated last week that most of the regulatory power relates to dealers. We have already consulted the Retail Merchants Association, the Transport Association, the Association of Hardware Merchants, and others concerned with those parts of the bill which will be affected by regulation. They have indicated no objection to the provisions of this bill and appear to be satisfied with my undertaking as to the nature of the consultative process to be engaged in. If there is concern about regulatory powers generally, it should be expressed in the debate on the report which the statutory instruments committee published some time ago, and efforts should be made to ensure that the processes followed by that committee are as satisfactory as possible.

Mr. G. W. Baldwin (Peace River): Mr. Speaker, the Minister of Justice (Mr. Basford) says he resists these amendments. Well, he resists all amendments or requirements of a nature calculated to restrict the severity of legislation. I do not say this of him personally. It is an attitude he takes in his official capacity. He tells us that the provincial attorneys general have been consulted and have made suggestions. I agree there should be consultation with the attorneys general and that consideration should be given to their points of view. But in some ways they are interested parties, and in the final analysis what has to be taken into account are the views of members of this House. Theoretically, we should be involved. As I recall it, the opening words of the statute are, "Her Majesty, by and with the advice and consent of the Senate and the House of Commons"—not, "Her Majesty by and with the advice and consent of the attorneys general of the provinces of Canada".

● (1230)

The minister made a very reasonable attempt to rebut the proposition advanced by my eloquent and learned friend from Calgary North (Mr. Woolliams). He said that this is just a little entry that we are making, through the use of orders in council, regulations and delegated authority, to the criminal law. But it is from these little things, Mr. Speaker, that great ones grow. My reading of history tells me that during the First World War an act was brought in known as the Temporary War Income Tax Act. That has grown into one of the greatest monsters with the capacity to eat up so much of the economy of this country. The Temporary War Income Tax Act of 1914