

should be changed; nevertheless, I think there should be a definite understanding about how far the government is prepared to go in giving these powers and this authority to a committee of scrutiny. Clause 26 of the legislation is not authoritative in giving the committee the powers it should have.

Let us see what the committee had in mind when it brought before the House its third report which formed the basis of this legislation. I can bring this point forward simply and with reasonable expedition by referring the House to page 92 of the report where the recommendations are synopsized and the statements are in fairly clear, precise and limited terms. Paragraph 19 reads:

A new Committee on Regulations should be established, with the following particulars—

Then it lists the various pages of the document where the arguments have been examined and dealt with.

(1) It should be a standing committee of the House of Commons.

I pause here. There was some discussion in committee whether it should be a committee of the Commons or a committee of the Commons and the Senate. I think there is a pretty good case to be made for its being a committee of the House of Commons because its members are elected by the people of Canada. I think the authority should probably lie with them. Yet I would not be unwilling, if it came to a choice, to having members of the other place on the committee because in the other place there is an element of continuity which is sometimes lacking with respect to members of this chamber. There is something to be said for having the committee take up, at the beginning of each new Parliament, where it left off in the previous Parliament and having members on it with experience. However, I am not arguing that point.

(2) All regulations should stand permanently referred to it.

That is to be done under the legislation.

(3) It should strive to operate in an objective and non-partisan way.

Heaven help us, Mr. Speaker! We all try to reach these objectives. Sometimes we do reach them and sometimes we do not. I think a committee of this kind ought to be compared with the Public Accounts Committee which until recent times, when the government so unkindly attempted to change the powers of the committee, the chairman and the powers of the Auditor General, was reasonably objective and non-partisan, usually making unanimous recommendations and approaching issues referred to it in an objective, fair and non-partisan way.

(4) It should have a small membership to enable it to operate effectively.

That is agreed.

(5) To make the objectivity of the committee apparent, there should be some rotation among parties in the chairmanship.

I should like to take a moment to discuss that point. In my view the chairman should be a member of the opposition. In the Australian parliamentary system there is a

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Senate committee. We must bear in mind that there members of the Senate are selected through an elective process. Although the chairman is a member of the government party, the majority of the committee is made up of opposition members. I would think that the power of the chairman there is balanced by the majority of opposition members on the committee. I think a fair balance can be struck if the chairman is a good member. Nevertheless, I do not think I will live to see the day when this government will establish a committee which will have a majority of opposition members. There may be members on the government side whose views are opposed to that of the government but who are too timid to express that opposition.

Mr. Davis: Never!

Mr. Baldwin: However, I make this suggestion. When we deal with this matter either in the House or in committee, at the very minimum we should make certain that there will be a rotation of the chairmanship as recommended. I still think it will be better if the chairman is an opposition member. That is the custom in the United Kingdom. Mr. Graham Page, now a member of Mr. Heath's government, was the chairman of that committee for many years when other governments were in power. I should like to believe that the chairman of such a committee, which has responsibilities that ought to be above partisan considerations, will for most of the time be a member of the opposition. I continue quoting:

(6) It should normally sit in public session.

(7) It should be empowered to sit while Parliament is not sitting.

An argument was raised in respect of that point, Mr. Speaker. It was said that precedents going back as far as Sir John A. Macdonald's time indicate that there is no legal basis for a committee's sitting after prorogation. We challenged that to some extent, although we did not see fit to make the point a controversial one and bring it before the House. Nevertheless, since members of the House are busy, I think that a committee such as this might sit during some weeks when the House is not sitting, otherwise when it came back after a recess of three or four months it would be faced with a backlog of Orders in Council and regulations. I think that ways and means could be found of doing this. I am making this comment bearing in mind conditions as they are. I know it cannot be done now; I know it is not up to the minister to resolve this legal problem, but it is a matter we should consider.

● (8:30 p.m.)

(8) It should have adequate staff.

I have already dealt with that. I think this is a condition precedent to any measure of success, not only a staff large enough in number but one competent in terms of being able to deal with this question. When the committee has been in existence and has had authority for two or three years with the help of people like this, it will build up a jurisprudence. People charged with the responsibility of assisting the committee will be wise and