

known, for short, as the "Regulations Act". If I were inclined to indulge in simile, I would say that this is a bill to build a legislative beacon to throw light upon executive darkness.

One of the principal characteristics of modern legislation is what we know as the delegation of powers. Constantly, in these days, in bills that come before us, we find clauses which confer upon somebody—the Governor in Council, a minister, or some governmental body—the power to make regulations which will have the force and effect of law, and which will be binding upon the public, regardless of the fact that the regulations are not contained in the legislation itself. In these cases, the question immediately arises: How are such regulations or orders, when they have been enacted, to be given proper publicity, so that the public may know by what laws it is bound? There is no question in the case of statutes, because, being public property, they are published from time to time and are open to everyone. On the other hand, there is no general provision in our law at the present time whereby an order in council having legislative effect, and being binding upon the people of this country, shall be published in such a way that the whole of the public may know about it.

**Hon. Mr. Euler:** It appears in the *Canada Gazette*, does it not?

**Hon. Mr. Hugessen:** In much of the legislation passed by this parliament in the last few years, parliament has been most careful to provide that any order in council authorized by the legislation in question shall be published in such and such a way.

**Hon. Mr. Haig:** And within a certain time.

**Hon. Mr. Hugessen:** Yes, and within a certain time. This bill is designed to provide a statutory obligation, both to publish in the *Canada Gazette* and to table in parliament, every regulation or order having legislative effect, and which has been issued under powers delegated by legislation such as I have described.

I may say that at the beginning of the war this question came up very actively in connection with a large number of orders in council that were to be issued under the War Measures Act, and orders in council were issued at the commencement of and during the course of the war, providing for the publication of such of those orders as were of public interest and as they affected the public generally. Those orders in council were finally generalized in a new order in council, passed at the end of 1946, which provided, more or less in the same terms as this legislation, what it is now sought to provide.

Therefore, the terms of the bill now before us really put into statutory form, in the light of the experience gained in the operation of the order in council of 1946 over the last three years, the provisions of that order in council.

There has been at times, and I would not say without some justification, a criticism of what is called "government by order in council". I have before me a table which I think might interest honourable members. It gives the total number of orders in council, exclusive of Treasury Board minutes, passed in each of the years 1935 to 1949. With the permission of the house I will read the figures, to the nearest hundred.

**Hon. Mr. Haig:** Why not place them on the record?

**Hon. Mr. Hugessen:** I will accept my honourable friend's suggestion and place them on the record. I might say that in the first year shown, 1935, the number was 4,000, and during the war years there was a considerable increase—for instance, in 1942 the number was 11,800. By 1949, though, it was down to 6,600.

*(The table referred to above appears herewith.)*

The following are the total numbers, to the nearest hundred, of orders in council (exclusive of Treasury Board minutes) passed each year from 1935-1949:

1935	4,000
1936	3,300
1937	3,200
1938	3,300
1939	4,400
1940	7,800
1941	10,200
1942	11,800
1943	10,000
1944	9,600
1945	7,500
1946	5,400
1947	5,400
1948	6,100
1949	6,600

I want to stress this point. The vast majority of these orders in council do not deal with legislative matters at all, but purely with administrative matters, and therefore do not fall within the purview of this legislation. They deal with the awarding of contracts, leases of crown lands, and things of that kind. It is estimated that of the total number of orders in council passed in any one year approximately only 5 to 6 per cent are of a legislative character and will be governed by this bill.

Now if the house will let me turn to the terms of the bill itself—

**Hon. Mr. Farris:** Who determines whether they are legislative or purely administrative?

**Hon. Mr. Hugessen:** I was coming to that. I suppose one of the most important features