

Statutory Instruments Act

the government. I think we should take a careful look at that matter.

I conclude my remarks on this subject by saying that one of the major exercises of Parliament should be, and I think is, to ensure that among the myriad of public authorities, public regulations and public laws there be adequate voice given to those who are affected by the regulations. I commend this legislation because I think it is a step in that direction. Whether it is an effective step will depend not on the legislation itself but on the vigilance of the scrutiny committee and the willingness of us all to make sure that the all-embracing laws which affect this modern society are designed and work for the benefit of individual citizens.

Mr. Jack McIntosh (Swift Current-Maple Creek): Mr. Speaker, I thank the minister for his brief explanation of this bill. However, I believe he should have elaborated some parts of his introduction a little more, because when I spoke on the resolution which was the forerunner of this bill I expressed the hope that the proposed special committee to be set up under the provisions of the bill would have the power to effectively police the application of the legislation which may in part be delegated to the various branches of the public service.

From reading Clause 26 it would appear that the purpose of the proposed committee would be to inspect, review and scrutinize the statutory instruments. In fact, that is exactly what the title of the bill says; it is an act to provide for the examination, publication and scrutiny of regulations and other statutory instruments. In referring to the last section of clause 26, we see that it provides:

—that may be established for the purpose of reviewing and scrutinizing statutory instruments.

I ask the minister where the committee would go from there, after it has scrutinized. It seems to me an exercise in futility if having scrutinized the instruments, and so on, they have no power to do anything. If there are no teeth in the legislation, and if they should find a discrepancy or misinterpretation, what use is the committee? I can think of several pieces of legislation with which I have had to deal since I have been a member of this House, in respect of which no agreement has been reached concerning certain clauses because of lack of definition, because of lack of boards to deal with these matters and because there was no acceptance of the dictionary interpretation, such as there is in our courts. Therefore, our constituents do not have, through their Members of Parliament, recourse in fighting the injustices we have been talking about.

I suggest that the terms of reference of this committee are not broad enough. The committee should have the power to take effective action after it has inspected, reviewed and scrutinized. The committee should have power to adequately control the present arbitrary, unsupervised exercise of power by the bureaucracy. Otherwise, as I have said before, the whole thing is an exercise in futility.

The hon. member for Halifax-East Hants (Mr. McCleave) said he hoped every member of this House

[Mr. Brewin.]

would be able to bring some problems before this committee to be rectified. I suggest that if the bill passes as it has been presented to this House, without any teeth by which to act, it will just be another exercise in futility for members to bring problems to the committee. Members of the committee may agree or disagree with the member, but their hands will be tied if there are no teeth in the legislation.

If there is one thing we as Members of Parliament are charged with, it is to ensure equal justice to all Canadians and to protect the rights and liberty of the individual as well as the rights and liberty of minorities. We can no longer slough off our responsibilities and give unrestricted, vast power to others without supervision, as has been done in the past. Too often we have given power without ensuring that those to whom the power is delegated will exercise it unselfishly and with impartial justice.

The farming industry certainly is one which has encountered the uncontrolled and unsupervised use of delegated power, much to the detriment of the individual farmer. I intend to offer proof of this in a few minutes. Professor Henry J. Laski, one of the many constitutional authorities in Great Britain, did not agree that delegating power was a dangerous trend which should be stamped out. In his book "Parliamentary Government in England" he described delegated power as an elementary procedural convenience essential to the positive state. But having said that, he warned as follows:

The vital thing is that Parliament should be in a position to make objection to any use of it when it deems fit—

We as members should do this because, as I said before, otherwise we will have abdicated our responsibility and our authority; we will have delegated our responsibility. He continues in these words:

—and that it should be so able to examine what is done in its name as to make it certain that nothing to which objection can be taken escaped from its purview.

● (9:00 p.m.)

In other words, use the device but take sensible precautions. I hoped that the committee of the House proposed in this bill would have the power to ensure that these precautions were taken. I am disappointed that there are no teeth in the bill. In our case, this important point has been forgotten.

It has been proposed from time to time that setting up the office of an ombudsman would serve to overcome the situation created by the abdication of our responsibility. At one time I agreed with this, but since then I have changed my mind. To establish the office of ombudsman would merely be establishing another government official. We realize how ineffective this would be when we consider the scant regard paid by the executive and the public service to our present economic watchdog, the Auditor General. The terms of reference of the Auditor General are ineffective. He can dig out errors and mismanagement, but he can do nothing about them. An ombudsman would be in the same position. I say that this responsibility lies with us as members of this House. Besides appointing another official outside of Parliament to do a job that is clearly that of Members of Parliament,