

least it is one of the matters I leave as a question at this time.

(13) is unclear in its meaning or otherwise defective in its drafting;

(14) for any other reason requires elucidation as to its form or purport.

Because I am speaking of another person's work, I can say that I think these are the most advanced criteria in the world. I do not think there is any question about that. And they are made in Canada. The Mother of Parliaments in the United Kingdom has a procedure which in my opinion is not as advanced as the one we have in Canada, so we can take comfort from the fact that once in a while we blaze trails. I hope we blaze a rather wide one in this particular field.

Then there is the question of remedy, once we have found a defect within the criteria I have listed. What should it be? The committee will have to consider this question and in one of its subsequent reports to parliament make its own suggestions. There are a number of possibilities which now exist and I shall outline them in the few minutes I have left. It could be done by requiring regulations to be laid before parliament and made subject to annulment within 40 days. There could be the requirement that regulations be laid before parliament before becoming operative. I have already dealt with that point. The difficulty here is that the number of regulations is so great that I do not think it would be good for this parliament to tackle the problem in that way. In Saskatchewan there is a procedure under the Regulations Act of the province which provides:

17. Where under the Standing Orders of the Legislative Assembly or in accordance with the procedure otherwise prescribed by the Legislative Assembly, a member of the Executive Council or other authority making a regulation, or, in the case of a regulation made by order in council, the member of the Executive Council recommending it, receives from the Clerk of the Legislative Assembly a copy of a resolution of the assembly showing that the assembly disapproves the regulation or any part thereof, or requires it to be amended, the member of the Executive Council or other authority or the Lieutenant Governor in Council, as the case may require, shall revoke the resolution in whole or in part or amend it as required by the resolution.

Somewhat the same provision is found in the Manitoba Regulations Act. In other words, it is a suggested procedure. How one initiates such a motion in the assembly is very important. How any motion can be initiated, and where and how it is debated or brought to a conclusion is the problem. But the negative resolution approach, to my mind, is perhaps the procedure we will have adopt.

At this point I will discuss the way in which acts of parliament have dealt with regulations. The Admiralty Act, for example, provides that a joint resolution of both Houses may suspend or repeal rules and orders made under that act. The Defence Production Act provides that a notice of motion signed by ten members and, of course, carried shall be debated within a certain time. If it is carried, of course, the offending regulation has to be invoked or amended. The Exchequer Court Act covers an address of either House to repeal all or part of the rules made under that act.

The Maintenance of Railway Operation Act provides that a regulation becomes effective within a certain time unless a notice, which must be signed by ten members, has passed the House. The Maritime Transportation Union's

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Trustees Act provides that a proclamation can be challenged by notice given, signed by ten members, which must be debated within 48 days thereof. There are also provisions in the National Energy Board Act, the United Nations Act, the Export Act, the Customs Tariff Act, the War Measures Act and the Atlantic Region Freight Assistance Act dealing with specific changes, repeals or amendments to the regulations.

That is an overview of the problem which existed until the MacGuigan report was submitted in 1969. There are more current examples. We have had, possibly, one each year but I have just mentioned acts before 1969. I wonder whether the House would be good enough to give me two more minutes; I believe I could finish my speech within that time.

Some hon. Members: Agreed.

Mr. McCleave: I thank the House, through you, Mr. Speaker. One of the questions to be faced in the committee is whether we should substitute our own opinion for that of the regulation-making authority in dealing with this matter. In other words, should we deal with policy matters? So far, I think we have managed to steer away from that particular course. The MacGuigan committee report suggested that the committee be given the power to refer regulations to the standing committees of the House in cases where it thought a policy question of considerable importance was involved. This is one of the open questions. I presume the committee will make known its opinion in this matter in its next or subsequent report to the House.

I have given an overview of the problem and my colleagues will follow it up. We are still having birth pains early in our procedure, but I think the work we are doing is important. Perhaps it is not very spectacular; I do not think we intend to make it so. We will not raise a cry of alarm in respect of everything we examine. We are trying to arrive at an accommodation with government departments and those who draft regulations. We are trying to carry out a responsibility on behalf of those in whom parliament entrusts powers under legislation, so that those who are far from being under our control will at least see that these officials take into account the spirit and intent of legislation that is being passed.

Mr. Deputy Speaker: Order, please. It being one o'clock, I now leave the chair until two o'clock this afternoon.

At one o'clock the House took recess.

AFTER RECESS

The House resumed at 2 p.m.

Mr. W. Kenneth Robinson (Toronto-Lakeshore): Madam Speaker, I am pleased to take part in this debate, and it is a particular honour for me to follow the distinguished chairman of the committee, the hon. member for Halifax-East Hants (Mr. McCleave). He was very eloquent this morning and made an excellent speech. One point about which I was concerned dealt with the criteria to