

Third, there is no provision for a body to give a definitive ruling on whether a document is a statutory instrument. There is a procedure by which the Department of Justice can determine whether a statutory instrument is a regulation, but this is open to the objection that the parliamentary scrutiny committee is cut off from the decision.

The committee considers that the proper course is to amend the act to provide for a single class of statutory instruments, broadly defined. All documents in this class should be subject to uniform procedures, and any exceptions to the class, and hence to parliamentary scrutiny, should be specifically defined in the act.

The definition of "regulation-making authority" in the present act needs to be amended to make it accord with actual practice so that the committee will have disclosed to it the reasons for the coming into effect of regulations before registration.

May we ask the government to be prompt in giving attention to these matters?

As I stated earlier, the committee by itself has no clout. It has been given a mandate by both chambers of Parliament to scrutinize the regulations and other statutory instruments, and all it can do is report to both chambers.

I suggest, honourable senators, that to be effective we require the staunch support of our respective chambers. The first manifestation of that support could be the adoption of the

committee's report. The report is now before us for consideration only. It is before the other place on a motion for concurrence. I suggest that the Senate should voice its adoption as well, and I invite the co-chairman from the Senate, immediately upon the conclusion of this debate, to move the formal adoption of the report, proceeding according to rule 45(1)(f).

I suggest also—and I can make suggestions only to this chamber, not to the other place—that the Senate and its committees, when considering legislation, be much more vigorous and tenacious than has been the case up to the present in rejecting the practice of indiscriminately legislating by regulation and in insisting that the regulations be known before a bill is passed.

I purposely refrained from referring to the \$1 items in appropriations, because that matter has recently been debated here at length. I fully concur in the report's statement on this subject.

It seems to me, however, honourable senators, that there is nothing to prevent the Senate and its committees from attempting to bring about some degree of pre-application of the criteria which, as approved by the Senate, guide the special joint committee in its *post facto* scrutiny of the regulations and other statutory instruments.

On motion of Senator Flynn, debate adjourned.

The Senate adjourned until tomorrow at 2 p.m.