

vote for it on second reading. Perhaps the reason for this is that the bill, as the minister has made clear to us, is the result of an excellent, non-partisan report of an all-party committee. It was a small committee which studied this matter and worked on it thoroughly, and I think it produced a report that we can all support. Let me read as a basis for our support of the bill the first paragraph of the committee's report, because I think this is important:

This report is based on the assumption that public knowledge of governmental activities is the basis of all control of delegated legislation. For parliamentary democracy is a system of government which requires that the executive be responsible to the legislature and that both be accountable to the people, and there can be neither responsibility nor accountability where there is no knowledge of what has been done. In political matters knowledge is the beginning of power, and its lack, impotence.

The bill is technical in nature, as has been made clear by those who preceded me in the debate. Technical or not, it is a significant advance in the attempt by Parliament to control subordinate legislation. Some people have objected to the immense proliferation of subordinate legislation. But the complexity of our times is such that it is absolutely ridiculous and would indeed be Canute-like to object to the fact that there will be a great volume of subordinate legislation.

However necessary subordinate legislation may be, it can also be dangerous if certain conditions are attached—if it is secret and if it is not scrutinized by representatives of the people. The point of this legislation, as I understand it, is that it seeks, through providing for publication and scrutiny, the assurance that there be adequate knowledge by the people themselves and their representatives in Parliament of legislation which affects them and their rights.

The legislation itself does not appoint, as was the major recommendation of the special committee, a scrutiny committee. That is something for this Parliament to do by its own votes. I understand that that will be an accompanying measure to the legislation that is before us. I regard scrutiny of subordinate legislation by representatives of Parliament as the key to effective control over subordinate legislation. I want to stress a point made in the report of the special committee. When the scrutiny committee is set up it should have the power, in its discretion, to refer regulations to other standing committees for consideration. The reason I emphasize this point is that I contemplate that the scrutiny committee will be a small committee with almost legalistic functions to scrutinize the legislation from certain explicit points of view. I think it is essential that other committees of this Parliament should be used to scrutinize legislation from the point of view of substance and not only from the point of view of the legal implications.

Let me give an illustration with which I am very familiar. I have in mind legislation in the field of immigration. Those who are familiar with immigration problems know that nine-tenths of the effective administration in respect of immigration law is by regulation and not by the Immigration Act. It is many years since we

Statutory Instruments Act

changed the Immigration Act. The immigration regulations have been changed, and they set the basic form for dealing with people who come to this country and wish to stay or those who seek to bring their families, relatives and friends to Canada. This is all done by regulation. Those regulations should be scrutinized not just by a small legal committee, a committee on statutory instruments or subordinate legislation, but also by a committee of members of this House who are familiar with immigration matters.

I cite this merely as an illustration of the importance of having the substance of legislation scrutinized by specialist committees of the House. If we are to have effective parliamentary control over subordinate legislation, the power suggested in the report of the special committee will have to be exercised, namely, the power to refer matters to other committees.

● (8:50 p.m.)

The substance of the legislation we are asked to deal with is contained in clause 24 and, perhaps, clause 23. I do not propose to discuss at this stage the details of the clauses of the bill. Clause 23 provides for publication in the *Canada Gazette*. Clause 24 applies to the right of access to statutory instruments. Clause 25 applies to the provision of copies of instruments for those who are concerned. Clause 26, the most important of all, provides for the scrutiny by Parliament of statutory instruments. I believe this is the core of the legislation. Clause 27 is one which this House and the Committee on Justice and Legal Affairs will have to examine very carefully. It provides for exemptions. In my view, the exemptions are drawn much too broadly. I believe we will have to look very carefully at this clause. If too many exemptions are provided, I believe the bill will be robbed of its main function.

There are one or two other details to which I should like to refer. One I believe is of considerable importance, although perhaps it sounds a little technical. I refer to recommendation 6 of the report of the Special Committee on Statutory Instruments. It provides that all departmental directives and guidelines as to the exercise of discretion under a statute or regulation, where the public is directly affected by such discretion, should be published and also subjected to parliamentary scrutiny. I would say that is a novelty. At the present time we have directives relating to immigration which are not public and which are not made available even to the Immigration Appeal Board. These regulate the rights of would-be citizens and present citizens to bring in relatives. It is a discretion which is hidden from the public, and it should not be. I hope we will study this particular recommendation to see whether it can be more firmly incorporated in the legislation.

Another recommendation to which I wish to refer, although not in detail, is recommendation 19 which provides for the new committee on regulations and sets out the basis of its actions and discretion in six criteria. These six criteria are somewhat broader than the list of criteria to be given under the statute to the officials of