

Canada cannot delegate such powers to provincial legislatures—but they are able to delegate them to federal administrative authorities.

Although there is authority for such delegation of powers, in accordance with the principle that the executive is responsible to Parliament for all legislation, for delegated legislation, as well as for statutes studied and passed by the two Houses of Parliament, there should be public knowledge regarding any delegated legislation and it should have to stand the scrutiny of Parliament just as all other legislation does.

As the leader told us on introducing the resolution, the Regulations Act passed in 1950 requires that all orders, regulations and proclamations made under legislative powers delegated by Parliament shall be tabled in Parliament and they shall also be published in the *Canada Gazette*. There are provisions for exceptions in certain cases, which he explained and which I will not discuss.

Of course, members of either house could study these items as they appear in the *Canada Gazette* and bring up in their respective houses instances which they considered should be reviewed or considered. However, time simply does not permit such close study of the very many orders, regulations and proclamations passed in the course of a year. We have already been told that between June 1, 1956 and December 31, 1968, an average of 530 regulations a year were published in the *Canada Gazette*.

To carry out the responsibilities of modern government, it has been found necessary to make use of the power to delegate authority, not only to civil servants who carry out the provisions of the acts passed by Parliament, but to many boards and commissions which, if they are to be effective, must also have statutory powers. If the Legal and Constitutional Affairs Committee of the Senate recommends that a scrutiny committee be set up to study regulations made in pursuance of authority granted through various acts, would it not be reasonable to recommend also that the procedure used by various boards and commissions appointed by government—who are operating entities such as the CBC, CRTC, Canadian Transport Commission, and many others—also be scrutinized, so that citizens may be assured that their procedures are adequate to guarantee the rights of the individual citizen?

Hon. Mr. Martin: Certainly.

Hon. Mrs. Fergusson: Honourable senators, is there anything that affects the life of the average Canadian more than radio and television?

On reading the evidence given before the House of Commons Special Committee on Statutory Instruments, I was interested in the reference by one witness to a paper given in Ottawa in 1966, which mentioned regulations under which there could be sub-delegations. The writer felt such sub-delegations would not be acceptable in many other countries.

Examples of such legislation were given—one of which was the Veterans Land Act regulations, under which authority to exercise judgments and make determinations is delegated not only to “the Director, the Veterans Land Act,” but to “District Superintendents” and to any person authorized to act on behalf of such superintendents. It was pointed out in the evidence that “any person authorized to act on behalf of ‘District Superintendents’ need not necessarily even be a senior civil servant.”

The same paper which referred to the Veterans Land Act also referred to the Old Age Security. Regulations published July 14, 1965, under which the Director of Old Age Security “may delegate to Regional Directors any duty, power or discretion conferred on him by these regulations.” The Director is then given almost absolute powers over the essentials of qualifying for assistance. Since the paper quoted was written and read in 1966—although quoted before the Committee on Statutory Instruments in the House of Commons only in 1968—I found that these regulations had been changed and that new regulations under the Old Age Security Act were published in the *Canada Gazette* in 1968. I looked these up and found that the section which in the earlier regulations provided that the Director “may delegate to Regional Directors any power or discretion conferred on him by these regulations”, does not appear in the regulations of 1968, but in the definition of “Director” in the new regulations we find that “Director” means the person holding the office of Director of Old Age Security, “or any other person authorized by him to act on his behalf”, which gives equally wide authority for sub-delegation to the Director.

Honourable senators, I am bringing these to your attention because some honourable senators might read this evidence and be misled by the quotation which referred to the regulations of 1966.