

*Customs Tariff*

Essex-Windsor (Mr. Whelan) retires to receive first aid for his arm with which he has been vigorously patting himself on the back. Before he does that, I want to remind him that he was a member of a government which collected together the greatest galaxy of bureaucrats with which this unfortunate country was ever cursed.

**Mr. Whelan:** Not in my department. We only added 23 in seven years.

**Mr. Baldwin:** I sat on a committee which examined some of the work of the bureaucrats in the hon. member's department. I will admit that after the joint Standing Committee on Regulations and Other Statutory Instruments had occasion to rebuke the minister and his department, they did mend their ways. There never was a government which got together such a group of bureaucrats who would never use one word when they could use 100, particularly if those 100 were couched in a form which was unintelligible to the ordinary person.

Getting back to the bill, from which we seem to have departed, and looking at the bill, at first blush, clause 2 says:

The Minister may order

(a) that the specific rate of duty . . . shall apply in lieu of the ad valorem rate of duty—

Then we go from there to clause 6 (2) which says:

Notwithstanding anything inserted in Schedule A to the customs tariff . . . the Governor in Council may, at any time during the period commencing with the coming into force of that section . . . by order effective on and after . . . increase a rate—

Then we come to look at the fine print, and I happened to turn this up at page 27 Schedule III: a new tariff on "Aircraft, not including engines, under such regulations as the minister may prescribe". These have been the curse of this country, the attempts by governments, at the instance of their bureaucracy, to control this country by order in council and by regulation.

● (2100)

We sat on this committee, which was a good, all party committee, which acted unanimously. I recall one of the victories, which we should have won but which we did not, when a member of the party of the hon. member for Essex-Windsor, the former member for Vancouver-Kingsway, Simma Holt, was persuaded to bring in some very legitimate complaints about non-tariff structures brought into effect by order in council which had a very deleterious effect on the entry into Canada of certain types of footwear. She made a very strong case—she showed there had been much injustice—but nothing was done.

This is the trouble we face, and I am sure the minister will agree with me in his heart because he knows it to be so, that the former government intervened so massively in every aspect of the private lives of people, giving itself the right through its bureaucrats to act by order in council, that the rule of law and the rule of Parliament ceased to exist. That is what we face today. I call attention very briefly to the fact that here in a very simple bill amending the tariff structure we find—

**An hon. Member:** It is not simple.

[Mr. Baldwin.]

**Mr. Baldwin:** The hon. member for Timiskaming (Mr. Peters) brought to my attention the difficulty which ordinary people have in understanding the legislation, and not only understanding it but realizing the extent to which, at the whim of the minister on the advice of his officials, the government may vary, change and alter not only these tariffs but the non-tariff structure, and the people who are involved will not know anything about it until it is over and done with.

I am fortunate to be able to sit on the same committee in this ensuing session, and I hope that the committee will continue to give to the people of Canada, as an arm of this Parliament, an opportunity for them to stand up and complain about the practice of using orders in council and regulations under this act without there being some remedy. One of the things which we have suggested, and I hope this government will bring it into force—and I see my hon. friend, the Minister of National Revenue (Mr. Baker), who is charged with this bill and is a very useful member of that committee, and also the Minister of Energy, Mines and Resources (Mr. Hnatyshyn), both of whom, I hope, will see to it—is that in cases of this kind there be pre-publication of rules and of orders in council as well as of regulations so that people who are affected will be advised. This will be done by notice so that those who will be affected, the producers and the consumers, will have an opportunity to make representations directly to the government or to the tribunal which will be making the decision, or to members of Parliament who, in the final analysis, are the ultimate harbingers of destiny, as it should be, of the affairs of the nation.

There is no doubt in my mind that a continuation of this practice is the easy way to do things, to sit cosily up in your office and enact the regulation or order in council. Nine times out of ten the minister does it on the advice of his advisers. I am not saying that in a disparaging sense, because it is utterly impossible in the kind of society we have for ministers to be on top of all the data, all the orders in council, and all propositions which are put before them.

**Mr. Whelan:** You have super ministers over there and they have three departments!

**Mr. Baldwin:** The trouble with new ministers is that they are like Hercules.

**Mr. Whelan:** Come now.

**Mr. Baldwin:** They have the old stable to clean up with a hundred years' accumulation of you know what.

**Some hon. Members:** Oh, oh!

**Mr. Knowles:** They were not in power one hundred years; it just seems like that.

**Mr. Baldwin:** It is time the matter received the attention of this House. I am sure that from time to time this committee will be bringing in recommendations when it has come to their attention that there have been abuses of the regulatory process, so that the public of Canada will know that there is a