

Committee on Statutory Instruments

would function as a kind of ombudsman in collaboration with the committee.

• (4:50 p.m.)

When we consider the thousands of statutory instruments which are passed in a year, I would think it would be physically impossible for this committee to deal with them all. But it is the experience in the United Kingdom and, I think, in Australia, that an effective, capable and learned chief executive operating with the committee is able, through the simple method of making telephone calls and taking part in discussions, to weed out a lot of the difficulties and faults which appear in statutory instruments so that the committee is left with the task of dealing only with matters which cannot be settled by discussion. I would imagine that through telephone conversations or personal discussions a proper officer would be able to weed out most of the areas of difficulty before they get to the committee.

A final proposal is that it should examine regulations on the basis of six criteria:

Are they authorized by the terms of the enabling statute?

That is manifest.

Do they make some unusual or unexpected use of the powers conferred by the statute?

That is very important.

Do they trespass unduly on personal rights and liberties?

Have they complied with the provisions of the Regulations Act?

Do they represent an abuse of the power to provide that they should come into force before they are transmitted to the Clerk of the Privy Council?

And so on.

I suggest that a committee which is objective, hard-working and properly staffed would perform a function which has long been needed in this country. I wish to confer my blessing, and the blessing of our party, on this committee. I feel that since the lives, the fortunes and the liberties of the people of Canada are affected to the extent of almost 90 per cent by statutory regulations rather than statutes, this committee will be one of the most important committees to function under the authority of Parliament during the course of the next few years.

I have taken a little longer than I should have taken. I hope that if necessary we can trespass to a limited extent upon the private members' hour in order that this motion may be passed and the process of setting up the committee begun.

Mr. Stanley Knowles (Winnipeg North Centre): Mr. Speaker, the whole question of what we ought to do about regulations and other statutory instruments is one which lends itself to lengthy discussion. However, I believe there are not many who wish to speak in the debate today; perhaps there is a general disposition to complete an afternoon of accomplishment by getting this motion through by five o'clock. I shall therefore take only a minute or two to say that, just as we welcomed the passing earlier this session of the statutory instruments bill, we welcome this motion which will establish a standing committee to which statutory instruments, regulations and so on can be referred for scrutiny. I concur in the general attitude which has been expressed both by the

President of the Privy Council (Mr. MacEachen) and the hon. member for Peace River (Mr. Baldwin) to the effect that this committee must approach its work in an objective manner and also to the effect that it will be engaged in a very important activity.

It is our experience in Parliament time and time again to think we knew what we passed when we gave final approval to a piece of legislation, only to find months later that things were being done or restrictions were being imposed of a kind we did not believe appeared in the bill at all. When we try to find out what happened, we discover that we had given authority to the Governor in Council to make regulations for the carrying out of the purposes of the act and that under this authority restrictive regulations were passed, or restrictive definitions introduced of such a nature as to produce quite a different result from the result we thought had been intended. I could give a number of examples of this sort of thing, but since time is limited, I shall refrain from doing so now. This is an area which the committee ought to scrutinize very carefully. I would hope that with the committee exercising an eagle eye there might in future be fewer departures by way of orders in council from what Parliament really intended.

A few moments ago I said I would not make references to examples. But let me give just one, not in order to be contentious, but merely to make my point. Take the new Unemployment Insurance Act. Because we gave the Governor in Council the power to define "earnings" we found that things were happening which we did not expect and that in many cases benefits were greatly reduced. I use this as one example. There are others. So this kind of job is extremely important, and we are therefore glad to give our support to the motion to establish a standing committee.

Motion agreed to.

Mr. Deputy Speaker: It being five o'clock the House will now proceed to the consideration of private members' business as listed on today's order paper, namely, private bills, notices of motion, (papers) and public bills.

• (5:00 p.m.)

PRIVATE BILLS

CENTRAL-DEL RIO OILS LIMITED

On the order: Private Bills.

June 10, 1971—Resuming the report stage of Bill S-12, An Act respecting Central-Del Rio Oils Limited, as reported (without amendment) from the Standing Committee on Transport and Communications.—Mr. Harries.

And resuming debate on the motion of Mr. Skoberg, seconded by Mr. Knowles (Winnipeg North Centre).—That Bill S-12, An Act respecting Central-Del Rio Oils Limited, be amended by adding the following to Clause 1 at line 27 on page 1:

"on the condition that sections 52 to 56 of the Bank Act apply to the company *mutatis mutandis* notwithstanding the provisions of Part I of the Canada Corporations Act."

Mr. Howard (Skeena): Mr. Speaker, on a point of order, I understood the Clerk at the table to be reading an item with respect to Bill S-12, which is No. 3 on the list of