

in, for example, the Petroleum Administration Act, the Energy Supplies Allocation Act of the Fisheries Act, were rarely made under the Tudor sovereigns who certainly prized administrative convenience and jealously guarded their control of the machinery of state. It is odd that in a supposedly democratic age government values its convenience, its control of the administrative system and its monopoly of information no less. What future can there be for individual liberty, for the rights of minorities and for democratic and participatory traditions if the highest end of government is its own ease, the exercise of power without public accountability? The need to abide by procedural rules, the stern restraint of the rule of law, the control of arbitrary if well meaning acts, all these may make government awkward. But the rights and liberties of the governed require that government not be untrammelled. Liberty is usually prickly and often untidy and asymmetrical. It wants, as Professor Hugh Trevor-Roper has observed, that certain beauty of mathematical order so beloved of those who respect power and what it can achieve.

That, Mr. Speaker, is the issue before the House. That is what we are debating. It is the role of Parliament itself, the safeguarding of the rights of the citizens of Canada. That is why this debate is so essential. Parliament is all that stands between the people and all powerful government, able to sweep away their most cherished rights with a wave of its arm. What is at issue is whether Parliament is discharging its responsibilities properly, or even, given present procedures, whether we have the ability to do our job properly. The committee's finding is unequivocal, that in fact we have not been discharging that responsibility properly, that in fact the procedures currently in place frustrate the ability of members of Parliament to do their job properly.

The committee's report, Mr. Speaker, makes some 66 recommendations which we feel are urgently required if Parliament is to discharge its responsibilities. We believe the government has had enough time over the course of a year to prepare a substantive response to our recommendations. Now is the time for action.

Let me review briefly for the House some of the recommendations made in a number of critical areas simply to set out a framework for this debate today. First, in response to a series of issues which have dogged the committee since its creation, the committee has called for a new subordinate legislation act. I mentioned earlier the number of pieces of subordinate legislation which were published each year, and yet the average Canadian, perhaps the average member of Parliament, is not aware of the fact that many of the laws we have which are made in the form of subordinate legislation are not even published, not available to members of Parliament, and are not set out for scrutiny by the standing joint committee.

We have every right to be concerned, Mr. Speaker, about our democratic liberties, when Canadians find themselves the subject of secret law. Yet that is what the committee has found on occasion after occasion. Some of the delegated legislation goes unpublished. Much of it is held by the government to be beyond the purview of the committee which was charged by Parliament to study this delegated legislation and ensure that it stayed within the bounds set out by Parliament.

We have asked, first of all, as part of this new subordinate legislation act, that we should provide expressly for the existence and continuation of the standing joint committee, which we would rename the standing joint committee on regulatory

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review. The change of name is simply to make the function of the committee more apparent from its title.

Second, we have asked that we clarify once and for all what is a statutory instrument; when the committee's jurisdiction begins; whether an instrument must be published in the first place or can remain secret—because we must not have secret law in this country. We on the committee believe, Mr. Speaker, that this is an essential issue which has to be dealt with.

Another recommendation which we believe is essential and which Parliament should be dealing with today is that all bills which include regulation-making authority in them should have the relevant clauses referred to the standing joint committee for study following second reading. That study would be concurrent with the policy study which would be taking place in other standing committees. The committee has not even asked for authority to amend legislation. All we have asked for is the ability to study it and make recommendations back to Parliament and the other committees studying the policy aspects.

We believe the request we have made is a very limited one, but one which is fundamentally important. Because what we have seen happen all too often, Mr. Speaker, is that the government has been granted vast authority to legislate by regulation without ever going to Parliament and justifying the need. There has only been one instance where the committee's recommendations have been followed. You will remember that was on the Post Office Crown corporation act where the committee asked and the government agreed to send those regulation-making clauses to committee. You will also remember that as a result of the committee's deliberations the government agreed to amend the legislation to make it a better bill, to ensure that it would not in fact be giving itself the power by regulation in the dark of night to sweep under its arm by way of the Post Office monopoly all telecommunications in Canada. That was the effect of the bill had it gone through unchanged. Our committee met, dealt expeditiously and in a non-partisan fashion with the bill, and its recommendations were accepted in large part by the government and resulted in a better bill, one which better reflects the intentions of Parliament and better protects the liberties of Canadians. This is why we believe it is essential to have this sort of expert study on which powers the government should properly be asking for before they are granted by Parliament.

We have asked, Mr. Speaker, that the appropriate cabinet minister report to Parliament within three months of any report respecting delegated legislation. We believe Parliament is entitled to have a response to standing committee reports. Indeed, had this recommendation been accepted by the government before, we would have had the government's response to our fourth report some nine months ago. It is now 12 months since the report was first tabled.

We recommended, Mr. Speaker, that committees of Parliament should have the right to review delegated legislation on policy or on their merits at any time. In essence, you would have a standing order of reference to committees to ensure that delegated legislation is studied on a continuing basis, and