

tenor of much of the report, then before we make those denunciations we had better make sure that we as a committee have taken our complaints to the minister or his senior departmental people for redress and found them lacking. If that had happened in all the cases about which we have complained, I think the authority of the report would have been greatly enhanced. Instead, in many instances we seem to content ourselves with dealing at a rather junior level and getting involved in some legalistic debate between instruments officers. This may be explained by the fact that the approach of this committee is a new approach, that we are plowing new ground. But certainly that is a recommendation for the future which we should bear closely in mind.

It may well be that ministers in some of the departments which have been particularly criticized, or at least criticized by implication, are not at all aware of the legal battles going on at some lower level in their departments. Yet in this report, even though they may be unaware of what has transpired, we make them at a senior level "carry the can", so to speak. This is a serious flaw and it undermines the strength of the committee's complaints.

I have noticed, in reviewing some of the work of the committee, that this point was drawn to the attention of members on many occasions in the past. In fact my predecessor as parliamentary secretary to the president of the privy council, who has now joined the government in the capacity of Postmaster General (Mr. Blais), suggested a very useful procedure to committee members more than a year ago to avoid the criticism of our dealing at a lower level of authority, and refusing, or failing to go to senior officers in departments or to ministers to seek redress. Unfortunately his suggestion was not acted upon. I hope, as a result of the further work of the committee, and perhaps of some comments this evening, that in future that kind of recommendation will receive more attention, and that if we do have a serious complaint that is as important as we say it is in this report, then we should certainly pursue it with senior people.

Thirdly, as a point of concern about this report, for me at least, I regret the rather short shrift given in the report to the appearances before us during our committee proceedings of the Minister of Justice (Mr. Basford) and to his recent letter to the committee, portions of which are quoted in the report. They are found in paragraph 80 on page 26. The minister spoke earlier today in this debate and gave an excellent and learned defence of his position. I do not intend to review all the ground that he covered in his speech. I think his letter and his evidence to the committee, as well as his speech today, deserve close attention by members of the committee. They hold out considerable hope that in future some of the problems which we have felt in the past will be alleviated.

In his letter, and again today, the minister outlined a new system for dealing with committee inquiries. He suggests that we deal at a more senior level than we have in the past, and proposes a procedure to be followed. He indicated that he has the approval of his colleagues in cabinet and their support for the position which he has taken, which is certainly one of

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co-operation and indeed, I suggest, supports the work of the committee. The impasse that we have complained about in the report appears to have been broken by what the Minister of Justice has said. But at the very least, I think, the positive, constructive and practical response we have had from the minister should offer the committee some hope and some reason for optimism. But again, despite the fact that the minister's letter was before us during our deliberations on the drafting of this report, as evidenced in some of the terminology used, there has been a tendency to "slough off" or at least to "downplay" what the minister has had to say. Again I would suggest that this tends to sap the committee's credibility and it impairs the impact of our work.

Mr. Ellis: You have said it three times already.

Mr. Goodale: I regret the sweeping cynicism that may have been evidenced in that last interjection, and which certainly seems to be apparent in some of the statements in the report which have been largely based on old business conducted at a junior level in the bureaucracy, and based upon experience which predated the minister's proposals for improved procedures.

I would also like to mention—I do not do so to raise a procedural problem and I do not propose to make a formal motion or take formal action as a result of mentioning these items—some procedural flaws of a technical, but important nature which may defeat some of the impact of our report. They may indicate that some of the things upon which we have pronounced ourselves were indeed not within our terms of reference.

We have a full mandate to peruse and criticize subordinate legislation, but I am not convinced that we have a mandate or jurisdiction to comment on the very method which parliament has chosen of delegating responsibility, nor do I believe we have been charged by parliament with the responsibility to challenge the Statutory Instruments Act itself. Our views may well be very helpful in future to the minister or to the government with respect to these items. Indeed, in a letter to the committee the Minister of Justice invited us to pass along any views we might have. But I do not think those views, and these opinions on matters upon which there is perhaps some doubt, would fall within our terms of reference. If we had advice and opinions to make known about those items, perhaps we should have chosen a different route in order to make them known to the government, to the responsible ministers, and indeed to the bureaucracy. By including them in our report, from a technical point of view perhaps we exceeded our jurisdiction and our mandate as given to us by parliament.

I would like to make one final point in closing, and that is a plea that in this debate tonight and, more important, in the future deliberations and work of the committee, we stress a practical and realistic approach to our problems and perhaps avoid some of the academic or theoretical debates which perhaps in the past have hung us up to a certain extent.