

its forces and challenge it, if it wants to. But that right must exist because it would have a salutary effect on the bureaucrats. I do not use that term in any offensive way. I see in the House today a few of them who have been quite mellowed by their experience in this chamber—at least, I hope so. I can only suspect they are different people now from when they first came here.

I suggest it will take little more than a telephone call from the officials or some discussion with the joint chairmen to persuade a particular department that a regulation as drafted is offensive and that it will be regarded as offensive by members of the committee. It may well be that the department concerned is able to persuade the officials or the joint chairmen that there is a satisfactory reason for the regulation; we have had a number of cases of this. My guess is that of all the orders in council that are drafted, less than 10 per cent will come to the committee and probably less than 1 per cent will ever reach the House for discussion. However, as I say, so long as the department and departmental heads know that this power exists, I am satisfied that in drawing up the terms of orders in council they will be looking over their shoulder at this committee and this parliament, and that is all to the good.

For these reasons I support this motion. I hope it will carry and will receive not only the unanimous but the wholehearted support of every member of the House. Sometimes the greater battles are not between those who sit to the right of the Speaker's chair and those who sit to the left of it, but are between private members of parliament acting for their constituents in the constant, unceasing struggle to try to rectify the evils of regulations and orders in council that are passed by the people who occupy the chairs of the officials. In that struggle, which will never cease, this act and this committee constitute a very powerful weapon.

[Translation]

Mr. Albert Béchard (Bonaventure-Îles-de-la-Madeleine): Madam Speaker, it is with pleasure that I take part in this debate, and I want to assure this House that my comments will be very brief so as to allow the Minister of Environment (Mrs. Sauvé) to see through the bill that will be discussed immediately after.

It is all the more a pleasure for me, Madam Speaker, to take part in this debate as I had the opportunity in the course of the preparation of this bill, Chapter 38 of the Statutes of Canada (19-20 Elizabeth II), and its progress through the various stages of its passage by Parliament, to work in close co-operation with the present Minister of Finance (Mr. Turner), then Minister of Justice, who piloted this bill and allowed for the creation of the committee whose report is being submitted to us today.

As one of my colleagues pointed out earlier, our committee was very slow to start his work. As a matter of fact, the first wailings of the newborn, Madam Speaker, were so long in coming that at a certain moment I wondered if it was not stillborn. It must be said, Madam Speaker, that the delivery was long and painful, as for that matter its conception had been. So it is with hesitation and uncertainty that the first steps were made, but I think now after a couple of years I can say the committee is on the right track. Its members are becoming increasingly familiar

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with the work they have to do, particularly the procedure to be followed in the performance of their duty.

May I be allowed, Madam Speaker, to pay a very special tribute to the committee advisors, Mr. Eglington and Lise Mayrand. Without their competence, their stick-to-itness and their patience I think I can say that our committee would not have made such progress.

At the outset it must be recognized that the field of operation in which the committee must work is vast and particularly quite barren. The very name of the committee alone is enough to frighten the best intentioned member. Incidentally, the name of the committee is the Standing Joint Committee on Regulations and other Statutory Instruments.

However, the usefulness today of such a committee in a democratic parliamentary organization is undeniable.

For the benefit of those among my colleagues who were not here at the time, it would be appropriate to mention that the existence of this committee is due to a recommendation to the House contained in the third report, known as the MacGuigan report, of a special committee established to review the regulations and other statutory instruments, which was presided by the hon. member for Windsor-Walkerville (Mr. MacGuigan).

The increasing interference of the state in the daily lines of citizens, the multiplicity and complexity of the areas in which it interferes in a constantly changing society prompts the government to use its legislative powers in a way which is sometimes abusive and even abnormal. On the other hand, citizens are ever more reluctant to allow themselves to be bounced about at will by their governing bodies.

This government and those that preceded it are and were aware of this. Many legislative measures were initiated through a process of legal reform established by the present prime minister of Canada aimed at protecting the rights and freedoms of individuals against a modern, powerful and sometimes distant government.

The act which established our committee was therefore designed to protect the public against abusive or abnormal use of the powers conferred to the executive by Parliament. Let us now see how this protection is ensured under the act; First, most of the proposed regulations must be forwarded to the Clerk of the Privy Council, who, with the Deputy Minister of Justice, is responsible for ensuring that they comply with the following conditions:

(a) That the statute pursuant to which they are to be made authorizes them explicitly;

(b) That the said regulations do not constitute an unusual or unexpected use of the authority pursuant to which they are to be made;

(c) That they do not trespass unduly on existing rights and freedoms and are not, in any case, inconsistent with the purposes and provisions of the Canadian Bill of Rights, and

(d) That the form and draftsmanship of the proposed regulations are in accordance with established standards.

Experts from the Department of Justice must examine all regulations to ensure that they meet the conditions I have just enumerated.