

conclusion of 15 members that even if it has not exceeded that in law, it has exceeded the intent of the legislation, and the co-chairman of the committee, in the first speech this afternoon, laid this out.

Fifteen members of the House of Commons and the Senate, from all three parties, sat down and spent considerable time with witnesses on these particular regulations and they have reached their conclusion unanimously. There is the protection to bring to the attention of the Canadian people and to hon. members of this Chamber the fact that cabinet is exceeding its authority. When we consider that a cabinet passes something in the order of 4,000 orders in council each year, that involves a lot of protection. To look at those 4,000 orders in council with the kind of thoroughness which each of them deserves is a gigantic task, but a necessary task.

The thirteenth report says to this House that this is a bad regulation in law and in its thrust. It runs counter to the intent of Parliament. We heard the Minister of Fisheries and Oceans (Mr. LeBlanc) speak today, and when we have the opportunity to read *Hansard* tomorrow we will find that the minister started by saying, "I have only had a couple of hours in which to prepare for this debate and I really feel handicapped because my legal expert is leaving my department and, in fact, is out of town". I commend the Minister of Fisheries and Oceans for that honesty, but I bring to the attention of the House and to the Canadian people what lies behind those remarks. It is a clear-cut illustration of the dependency of ministers on the bureaucracy. The minister feels handicapped—

Mr. LeBlanc: I said I wasn't a lawyer, that's all.

Mr. Kempling: That's not a handicap.

Mr. Hawkes: —because of the weight of his own work schedule, the lack of preparation and the absence of a bureaucrat.

The regulation at issue today comes to us as an order in council. What does an order in council mean? It supposedly means that an entire cabinet met, examined and found it to be a good one. But remember that almost 4,000 are passed every year. Is it realistic to assume that the members of the cabinet look at each and every one of those 4,000 proposed regulations with the kind of care and attention that they deserve? I suggest to your Honour that it is not a reasonable expectation. It is not an accurate expectation. I suggest that the proof of that was evident in this chamber today.

The minister responsible for the department under which this regulation was issued felt a little nervous or a sense of disquiet about having to defend it because of his lack of time for preparation and the lack of a bureaucrat. I suggest that that is the common existence of a minister: many things to do, too little time, and quite frequently too little background to examine thoroughly a proposed piece of legislation and its consequences. The only protection for the citizens of Canada is to use this place the way it was intended to be used, as a parliamentary democracy, a house of commoners in which each member is equal. The system would allow it, but it is only

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allowable if the cabinet is forced, by all the other members in the House, to make the system operate in that fashion. It is only when the cabinet is threatened with lack of support by half the members of this House that a cabinet can be brought to heel. It is an obligation of those who are elected in a parliamentary democracy to perform that function and to make that threat when necessary.

Report number thirteen of the Standing Joint Committee on Regulations and other Statutory Instruments is probably not the most important report ever to come before us in the history of this place, but it is an example of what has been going wrong for the better part of a decade or longer, and it is an opportunity for the government to signal a change in direction, that from this moment on it intends to listen to the elected Members of Parliament and benefit from the wisdom of that collectivity and that in future the legislation which is produced out of this House and the regulations which are produced out of cabinet will be subjected to the scrutiny which the collective wisdom of this House can provide.

• (1730)

That is the essence of our parliamentary democracy, and I suggest to hon. members who want to think that through a little more that they would be well advised to read the speech on parliamentary reform made in this House the day after the bells stopped ringing by the leader of our party, the Right Hon. Leader of the Opposition (Mr. Clark). That was a speech from the heart and from the experience of the only living former Prime Minister of this country. He spoke of the need for reform of this institution and some of its structures and rules. More importantly he spoke of the need for reform of ideas. If we were to adopt his thrust and attitude we would not be standing here today in this House debating this report, because the cabinet would accept seriously the wisdom of Members of Parliament and act on the basis of that wisdom.

I thank you for the opportunity of speaking, Mr. Speaker. I should like to go on at greater length but I know there are others who want to take part in the debate and I think I have made my point.

Mr. Bill Kempling (Burlington): Mr. Speaker, I see that I have an audience behind the curtains. I should like to add some comments to the discussion that has been taking place on this thirteenth report of the Standing Joint Committee on Regulations and other Statutory Instruments. I should say at the outset that until the hon. member for Skeena (Mr. Fulton) spoke I thought this debate was on a very high level. I felt that members who participated were concerned about the matter contained in the report and that, in fact, we welcomed the comments of the minister because we believe he truly wants to see this matter resolved. Then the hon. member for Skeena spoke. As a member of the committee which presented this report I would suggest that an analysis of what the member said would indicate that he would have you believe those on the committee were blackmailed, coerced, intimidated or