help in the work of cleaning up all the regulations which need to be examined under our terms of reference. One of the pioneers in this field is the hon. member for Windsor-Walkerville. The hon. member for Greenwood (Mr. Brewin), of course, is another. Very early in his career, when he was just a young lad, the hon. member for Winnipeg North Centre (Mr. Knowles) had a bash at some of these problems. My vice-chairman is the hon. member for Toronto-Lakeshore (Mr. Robinson), and other hon. members have made substantial contributions to this work.

I should like to mention one member in particular, my hon. friend from Peace River (Mr. Baldwin), who has carried out an examination of statutory instruments with a view to ascertaining that government departments are, indeed, responsible to parliament. Speaking in a debate on transportation in this House on January 12, 1967, as recorded at page 11709 of *Hansard* he had this to say:

> As a result of the immense growth of government activity, obviously one can ask whether expert public servants are becoming the masters of the people they are employed to serve. Several other questions arise at the same time. Are not many administrators vested with authority to act as legislator and judge?

I say, parenthetically, that this is indeed so.

> Is this not a violation of the principles of separation of powers and natural justice? Perhaps the main question is that which involves the fundamental principles of democracy. Does not the growing pattern of administrative regulation undermine the ideal of representative government expressed through a popularly elected legislature?

The hon. member for Peace River put it very well indeed. Over the years, particularly in this century when the growth of the regulation-making authority has been exceptionally pronounced, many people have given their minds to devising means of coping with this problem. For example, there is a school of thought which maintains that a regulation should never be accepted unless it has been laid before parliament and approved by parliament. Can you imagine, Mr. Speaker, what would happen to this place if we had to deal with two or three regulations a day and approve them?

A second school of thought suggests that regulations be laid before parliament, after which they would become law unless they were attacked by a motion or resolution of this House, the other place, or both places, seeking to negate or amend them. Again, Mr. Speaker, this is a subject to which very careful consideration ought to be given. We might find that a large part of our time was spent considering motions to negate or amend regulations, and since time is perhaps the most precious commodity we have in this place we must be extremely careful, before taking any steps which it might be desirable for this House to take as part of parliament, in dealing with delegated legislation. On the other hand, we must make a review.

I believe the hon. member for Greenwood will be referring in the course of his contribution later today to some of the things which have been uncovered in the committee. I believe he will be making a strong case in favour of devising some method of correcting these situations. My purpose is to provide an overview and to draw attention to certain difficulties which have arisen in the course of our investigation so far, and then to ask for opinions from hon. members and from the public.

Our order of reference is the most generous, in a certain sense, that we could possibly have. We are not obliged to go around being nice to the House leader, to the cabinet, to the Leader of the Opposition (Mr. Stanfield) or to anybody else. Our order of reference is set forth in the law of the land in the Statutory Instruments Act, 1971-72, chapter 38, where section 26 provides:

> Every statutory instrument issued, made or established after the coming into force of this act, other than an instrument the inspection of which and the obtaining of copies of which are precluded by any regulations made pursuant to paragraph (d) of section 27, shall stand permanently referred to any committee of the House of Commons, or of the Senate, or of both Houses of Parliament, which may be established for the purpose of reviewing and scrutinizing statutory instruments.

This, in effect, means that everything since January 1, 1972, or thereabouts stands permanently referred to the joint committee. Unfortunately, the act does not contain a further paragraph setting out what would happen once the committee had uncovered something about which it wanted to raise a commotion. Since the act is silent as to our procedure we are, in effect, making our own way. We can scrounge certain rights from the present Standing Orders and we can make reports to the House. Not all of them will be reports that we can move, but we shall be able to report from time to time as to the manner in which, in our view, the ministry is exercising the power to make regulations, and we can make certain recommendations. I think that some day we shall have to come to the House and ask that a new procedure be followed, but I shall deal with that aspect later.

In the report tabled in the House on October 22, 1969, by the hon. member for Windsor-Walkerville, the chairman of the special committee, this point is made:

● (1240)

> Your committee's contention is, therefore, that there should be, as a general rule, public knowledge of the processes of delegated legislation before, during, and after the making of regulations, and that any derogation by government from this rule requires justification.
>
> Your committee adopts this position for five reasons. First, the people cannot control their government without knowledge of its actions, nor can parliament fulfil its role of responsibility with respect to legislation without being fully informed on the operation of those legislative powers which it has delegated to others. Second, the existence of secrecy is likely to lead to popular suspicion of wrongdoing by government whether or not there is any genuine reason for suspicion.

I would say here, Mr. Speaker, that to the best of our knowledge there are no secret orders in council that the public should know about but do not. I think we are fully satisfied of that. The original schools of thought which dealt with statutory instruments were really concerned about the power that the King and his advisers had to make regulations, which in effect are laws, without making the laws widely known. That is to say, there tended to be a great deal of secrecy in the operations of government in centuries gone by. As a result, this cloud of suspicion tends to come down to us today when we deal with statutory instruments. From examination both in the committee headed by the hon. member for Windsor-Walkerville and in our examination since, I think I can make the unequivocal statement that there are no secret orders in council that should be known to the public. Back again to the MacGuigan report of five years ago:

> Third, we are living today in a period in which the validity of authority