

*Committee Reports*

concurrence in the report today, why I waited one year almost to the day before asking for concurrence by the House of Commons in this unanimous report of our standing joint committee. The answer is simple. It is that we felt that the government should be entitled to a chance to study the report. We hoped that the government's having been given that opportunity, concurrence would be forthcoming and we would see fundamental reforms taking place which would ensure the better functioning of this Parliament.

Hon. members will recall that on a number of occasions publicly in the House of Commons I have asked for a reasoned response from the government to our report. The government has indicated that it is not yet prepared, even after a year has gone by, to make a full report on the committee's recommendations, and it has asked that the committee not move for concurrence in its report, that it be held at least until fall so that this committee report could be lumped in with the report of the Economic Council of Canada and the report of the select committee which studied regulatory reform earlier in this session, and that perhaps a new parliamentary committee would be stuck to study the reports of these other committees.

Now is not the time for more studies. Now is not the time for another committee to study a committee to study a committee. Now is the time for action. This report makes a comprehensive analysis of the processes which are in place today. It finds them wanting and makes a series of recommendations—I believe 66 in all—which, if put in place by the government, could go a long way toward protecting Canadian rights and enabling members of Parliament to discharge their responsibilities properly.

For the committee to wait at this point and for us simply to allow Parliament to adjourn for the summer recess without calling for concurrence because it is inconvenient for the government would undermine the whole role of the committee, which has the responsibility of reporting to Parliament when it feels that action is required or when it feels the government has taken an action which is improper in some way. For us simply to await the convenience of the government on the ground that it has asked the committee not to ask for concurrence and not to ask that these reforms be made at this time is simply to turn the committee, which is a watchdog or scrutiny committee, into the handmaiden of government. No member of Parliament would ask that of the Public Accounts Committee, which is similar in its function to our committee, and surely no member of Parliament would ask that the Standing Joint Committee on Regulations and Other Statutory Instruments be simply turned into a handmaiden of government, the reports of which would be discussed only at the convenience of the government.

It is particularly appropriate that there should be concurrence today as well because Parliament is going into overtime. It was the intention of the government to have Parliament wound down for the summer recess, and we were not to be sitting this week. That means that every day we spend this week is found time. It is time which otherwise would not have been spent debating legislation because Parliament would not

have been sitting, if the government had had its way. Consequently, no one can argue that debate on this matter at this time would be blocking the government from legislation which it had been intending last week, for example, to bring forward. Time is available. It is incumbent on members of Parliament on all sides of the House to debate the report. I think it is in the interests of the people of Canada and of this Parliament that a full and fair debate be held on this report, that debate conclude at the end of the day with concurrence in the report and with action by the government to begin to address some of the concerns of the committee, many of which have existed for several years.

The issue of what the role of the committee is and what the role of Parliament should properly be is really the fundamental question we are called upon to debate here today. Because what we are talking about goes right to the heart of parliamentary government itself. It often seems as if the issues being debated in the committee—when we listen to the names of the regulations which are being discussed—are archaic or in some way irrelevant to the pressing concerns of Canadians, but they are not because the principles involved—the principle of Parliament's oversight of delegated legislation, the principle of the rule of law, the principle of natural justice, the principle of whether or not the government is acting within the confines of authority granted it by Parliament—are principles which are central to the whole life of our parliamentary government and extend back over centuries. They are principles for which people have fought and died over the course of many, many generations. This is why the debate we are having this afternoon is essential, why it must be allowed to continue this afternoon and why action must be taken by the government as soon as possible.

I could not myself this afternoon more eloquently make the case on behalf of the committee than the committee does itself in paragraph 6 and 7 of its report. Let me read them because I think they outline the fundamental issue at stake here today. They read as follows:

Subordinate legislation is an historically accepted means of governance. There is no longer any point in arguing that it is fundamentally improper or that it should be used only occasionally or for mere matters of detail. What is essential is to surround the making of subordinate legislation with procedural safeguards and measures of control so that the rights and liberties of the subject, which it is the object of our constitutional order to protect while maintaining a viable system of government, may be secured as well under subordinate legislation as under statute. Subordinate legislation must not become a means, even unwittingly, of suppressing rights and liberties or of subverting parliamentary supremacy over the law. The Crown's power has never stood higher; the potential for its abuse has never been greater.

● (1520)

7. Subordinate legislation may be inescapable and the implementation through it of policy, even policy never debated by Parliament, may be inevitable; but that is no reason to allow subordinate legislation to be made without adequate check, without any democratic element in its formation, and embodying any provisions Parliament's delegate chooses. There are still matters which are not meant to be dealt with by delegated legislation and which should be soberly weighed by Parliament. The confining of subordinate law to its proper sphere, and the regularisation of its use will be impossible of accomplishment if Parliament continues in the habit of giving larger and vaguer grants of law making power to the executive in skeletal statutes many of which are devoid of any clear enunciation of policy. Such blanket grants of executive power as are contained