

### Committee Reports

mendations to the Minister with respect to the wrong-headedness and wrongfulness of this specific regulation. In fact, the Member will be aware that the concern was that the regulation was directed toward a specific body of water rather than dealing with bodies of water in general across Canada.

Could the Member clarify for the House how he sees this as a non-partisan issue when the Minister has in fact rejected the recommendation of an all-Party committee which has put its collective wits together to come up with a recommendation endorsed by all the political Parties? That particular recommendation has been ignored, abused, and rejected by the Minister.

**Mr. Lewis:** It has not been ignored, abused, or rejected by the Minister. The Minister is simply making the point that he has advice that the regulation is in order. I do not see that as ignoring and abusing anything. The regulation was promulgated when the Member for Winnipeg-Fort Garry (Mr. Axworthy) was the Minister of Transport. As I keep trying to tell the Member, this is not always a partisan place. This is not always a place where people are trying to score cheap political points.

**Mr. Kaplan:** Or even expensive points.

**Mr. Lewis:** We are trying to do the best we can in this place. I know that is what the Hon. Member did. We put the environment far ahead of anything the Hon. Member does. We put the environment ahead of cheap political points. We put the safety of the Canadian people ahead of cheap political points.

**Mr. Kaplan:** That is a cheap political point.

**Mr. Lewis:** It may be. We put the tourism industry ahead of cheap political points. I think we have all tried to avoid making cheap political statements today. If we carry on as we are—as I am, anyway—in the interests of this debate, we will be able to make definite progress on other things.

**Mr. Keith Penner (Cochrane-Superior):** Mr. Speaker, I have been waiting for some time for this report to come forward. I did not expect it to come forward today, but I am pleased that it has. I would like to say that I agree entirely with the Parliamentary Secretary that this is really not an essential part of that issue. However, this is a very important parliamentary issue. I know that if the Hon. Member for St. John's East (Mr. McGrath) were here, he would be interested in this parliamentary issue. I would like to direct my comments to that particular point. This report has nothing to do with pollution or the control of shipping, but has a great deal to do with the way in which Parliament does its work.

I would like to begin by saying that it is rather shocking for a Member of Parliament to realize how much careless drafting of legislation goes on. I had the privilege to sit on a parliamentary committee which recently did a clause-by-clause study of a Bill on another subject. From that it became abundantly evident that Members of Parliament cannot simply assume that there is good drafting on all legislation. I do not want to

be at all unfair to the drafters who work for the Government in the Department of Justice. I do not want to bring any dishonour or disrespect on those public officials. It is probably true that they are overworked. It is probably true that they are pushed too hard to get Bills done in a relatively short space of time. However, Mr. Speaker, it is the case that errors are made and that mistakes occur. It is the case that mistakes occur.

● (1450)

The second point is also well known by Your Honour. We have a great deal of legislation these days and in days gone by called enabling legislation, enabling Bills. What enabling Bills do is to give the Government very broad, let me say even sweeping authority to take certain courses of action. In order to determine how those courses of action will be carried out, there has to be drawn up a whole host of regulations, sometimes extremely detailed. These regulations have the force of law. They can sometimes be unfair, unjust and punitive. Sometimes they can impact upon a citizen, an organization or a business in our society, which is very unfair. What recourse do these citizens, organizations or businesses have?

It is absolutely necessary that someone peruse and examine these regulations with the utmost care. If we fail to do that, we are going to have something which may be like bureaucratic totalitarianism. That is why Parliament, not so very long ago in the period of time I have been in this honoured place, being aware that there was a danger to democracy under this process, a danger to the liberty and freedom of our citizens, decided that there ought to be a very special joint committee of Parliament called the Standing Joint Committee on Regulations and Other Statutory Instruments. It is a mouthful to say. Many Members of Parliament are not even aware that it functions. This committee does some of the most important work of Parliament that can be done, Mr. Speaker. The committee works quietly. A report like this was almost neglected and overlooked. What this committee does is to take a very careful and detailed look at regulations promulgated under one of these enabling Bills passed by Parliament.

I have seen their work with respect to an Act with which I am most familiar, namely, the so-called Indian Act, which is one of the worst pieces of legislation to be found anywhere in the democratic world. In this case, the committee looked at the Canada Shipping Act. The committee found that there were certain regulations that had been promulgated under that Act. After careful study and after seeking expert advice, the committee came to the conclusion that these regulations were *ultra vires*. They cannot be in effect legally. Very quickly I will deal with the regulations so that everyone is made aware of what we are talking about.

The purpose of the regulation was to restrict the quantity of oil that may be carried on board an oil tanker. The regulation said that this specified quantity of oil in an oil tanker applies to those ships operating in one body of water, namely Head Harbour Passage, New Brunswick.