ing Joint Committee of the Senate and House of Commons on Regulations and other Statutory Instruments.

Hon. Paul C. Lafond: Honourable senators, I have on previous occasions, both inside and outside this chamber, expressed my sadness at the lack of appointments to this side—with a small "s"—of the chamber, and I reiterate that now. Nonetheless, I am pleased to extend a very warm welcome to the four new senators—some old friends and some new ones—all of whom have already established their worthiness of appointment to this chamber through their contributions to Canada, whether at the ethnic, local, provincial or national level.

[*Translation*]

First I should like to pay tribute to the co-chairman of the committee, my seatmate Senator Forsey, whose report is under consideration. His utmost diligence and the clear-headedness and ease with which he can pinpoint tendentious issues in statutory instruments are a precious help to all members of the committee. Moreover, his quick mind often allows us to pursue in a more lively fashion the often dull task we have been given. Let there be no illusion indeed, that committee is not the most interesting of all our committees. I therefore thank Senator Forsey and I unconditionally support his invitation to the Senate to consider this report.

[*English*]

Senator Godfrey has been one of the most assiduous members of the committee. His vast knowledge of the law has been invaluable, as his contribution to this debate amply demonstrates.

I was particularly pleased to listen to Senator Lang's contribution to this debate. He, too, is extensively learned in the law, and has the added benefit of not having been tainted, as the other three of us may have been, by the tediousness of the many meetings of the committee over the last two years and the laborious production of its reports. Senator Lang gave us several illustrations of the frightening growth of legislation of this kind both in Canada and abroad. I would like, if I may, to add one to his collection by quoting Lord Hailsham in the Richard Dimbleby Lecture of the BBC last fall, entitled "Elective Dictatorship," as published in *The Listener* of October 21, 1976. He said this:

● (1440)

> Consider the scale and range of modern government. The powers of government may have been tolerable when exercised in the limited manner, say, of 1911, or even of the years between the wars. But the same powers may well have become intolerable to the ordinary man and woman in 1976, by reason of the vast mass and detail of legislation, the range of its application and the weight of taxation which goes with it.
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> Consider two simple tests: the mass of annual legislation, and the size of the annual Budget. Before the First World War, the then Liberal government was content to pass a single slim volume of legislation in a year—and that, remember, was one of the great reforming administrations of the century. In 1911, there were not more than about 450 pages, and that was a heavy year. For 1975, there will probably be three volumes, each of about 1,000 pages, and each carrying with it an immense flow of subordinate legislation, amounting to about ten volumes of 1,000 pages each. So that when, at last, they have got around to printing it all, which they have not yet, there will be over 13,000 pages of legislation for a single year.
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> It must be remembered, moreover, that these changes are cumulative. Even allowing for repeals and amendments, those 13,000 pages of 1975 represent a huge addition to the corpus of British law, and that had already reached an all-time high by 1974.

While we have not asked yet for a page count of the corpus of Canadian law, there is no reason to believe that we are in a better shape than they are in England.

There is a case for subordinate legislation. It has been put in a recent editorial of the *Financial Post,* but it was put this way by Sir Harold Wilson in his review of his years in government:

> Successive Governments of all parties had come to rely more and more on this kind of delegated legislation, for modern laws are inevitably complex, and detailed provisions, too complicated to be included in the principal act, have to be made by order. Moreover, as facts and requirements change, it is frequently necessary for the law to be altered to keep pace with them.

Well and good. Yet there is another aspect to it, and this was put by one of Sir Harold Wilson's own ministers, Richard Crossman, who states, in his *Diaries of a Cabinet Minister*, the following:

> I celebrated my last Legislation Committee by having a blazing row about the Hovercraft. This is one of the Bills which I've demoted from the main programme and I'd given instructions that it may only be taken if it can be got through as a completely non-contentious measure before a Second Reading Committee. Whereupon the idiotic Board of Trade drafted a Bill which simply said that Hovercraft would be regulated by Order-in-Council. The argument of the draftsman was that as we don't know how Hovercraft behave we can't give instructions about them. But we must have some instructions because the first Hovercraft is going into service across the Channel this summer and nobody yet knows whether it is to be treated according to the laws applying to sea vessels or as a land vehicle or as an aeroplane. So some real thinking has to be done about the safety and security measures which will apply to Hovercraft. Yet here was the Ministry simply saying: "We won't bother to think about it. We'll simply have an enabling Bill and leave the thinking to our convenience."

Honourable senators, I believe that this leaving of things to convenience, being the convenience of government or the convenience of civil servants, is what essentially grinds against Parliament and what Parliament has to grind back against.