

Statutory Instruments

have participated in the work of the committee, who want to address a few remarks to Your Honour. However, there are just a few comments with respect to the work of the Standing Joint Committee of the House of Commons and the Senate on Regulations and Other Statutory Instruments which I would like to make.

My first words have to be ones of commendation for the work of the two co-chairmen of our committee, the hon. member for Halifax-East Hants (Mr. McCleave) and the Honourable Senator Forsey. Indeed I would like to commend all the members of the committee who have worked so hard in the preparation of this report we are discussing today, and who have established a solid tradition of conscientious scrutiny of the subordinate legislation which emanates from the various departments and agencies of government.

The report is a major work. It represents months of detailed effort. It is breaking new ground in many respects. In regard to some of the criticisms which have been offered, and no doubt will be offered about the report, it is important to bear in mind that in many cases the report, in Canadian experience is plowing new ground. It covers an enormous amount of ground. It is difficult to deal with all of its aspects in one comprehensive debate, or perhaps in one all-encompassing vote on concurrence. There is just so much included here that it is impossible, really, to come down to a bottom-line single word yea or nay judgment call with respect to all of it.

In fact the voluminous nature of the report has been outlined by the co-chairman this afternoon. All of the work, the consideration and compromise of members and Senators, which went into its drafting reminds one of that old tongue in cheek definition of a camel, which is described as a horse but one designed by a committee. Perhaps that is a little bit of what we are dealing with this evening.

Mr. Baldwin: I would have thought designed by bureaucrats.

Mr. Goodale: I do not mean to be unkind in using that definition. That is part of our problem that we are dealing with in this report. Perhaps we are dealing with one of those proverbial Committee camels. This is an essential problem in trying to come down to a single conclusion about it.

As I mentioned repeatedly during the deliberations of the committee—and this is clearly included in the minutes of the committee—I for one do not agree entirely with some of the analysis, methodology, and conclusions of the committee as expressed in this report. I would like to take a few moments this evening to express a few of my reservations. In doing so I do not mean to deprecate the sincerity or the considerable good work of committee members. However, I believe the House should be aware of the defects which some of us believe exist in the criticisms in this report.

First of all, I would like to comment upon the over-all tenor and tone of the report, the general impression which is conveyed by some of the language which is used, and the peculiar emphasis it gives to the instances where the committee claims the regulatory system has broken down. In some serious

[Mr. Goodale.]

respects the report is prone to overstatement. The language used, in some cases, is pretentious to the point of being incomprehensible in some sections. It almost borders upon the sarcastic. I want to emphasize that I am not making that as a blanket condemnation of all aspects of this report, but there are some sections which are impaired by that kind of language usage. It demonstrates a flair for a colourful or super emphatic turn of phrase, and that does not do anything particularly to enhance the credibility of the report. To support that contention I would make only one rather homely reference to statistical facts which are set out in the report itself. I would draw the attention of members to paragraph 6 which appears on page 2. It points out, at that point, that 1,348 cases have been reviewed in the committee's work since July 15, 1976. Of those cases, 689 have been objected to, queried, or found to be in need of further explanation. Of these, 487 have been answered by the government, and 202 were awaiting reply at the date of the reports. Of the responses which have been given, only 24 have finally been considered by the committee as defective.

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Even if the committee's view is 100 per cent correct with respect to each of the perceived defects in those cases, even if the committee is absolutely infallible in its approach to the problems which it sees, that represents a failure rate of only 5 per cent of the instruments objected to and for which replies had been received. To look at it in another way, it amounts to a failure rate of less than 2 per cent of all the instruments that have been reviewed. Yet, despite that rather slim numerical basis, the report of the committee seems to me to be unfortunately couched in rather pompous language, as I have mentioned, which seeks to condemn government action in broad and sweeping terms. In places the language used would appear to seek to convey pretended importance far beyond any basis in fact. I admit that some of this may simply be explained away as a matter of style or writing. But to my mind it renders the report less readable and less comprehensible, and seriously detracts from the credibility that a work of this kind should certainly have.

Secondly, on a more important matter, I should like to mention a problem to which I referred during the course of the committee's deliberations, and this has to do with the preoccupation which the committee seems to have had with legalistic debates between the committee's counsel and rather junior legal or instruments officers in various departments of government. What we have seen in some of these cases is a failure or refusal of the committee to "go to the top", so to speak, to a senior departmental official or to the minister himself to pursue an objection and seek satisfaction.

If this matter, which we are discussing this evening and which the committee has discussed for so many months, is as important to parliament and to good government in Canada as we say it is, then we as a committee should be more diligent in prosecuting our various cases with senior people in responsible positions in the departments which concern us. If we are going to make sweeping denunciations of ministers, departments, and government practices generally, and that seems to be the