necessary to concentrate attention on enabling powers in bills. The Australian Senate has a Scrutiny of Bills Committee for the purpose. It is true that its terms of reference are oriented to liberty of the subject issues, but there is no reason why the model should not or could not be adopted to enjoin scrutiny for effects and consequences of an economic kind.

7. Whether the task of scrutinizing enabling powers is appropriate to a separate committee or to the existing Standing Joint Committee for the Scrutiny of Regulations, as knowledgeable of the products of enabling powers or to the Standing Committees, some particular committee attention should be paid to these powers. The Standing Committees appear more appropriate to policy considerations, and the Standing Joint Committee to the liberty of the subject issues handled by the Australian Senate's Scrutiny of Bills Committee.

8. Any parliamentary committee faced with a mass of particularized enabling clauses or a few clauses of great breadth will be at a loss to know what to make of them without information concerning the intent of those who instructed the draftsman. It is essential, therefore, that every bill containing enabling clauses be accompanied by a memorandum setting out precisely why the particular regulation-making powers included in the bill are sought, and what form the sponsoring Minister sees the regulations taking, e.g., the traditional proscription and prescription, the use of internationally accepted standards, and so on. This information will give the relevant standing committee or the Standing Joint Committee or both a starting point for effective and expeditious examination of the enabling powers.

B. REVIEW OF REGULATIONS BEFORE THEY ARE MADE

9. The idea of reviewing regulations before they are made (or come into effect) is very attractive. And Canada has travelled a long way down this road through consultation, pre-publication, notice and comment and RIAS. Oddly, parliamentary involvement in the review of proposed regulations has not been actively promoted. This parliamentary reticence needs to be rethought.

1. Examination of Proposed Regulations with the Enabling Bill

10. Occasionally a cry goes up for the regulations to be made under an act to be made available when the bill for the act is before committee. It has also been suggested that an act should not be proclaimed before the regulations to be made under it have been reviewed by the parliamentary committee. Apart from the difficulties which may arise due to the unavailability of statutory powers pending proclamation, these proposals raise the question of the completeness and immutability of the draft regulations.

11. There is also a conundrum. If the regulations can be ready with the bill, or soon after its passage, why should not the policy material in them be included in the bill and the policy debate take place in the usual way? While there have been occasional instances of draft regulations being available with bills, this will not often be easy to achieve. Bills may be amended in their passage through Parliament, and it is probably more efficient management of resources to wait until their final form is established before writing the final drafts of the regulations. With the added weight being given now to genuine consultation, hurrying to produce the regulations may be counterproductive. And where will it leave all the RIAs effort and publication in draft in the Gazette? If, after consultation, the regulations are different from those before the standing committee with the bill, the House will have been deceived. If the regulations must stay in the form presented to the standing committee with the bill because that was the basis of their consideration of the bill, then there is no integrity to the public consultation procedure.