

*Statutory Instruments Act*

and predict the events which will follow. First, I would hope that the review and scrutiny provision would be somewhat broadened and that there would be added an opportunity, if one is not contained in the wording already, to comment and to make suggestions. I presume this is what one has in mind in establishing such a committee. I think this right should be spelled out. However, this is a detail which we can examine when we get into committee.

I would hope that any Member of Parliament or any member of the other place confronted with a problem involving the scrutiny of statutory instruments would have immediate recourse to the committee to be established and would be able to muster that committee almost immediately to deal with the problem he or she brings there. Let me be specific. A few weeks ago the Minister of Transport (Mr. Jamieson) passed regulations, as he was given authority to do under the Motor Vehicles Safety Act which was passed by Parliament a few months ago. Immediately, most of us received form letters from motor cycle enthusiasts saying there was something wrong with the regulations, that they impinged upon their freedoms and should not have done so. I will not go into whether or not their complaint was justified. The point I would make is that there should be an instant remedy open to people and complaints that such groups raise should be brought somewhere where they can be looked at and satisfaction obtained.

I hope that when the scrutiny committee is established it will give every parliamentarian in this or the other place an opportunity to immediately take up questions involving the use of statutory instruments and obtain at least an answer. This would make the work of the committee all the more real to every Member of Parliament. I hoped that the committee would be a joint committee, that is, of both Houses, for the simple reason that the other place has a continuity that this place does not have in certain years, usually every fourth year when we become fractious, obnoxious and engaged in that great sport the federal election. Since the people in the other place are immune to that, they would give continuity to the committee and I think this is important.

I would further suggest to the minister and to the leader of the House that it be a small committee; I have in mind something of the order of ten members. I do not think it is a great problem how many government bodies or opposition bodies you have on it. I do not think the vote would be partisan. I see it more as a committee where the vote would be as independent as one could have from parliamentarians in a set-up such as that.

So much for the main clause of the bill, what I should like to see done and the kind of committee I should like to see established. I think, also, it should be a committee with fairly senior personnel of great experience with statutory instruments. The minister nods agreement, and I presume this will be the thinking of the committee. In any event, the reputation of the committee will rise or fall depending upon its ability to deal quickly, as intelligent persons, with the work referred to it.

• (8:30 p.m.)

Now may I say a few words about one of my hon. friends who is not here this evening, the hon. member for Peace River (Mr. Baldwin). He deserves considerable credit for the fact that we are now debating this bill. He has been an advocate of such action for a considerable time, and I will prove that by making two references only. The first is to the debate in June, 1965, when the procedures of this place were being discussed in the House. At that time the hon. member for Peace River made a motion to set up among the committee of this House one on delegated authority. The Prime Minister of the day, Right Hon. Lester B. Pearson, made other suggestions, but let me quote what the hon. member for Peace River said, as reported at page 2276 of *Hansard*:

In the first instance, he said, there is consideration being given to setting up a royal commission to inquire into the necessity for an ombudsman.

I see the hon. member for Red Deer (Mr. Thompson) pricking-up his ears and I am sure that later in the debate he will be speaking to that aspect of the matter.

Second, he thought the committees, as constructed and set up by this particular section we are discussing, would provide an opportunity to examine into the very dangerous situation which prompted me to move this amendment. I refer to the very increasing extent to which government, particularly the executive branch of the government, is operating with the aid of Orders in Council.

The hon. member continued his argument. I cite his words not only to prove that he was on the right track then and that finally his patience and persistence paid off, but to pay tribute to one of our truly great Members of Parliament. He returned to the fray on September 17, 1968, in the debate on the Address that year, and as reported at page 107 of *Hansard* said:

There should be a committee on delegated authority.

I do not have too much time but I must stop here for a moment to emphasize this tremendously important issue. Most of the regulations and most of the authorities which affect the ordinary person in Canada, together with the pressure of large government corporations or crown companies, have come about as a result of authority which this Parliament has delegated to others to exercise on its behalf. We live in one of the very few democratic countries that have taken no steps to provide an opportunity for the ordinary man and woman, through the medium of a committee such as I have proposed, to ventilate and bring forth his argument in respect of any grievance he may have which has arisen not because of an act of Parliament but because of something done under authority given to others to act under an act of Parliament. This has a grave effect on our democratic society.

So on at least two separate occasions in recent years the opposition House leader made a very strong pitch for the sort of legislation we are now discussing. I now turn to some of the other reasons why it is an absolute necessity to pass legislation such as this and establish a committee of the House along the lines proposed. Professor J. R. Mallory, in his report "Delegated legislation in Canada: Recent changes in machinery", as reprinted in the Canadian Journal of Economics and Political Science, volume 19, which was published about 18 years ago, dealt with the experience in this regard of the government of Canada during the last war.