

Motions

British Columbia or in Atlantic Canada and, as a result, there are wharfage fees for those people who tie up their boats and regulations affecting how long their boats can be tied up, when the wharfs are closed, and so on. Parliament could not include all that in one Act of Parliament. It would be a huge Act of Parliament, and we could not anticipate what would happen in different situations. Therefore, Parliament passes a general law making provisions for wharfs, for moneys, for ways in which they will be controlled, for personnel and so on.

Following that, Parliament says the authority, the bureaucracy, the Governor in Council, or Cabinet can pass a number of regulations dealing with wharfs. Cabinet has to sign all the regulations and so on. Since there are thousands and thousands of them, I suspect that they cannot look at every one of them, even as good intentioned as cabinet Ministers may be. Sometimes unjust regulations go by. Sometimes people are charged fees when there is no authority for it. Sometimes people cannot tie up their boats when there is no authority for it. Perhaps I am over-simplifying the matter, but that is the way it works.

When the committee looks at the wharfs, it may see that there has been a wrong exercise of power on the part of some Department, such as the Department of Transport or the Department of Fisheries and Oceans. Perhaps the Department has issued a regulation which does not really fit in with the power in the Act. The committee has many standards when it looks at Orders in Council, but I will not go through all of them. There are two lawyers who work with the committee and go through all the statutory regulations. It will write, for example, to the Department of Fisheries and Oceans—and I see the Minister of Fisheries and Oceans (Mr. Siddon) present in the Chamber this morning—and say that something does not fit in with the power in the Act. When the committee writes under the joint signature of a Conservative Senator, a Liberal MP, and a Conservative MP, we start seeing changes in the Department. This is all “behind the scenes” work in Parliament, but it is very important work because it ensures that the rule of law and citizens’ rights are respected. I think everyone in the House would agree with that.

In my experience with the committee, we have dealt with transportation fees and rates and agricultural matters. The committee has been involved in a host of things. As the Hon. Member for York Centre and as the committee indicated, citizens have the right to rely exclusively upon the laws adopted by the Parliament of Canada.

The particular issue before the House now is a very interesting one. The Government brought in the program known as CHIP. Many Canadians know about it. I believe the Government has spent over \$700 million under this program since 1977. It was a very successful program. The price of oil was rising and it was deemed appropriate that Canadians, who are the biggest energy users per capita in the world, should start conserving. The Government indicated that it would help those persons who insulated their homes, because Canadian houses were notoriously poorly insulated, by giving them a grant of up

to 60 per cent. In my own case, I think it was before 1979 that I took advantage of the program. I fixed up my house, as did many other Canadians. It was a good deal.

Mr. Friesen: Where is your home?

Mr. Waddell: In Vancouver. It was a good deal. I think I got \$500 from the Government, and I paid the rest, to have my house insulated so that I would use less energy.

The Government decided—and some of us in the House disagreed—to phase out some conservation programs such as CHIP and the off-oil program. The off-oil program gave grants to people to go from oil, which is a dramatically depleting resource in Canada, to natural gas of which Canada has a lot. That program and CHIP were to be ended; they were to be phased out. The Government indicated that after December 31, 1984, it would reduce the 60 per cent grant to 33-1/3 per cent. That is what the Government intended to do, but it turned around and did it by press release. It simply made an announcement. By law it is required to publish it in *The Canada Gazette*. I know a few lawyers who spend their evenings reading *The Canada Gazette*, but few Canadians do so. Perhaps you do, Mr. Speaker, because you are always on the ball. Nevertheless, that is the rule of law in Canada. Orders in Council must be gazetted before they come into force.

The Government only wanted applicants to be reimbursed for 60 per cent of their insulation costs until December 31, 1984, and then for 33-1/3 per cent thereafter. However, the regulation was not gazetted until January 18, 1985. In my view those applicants were legally entitled to the 60 per cent. I think the case was set out beyond any shadow of a doubt by the Hon. Member who last spoke. We will hear from the Government and the committee.

● (1130)

The committee was told that applications dated after December 31, 1985 received by the Department of Energy, Mines and Resources claiming a 60 per cent rebate were thrown in the wastepaper basket and the Department sent out new applications saying you could get a 33 per cent grant. The Department says there was no record kept of those rejected registrations, and we do not know how many were wrongly dealt with. I want to give the Government notice that I will be filing an application under the Freedom of Information Act to try to find out whether the Department has been altogether truthful with us. Quite frankly, I do not believe the Department. I think there are records, and I think we should look into the matter.

The Committee says on page 2 of its report that:

“Unfortunately, statistics were not kept on the number of registrations that were rejected.”

That is what the Department told the committee. I think we have to look at that further and I will ask that question of the Government spokesperson today in the debate.