

*Regulations and other Statutory Instruments*

manner in which the regulations would flow, and we were able to see whether they were in conformity with the legislation before us.

• (1610)

When we look at parliamentary reform one of the questions we have to answer is, is it not now practical that, for a large amount of legislation before us which requires technical regulation, draft regulations should accompany the legislation? I know it would put more pressure on the ministers and on the departments to produce those regulations in order to have the package much more complete than sometimes is the case now with legislation. However, I do think this would avoid some of the difficulties which the committee, which my hon. friend co-chaired, now has to examine.

In addition, I want to point out that regulations—and I think this is a view commonly held in the country—are very often more onerous than the legislation itself. One finds this especially in the business community. A seemingly innocuous and short piece of legislation often seems to cause the flow of a plethora of regulation, or what has been referred to as the paper burden. No one is more aware of this paper burden than those in our business community. In fact, a committee was struck by the Minister of State for Small Business (Mr. Lapointe) to reduce that paper burden. That paper burden is a direct result of regulations that flow from the legislation. Not only must the regulations be legal, they must also be within the spirit of the legislation that is passed.

We recognize very quickly that my colleague, as he speaks in the House on this issue, has developed a technical expertise in an area which many Members of Parliament might find tedious. He has taken his responsibility very seriously and is always guided by one rule, namely, the rule of law.

This takes me to the last point I want to make this afternoon, which is this. I believe the parliamentary reform committee has a very important role to fulfil, and that is to look at the global picture in this House of Commons regarding how legislation is passed. I agree with members opposite, and they might be surprised at this, that some legislation takes too long. It is sometimes because of that length of time and the fear that other legislation might take as long that housekeeping matters do not come before us. I have found that within the parliamentary reform committee there is a spirit of co-operation with an attempt to solve this dilemma, both from the government's point of view and the point of view of the opposition. This is a sentiment that I think was also expressed by the Minister of Fisheries and Oceans (Mr. LeBlanc).

I concur with the report, Mr. Speaker, and I commend the committee members for the manner in which they have approached the matter. I say to the government that we all recognize that regulations must both be within the spirit of the legislation and conform to the legislation in terms of law. The committee has found that this is not the case in respect of the Fisheries Act, and I recommend to the minister, as did my hon. friend, that he find a remedy other than the one he has tried, the one of which the committee did not approve.

**Hon. Ron Huntington (Capilano):** Mr. Speaker, I am pleased to have the opportunity to add a few comments to this debate on concurrence in the thirteenth report of the Standing Joint Committee on Regulations and other Statutory Instruments. That report refers to an issue about which I have been concerned for many years.

I have had the courtesy of the Minister of Fisheries and Oceans (Mr. LeBlanc) over the years on matters I have brought to his attention. He has always been very courteous in receiving me, listening to me and agreeing with the justice of a point of view.

One of the things we are struggling with in Canadian society today is the movement of the balance of power away from the House of Commons and the elected Members of Parliament, including ministers, to the bureaucracy. The type of regulation we are dealing with in this debate today on the motion for concurrence in the thirteenth report is at the heart of this issue. I have always thought that a person involved in widely diverse activities, operating under the rule of law, which my colleague the hon. member for Wellington-Dufferin-Simcoe (Mr. Beatty) so ably put forward in his opening speech, should be free from the arbitrary interference by government or its officials. This debate today and this thirteenth report deal with that essential issue. I am sure I am not the only member sitting in this House as an elected Member of Parliament from a constituency in Canada who has seen all too many examples over the years, examples increasing in severity, of the arbitrary decision-making process by public servants, officials and inspectors that interfere with a person's right under the rule of law.

We are moving into a legalistic type of society in this country in which the regulations coming through orders in council from government number some 3,500 per year. All too often law-abiding citizens and people who want to do what is right find themselves at odds with the law and outside what they believe to be the normal logical process.

I have had the occasion to be very courteously received on many occasions by the minister since I have been a member, and I thank him for that courtesy, in respect of the problems of my constituents, those people involved with fisheries and the environment on the west coast. The minister has been sympathetic toward the arbitrary nature of the decision-making process and the interference that has too often been the habit on the part of fisheries officials. We are really dealing with the freedom to choose and make a decision under laws as they are understood by the average Canadian. We are getting ourselves into such a complicated and legalistic type of world that no one any longer has that decision-making base.

I have recently been to the minister and he knows I am very concerned regarding matters of the environment. He knows I do not want to see the environment abused and that I am a very concerned Member of Parliament in terms of protecting biological species, particularly those pertaining to fisheries. I have also had to go to his department and ask why an arbitrary decision, under the specific type of regulation that is being discussed here in the thirteenth report, can be made when