

*Aeronautics Act Regulations Bill*

countable to the people, and there can be neither responsibility nor accountability where there is no knowledge of what has been done.

That should be written up on a placard and hung in the Prime Minister's office where he can see it every morning.

Your committee's contention is, therefore, that there should be, as a general rule, public knowledge of the processes of delegated legislation before, during and after the making of regulations, and that any derogation by government from this rule requires justification.

Your committee adopts this position for five reasons. First, the people cannot control their government without knowledge of its actions, nor can Parliament fulfil its role of responsibility with respect to legislation without being fully informed on the operation of those legislative powers which it has delegated to others. Second, the existence of secrecy is likely to lead to popular suspicion of wrongdoing by government—

How right that popular suspicion is, Mr. Speaker, with respect to this government.

—whether or not there is any genuine reason for suspicion. Third, we are living today in a period in which the validity of authority can no longer be taken for granted but must be constantly demonstrated. Governmental systems which do not take this new attitude seriously are apt to find public confidence in them diminishing rapidly. Obviously a continuing demonstration of the justice of the system necessitates an opening of the processes and products of delegated legislation to the light of publicity. Fourth, your committee has been able to find no reason, either theoretical or practical, except the force of tradition, why there should not be publicity in the making of regulations. Canadian governments appear to have remarkably little to hide—

If I had seen that sentence, I would have objected to it.

—and therefore nothing to lose, from openness except their psychological investment in existing practices. Indeed, publicity can have the positive value for administrators of helping them to improve weaknesses in their system. Fifth, since regulations have the force of laws, they should be made by processes which as far as possible approximate the openness of the general legislative process.

I reinforce those words because there is today in many parts of democratic society a feeling that governments must be strong, must be able to act without interference from the legislative branch. This is a myth which was exploded between 1939 and 1945. It is a myth which we in this House would do well to disregard. There can be no efficiency in a government which has freedom to act and regulate in the absence of the wholesome scrutiny which comes from the legislative branch. This is one of the reasons we find ourselves in the situation which causes us so much difficulty today. This is one of the reasons Bill C-218 is before the House.

[Mr. Baldwin.]

I shall not discuss all the other recommendations made by the committee, but there can be no excuse for the government failing to implement at least some of the recommendations. One of them involves the selection and appointment of a House Committee on Regulations, together with terms of reference which were set out carefully and particularly. Nobody in this House can have any doubt about the usefulness of these recommendations. Nobody has challenged them. Yet here we are, late in the session, and nothing has been done. It is possible that implementation of some of the other regulations might take time, but I simply fail to understand why no action has been taken to establish this committee. I have discussed this question with some of my friends in the New Democratic Party and the Cr ditiste Party.

● (5:50 p.m.)

If the President of the Privy Council had come forward with a motion couched along these lines, incorporating the terms of reference to establish a committee on the basis proposed by the third report of the Special Committee on Statutory Instruments, it would have received unanimous approval and been agreed to without debate. I can only suspect that the government and some of the bureaucrats who buoy them up stand fearful of what would happen if this committee were established.

It is for this reason that I intend to move, seconded by the hon. member for Annapolis Valley (Mr. Nowlan), the following amendment:

That all the words after "that" be deleted and the following substituted:

"This House will not proceed upon a measure to validate retroactively Orders in Council of doubtful legality, without obtaining the safeguards and controls which will be brought about by the implementation of the third report of the Special Committee on Statutory Instruments tabled in this House on Wednesday, October 22, 1969."

Before I conclude, let me say that this amendment has been pretty well couched in terms that follow the amendment on which we just voted. Yesterday I had the opportunity of hearing Mr. Speaker commend Your Honour's interpretation of the rules in regard to the amendment which I was unfortunate enough to have ruled unacceptable. Since Your Honour was in the chair when the hon. member for Crowfoot (Mr. Horner) brought in the amendment to Bill C-197 on which we just voted, and since I followed it faithfully except to adapt it as required, I am sure that Your Honour, in light of the great commenda-