

That, in effect, says the court must get permission from the prosecutor, the person who made the original search. In a sense, that is a form of contempt of court. I am quite sure parliament would never authorize any such thing. I quote the guarded language of our counsel:

It might be thought thoroughly objectionable to render the jurisdiction of a court and of Her Majesty's judges dependent upon the discretionary decision of an administrative officer, especially the very officer who, having effected seizure, initiated that exercise of jurisdiction and may well appear to have an interest in the hearing at the conclusion of which an order may be made.

That it might be thought thoroughly objectionable is a very mild comment. Most of us here would say it is thoroughly objectionable. There is another extraordinary provision under the same regulations. This is section 16(5) which provides that seized goods and vessels—and they can be seized upon suspicion of some petty offence against the regulations—can be detained for up to three months. This does not only apply to the goods. Perhaps fish were taken by an illegal method or in an area where they were not supposed to be taken. Perhaps they were too small, or too large. Not only can the goods be seized, but the vessel can be detained for up to three months if no proceedings are instituted.

It is bad enough to have the catch seized and the matter held up for three months, but what about the livelihood of the person whose vessel has been seized for three months by some official? Without a charge, hearing or anything of that sort, his whole livelihood can be ruined. There is no indication in this regulation that if this happens and he is subsequently acquitted of any offence, he will thereby be recompensed for the loss of his livelihood. The loss of his boat for three months may represent half of his whole earning season.

The hon. member for Halifax-East Hants who is the co-chairman of our committee said we have not yet worked out adequate powers of enforcement. I should point out to the House that the main method of enforcement will not be to issue an edict or make a report. It will surely, be to consult with ministers, officials and others concerned within the department to point out the deficiencies, of which there are many.

We have only scratched the surface. Our legal counsel found for us many instances, of which I have only given a sample or two this afternoon, where regulations are abusive, arbitrary, vague, meaningless and need to be changed. Our main method will be to try to persuade the regulation-making authority to withdraw, amend and improve the regulations. We believe they would prefer to do that rather than have the subject matter of their defective regulations brought to the attention of the House. However, it is still necessary that when an extreme case arises we have a clearly understood procedure whereby this House, and I hesitate to say the other place as well—

**Mr. Knowles (Winnipeg North Centre):** Don't.

**Mr. Brewin:** They are still part of parliament, as I understand it. Either this House or the other place should have authority to review the regulations and amend or rescind them where there are clear cases of abuse under the criteria laid out in this report. I think this committee is off to a good start. I invite hon. members who are not

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members of the committee, when they run into regulations—as I am sure they will—which they feel are defective, unsatisfactory, arbitrary or infringe the Canadian Bill of Rights, to make sure our committee is aware of this. We do not represent ourselves on the committee; we represent parliament. Every individual member of parliament cannot be doing this job; therefore the committee has an important job to do and it can be assisted by other members of parliament. Indeed, it would be of assistance if members of parliament told others their complaints. We established a new dimension of parliamentary democracy when we established this committee, and we want to make it work.

**Mr. G. W. Baldwin (Peace River):** Madam Speaker, I thoroughly agree with everything that has been said in this debate.

**Some hon. Members:** Hear, hear!

**Mr. Baldwin:** I want to pay tribute to the hon. member for Halifax-East Hants (Mr. McCleave) and Senator Forsey. I also want to pay tribute to the hon. member for Fundy-Royal (Mr. Fairweather) who was co-chairman last year. In addition, I pay tribute to hon. members who have spoken today. There is a very great deal of importance to be attached to this committee. I pay a general tribute to the government with regard to this legislation and the more relaxed and appropriate attitude they appear to be taking toward private members, private members' public bills and the fact that at long last there is dawning on the government the recognition that there is some degree of intelligence and understanding of the affairs of the public outside the four corners of the cabinet. It has taken eight years for that to happen. It is fascinating to know it is happening, and I give the government very much credit for it.

I do not have all the time in the world; I work here all day. However, I was determined to appear in this committee for some time while it was suffering growing pains and getting under way. It has been a tremendous experience. Some mention was made of my interest in the committee. It was about ten years ago in this House that I asked the then prime minister, the late Mr. Pearson, about the government's intentions with regard to the growing threat presented by statutory instruments and government by decree and order in council, a disease which has come to afflict most democratic countries. It is possibly an unavoidable disease, but nevertheless a disease. The then prime minister was sympathetic, but he thought the appointment of an ombudsman would deal with the situation. I took exception to that position and I think I was right.

● (1440)

As hon. members may know, the meetings of this committee are held downstairs in room 112. One goes into that small, cluttered room and hears the droning of the discussion, and it does not make much sense to those who are not acquainted with what is really going on. But to me the light seems a little brighter and the atmosphere in this parliament a little clearer because of what is happening in that room. We are building up in the committee a jurisprudence and a practice under the skilful guidance of the