

*Statutory Instruments Act*

the regulations will be left to the scrutiny of the judicial officers of his department. Will he tell the House what they intend to do about the interpretation of any word or phrase in these regulations? Will they give a definition if it is required?

**Mr. Turner (Ottawa-Carleton):** At that stage the primary purpose will be to see whether the regulations meet the criteria. The ultimate interpretation, in one sense, lies with the scrutiny committee of Parliament. In a wider sense, the courts of this country will be called upon, if the regulation is challenged, to interpret whether the regulation is *intra vires* or *ultra vires* of the enabling statute. The interpretation of words will not be the primary purpose at this stage.

**Mr. McIntosh:** There will be no change in the present system?

**Mr. Turner (Ottawa-Carleton):** There will be a change in the present system. There will be a judicial scrutiny by the Department of Justice to ensure that the four criteria are followed. The second safeguard to be provided by this bill is to give to the members of the public a statutory right of access to statutory instruments, which includes regulations. This right of public access, coupled with the fact that most regulations will be required to be published in the Canada Gazette, will enable the public to be informed of the provisions of laws that are of particular interest to them; that is to say, laws that become laws because they are statutory instruments or regulations passed pursuant to an enabling power in a statute of Parliament.

Although it is contemplated that there will be exceptions to the general rule that every regulation must be published in the Canada Gazette, the right of members of the public to inspect and obtain copies of those regulations will not thereby be denied. In only very limited and necessary circumstances will the right of public access to statutory instruments be precluded. I imagine the committee will want me to enter into more detail in this respect. It is expected that public access will be precluded in respect of instruments such as orders that reveal the location of any unit of the Canadian Forces or the location of any ammunition, weapons or equipment for use by the Canadian Forces, and parole certificates and mandatory supervision certificates issued under section 10 of the Parole Act. Exceptions such as the examples given are necessary to protect, in the first case, the security of the country and, in the second case, the interests of the individual.

● (8:20 p.m.)

The third way in which the rights of the individual will be protected from the regulation-making power of the state is by the requirement of clause 26 of the bill which provides that most statutory instruments will stand permanently referred to any parliamentary scrutiny committee which is established. It is my hope that the members of the scrutiny committee will be able to find the time to examine all regulations, but especially those

[Mr. McIntosh.]

that have wide application to the public. In this way, members of the public will be assured that Parliament is at least aware of those regulations which have an impact on their daily lives.

The statutory instruments bill is wider in its application than is the present Regulations Act. As already noted, the bill deals with statutory instruments generally, whereas the Regulations Act deals only with regulations. In addition, the law relating to regulations has been significantly extended to deal with matters such as rules, orders or regulations governing the practice or procedure in proceedings before federal judicial or quasi-judicial bodies, regulations made by federal Crown corporations and regulations made by any federally-incorporated company where a penalty, fine or imprisonment is provided for their contravention. These regulations will now come within the meaning of the word "regulation" as defined in the bill and will be treated in the same manner as any other regulations, with the exception of the Federal Court and Supreme Court of Canada rules where there will be no examination as to form and draftsmanship.

I thank the House for its courtesy. Many of the provisions of this bill are technical in nature and, as a result, I anticipate that a number of questions will be asked at the committee stage. Again I point out that the bill was fathered by a special committee of the House and the government has done its best to implement as fully as possible the recommendations of that committee. I look forward to appearing before the standing committee just as I had the honour of appearing before the special committee when it was considering its report.

**Mr. Robert McCleave (Halifax-East Hants):** Mr. Speaker, perhaps this is an appropriate time of the year to be considering a subject with such mysteries as statutory instruments, subordinate legislative capacities and statutory authority. All of these have a fine mystic ring to them. Another great mystic gift which appears at this time of year is the dish of haggis, which is almost impossible to describe as to contents and almost impossible to feed to a large number of people. But for the connoisseur, what a dish is haggis! And for the connoisseur parliamentarian, I suggest we have an equal feast before us, something with which perhaps only a few directly concern themselves but when you get immersed in it you find yourself really fascinated because it is one of the basic questions before Parliament.

I think the guts of the bill, if I may use that expression, are to be found in clause 26. I appreciate the minister's saying in his opening statement that there would be a quick establishment of the committee. I think this is important. Clause 26 provides:

Every statutory instrument issued, made or established after the coming into force of this act, other than an instrument the inspection of which and the obtaining of copies of which are precluded by any regulations made pursuant to paragraph (d) of section 27, shall stand permanently referred to any committee of the House of Commons, of the Senate or of both Houses of Parliament that may be established for the purpose of reviewing and scrutinizing statutory instruments.

Since the principle of the bill is really embodied in this clause, perhaps I may comment on it for a few moments