

Statutory Instruments

hon. co-chairman. I can assure him and the House that the report is receiving careful attention within my department and by the government and that it shall continue to do so.

Because of the importance of the subject I accept with readiness and support the suggestion of the co-chairman that some means be found by which this subject could be reviewed, analyzed and debated—if I recall the co-chairman's suggestion correctly—on an annual basis so that from time to time we can see the progress which is being made in the area of providing—and this is the desire of hon. members of this House and of the government—that delegated legislation is given proper scrutiny to ensure that this delegation is being done properly.

As the hon. co-chairman indicated, parliament need not fear the delegation process, and as both speakers before me have indicated, that delegation is not new to parliament. It is certainly something which in this complex society and in this complex day we are going to have to continue. And what we as a parliament, and obviously those on this side as members of the administration, must be concerned about is that this delegation is used properly and that we have—on a continuing basis—an adequate process to ensure that its exercise is scrutinized.

The government is as concerned about the scrutiny of subordinate legislation as much as any hon. member in the House and certainly as much as hon. members on the opposition side. I am glad that the hon. co-chairman pointed out the work which preceded the passage of the Statutory Instruments Act, namely, the work of the MacGuigan committee which led to the passage of the present legislation and the work which hon. members on both sides of the House have done. The hon. co-chairman mentioned a group of people, and he indicated that in any list we invariably leave one out. I would like to add to his list. It was a matter of great interest and concern to the late prime minister Lester B. Pearson that we legislate a proper regime for inspection of statutory instruments. He took particular, personal and keen interest in the work of the MacGuigan committee and the legislation which flowed from it.

I think the process put in place by the Statutory Instruments Act and the standing committee is basically a good one. Our concern here, in what is a new function for parliament—at least, for the Canadian parliament—should be about continually reviewing how the system is working. We should continually be concerned about refining our system as time goes by and bettering the system of scrutiny as our insight and experience increases.

Before dealing with the report, I want to mention one specific matter. While it was not raised by the co-chairman, it was raised by the hon. member for Greenwood. He complained about the definition of statutory instrument—and I also wish to complain about it—but he said that the definition resulted in a whittling down of the matters which could be reviewed by

the committee. He seemed to imply, as some of the speeches in the other place have implied, that there was almost a conspiracy on the part of officials of the Department of Justice to do that. I was pleased to note that later the hon. member indicated in his remarks that he had a very high regard for many of the public servants who serve our country. I am glad he said that, but because of what else has been said in connection with the drawing of regulations I would like to make one point very strongly. Simply stated, I am confident in asserting that the officers of the Privy Council office section of the Department of Justice bring a very high degree of competence and dedication to the very difficult job of examining the myriad of regulatory enactments which pass through their hands. In saying that, I in no way want to take away from the dedication and competence of those in the committee who do exactly the same job.

I would remind hon. members that under the terms of section 3 of the Statutory Instruments Act, all proposed regulations must be inspected by the Department of Justice to ensure that they are authorized by the statute pursuant to which they are made; that they do not constitute an unusual or unexpected use of the authority pursuant to which they are made; that they do not trespass unduly on existing rights and freedoms; and that they are not, in any case, inconsistent with the purposes and provisions of the Canadian Bill of Rights; and the form of draftmanship of the proposed regulations are in accordance with established standards. In carrying out their work as officers in those inspections or in those analyses of matters passed under the Statutory Instruments Act, they are performing duties specified under the Statutory Instruments Act and under section 4 of the Department of Justice Act which provides that the administration of public affairs must be in accordance with the law.

Because of some possible inference by the hon. member for Greenwood and some remarks made in the other place, I want to assure the House that, from my observation, the dedication of the officers of my department to the principle that the administration of public affairs is in accordance with the law, and their dedication to the rule of law, is as strong as that of any member of the committee or any hon. member of this House.

While, obviously, in any free, democratic and parliamentary society it is essential that there be constant vigilance against abuse of public power, in my view this country is undoubtedly fortunate in having law officers of the quality, competence and dedication that it has. While it is fashionable, and always worth a headline, to attack senior civil servants, it has been my experience in four different departments that as a country and as a parliament we are generally well served by this group of dedicated, hard-working and capable advisers.

Some hon. Members: Hear, hear!

Mr. Basford: I think from time to time that needs to be said, and I think these advisers are the first to recognize the point I