

Regulations Act

with respect to this increasing volume of so-called delegated legislation. It is for this reason that during the war orders in council were passed directing that all orders, regulations, and proclamations of a legislative character, or even of an administrative character that provided for penalties, should be published. It was also for this reason that the statutory orders and regulations order, 1947, was passed. This procedure was adopted because we thought we would take some time to find out, by practical experience, how it worked before we brought something to parliament in the form of a statute. Three years have now elapsed since the passing of that order. Considerable experience has been gained during that time, and has resulted in amendments that, from time to time, have been made to the original 1947 order. We feel that the time has now come when we can bring to parliament something that should be practical and workable, and which may not have to be varied too frequently or too soon. This does provide unequivocally for the compulsory publication and tabling of all instruments made under the delegated legislative powers; that is the sole purpose of this measure. Although largely based on the statutory orders and regulations order, 1947, this bill will further clarify and extend the procedure, in order to ensure that it covers the whole field of delegated legislation.

The statutory orders and regulations order was passed only after a comparative study had been made of the procedure followed in other countries, notably in the United Kingdom. At that time, careful consideration was also given to the United Kingdom parliamentary committee on delegated legislation. Following a suggestion made in this house on September 22, 1949, by the hon. member for Lake Centre (Mr. Diefenbaker), I undertook to give renewed consideration to the operation of the United Kingdom committee and, in the light of its operation and of such other considerations as might seem relevant, to indicate at an early stage in this session whether we would be prepared to support the establishment of a similar committee. We do not believe we should recommend at this time that sort of committee because most of the statutory regulations have to be made by the governor in council, and that gives considerable time for checking, whilst in the United Kingdom most of these things are done by boards or other agencies of the crown. No one who is responsible to parliament or to the public hears of these regulations until they have become law. This United Kingdom committee has strictly limited terms of reference that probably would not fit our situation. They have to

report on whether or not the order infringes seven stated principles. If it does not, the committee has nothing to do with it. If it does, they call attention to that fact. We do not believe that would be a remedy that would fit our situation.

It was not possible to make a definition of regulations that would exclude the sort of thing one does not want to have in this. For instance, it might be that an order given to an aeroplane from a control tower would be a regulation. That would be one thing for one occasion. This bill provides that the general rule will be that everything has to be published, but that the governor in council may except certain classes. In order to do so, however, that class or those classes would have to be published and tabled, so that members of parliament will see what is to be excepted. Then they can make such comment as they think justified upon the exception that will be made.

We think that we have here made a serious attempt to be as helpful as possible. All those who want to know their way about in this quite large number of things that operate by virtue of acts of parliament, having that consolidation—I think there will be four or five volumes of it—will find we are trying to have a proper table made, because it will be just as convenient to us as it will be to other members of parliament. After that, we shall have this compulsory practice of having to table and publish in a systematized way, and register in the privy council office, the things that are in force. By consulting that register, even the things that will have ceased to be in force will be found, including the date when they came into force and when they ceased to be in force. The register will be easily accessible, so that all those concerned will be able to get, as expeditiously as possible, the information they require to govern their own conduct or, with respect to lawyers, to advise their clients.

Mr. Fulton: It being six o'clock, I move the adjournment of the debate.

BUSINESS OF THE HOUSE

Mr. Fournier (Hull): Tomorrow we shall go into supply and take up the estimates of the following departments: National Resources and Development, Veterans Affairs, Citizenship and Immigration.

Mr. Green: In that order?

Mr. Fournier (Hull): In that order.

At six o'clock the house adjourned, without question put, pursuant to standing order.