

*Aeronautics Act*

effect of legislation, and subsequently regulations and orders in council under legislation, as there is for members of parliament, because that is our job.

I was so impressed by the television program the other night that, after midnight when the program was over, I telephoned the station and spoke to Mr. Brooke McNabb who introduced the interviewer of the hon. member for Burnaby-Seymour. It was a very thought-provoking interview and I expressed my sentiments to Mr. McNabb of that station. It is a problem that we have here, a problem that leads to frustration on the part of members. It is a problem that can lead to real injustices from time to time. They may occur inadvertently, because regulations on the whole are well intentioned, but sometimes they are misdirected.

The purpose of this amendment is to ensure with respect to the regulations made under the Aeronautics Act that this parliament has the opportunity, if it wishes, to review them. It would be a very foolish parliament indeed if it were to usurp the right of the government to govern. That is not the point. But it would be an equally foolish parliament which would not agree that perhaps the time has come for us to follow the process that was begun in these pieces of legislation that I talked about.

How important is the process? If I may for a few moments, I will deal with some things which indicate how deeply ingrained is the process now in Canada of legislating outside of this place by order in council or regulation. I am referring to a number of things not directly and specifically related to the Aeronautics Act but to the abuse which the amendment that is before the House is intended to obviate. I am happy that the hon. member for Vancouver-Kingsway (Mrs. Holt) is in the House. She attended the meeting of the Standing Committee on Regulations and Other Statutory Instruments yesterday. She spoke out fully and strongly about the problems concerning regulations under the Customs Act. I hope that she enters the debate, because I do not think the problem is only for the opposition, it is a problem for this whole parliament.

● (1532)

I have in my hand a brief to the special committee to review personnel management and the merit principle in the public service. This deals, among other things, with regulations which were purported to be passed under a statute. As a result of those regulations certain things happened. I will quote from the brief because it shows how the operations of the merit system, in this case, were affected. The issue was finally placed before the statutory instruments committee of this House which had to deal with the matter. This is what the brief had to say about the use of regulations under one particular statute:

Well over 8,000 appointments were made in the public service in 1976 without competition. These appointments were not made in conformity with the merit system but were made pursuant to section 7(2) of the public service employment regulations under which if the responsible staffing officer is of the opinion that a competition or other process of personnel selection would not result in the identification of a candidate better qualified than the person who is willing and able to accept appointment, he may appoint that person.

Because of the widespread delegation of authority in the public service at the present time, these opinions expressed by staffing officers have the force of law, and by using this power they have overcome the fundamental principle governing public service appointments—that they should be based on merit. The brief goes on to say in this case:

This section leaves room for internal patronage in the public service by permitting departments to appoint persons without competition.

In 1976, as was admitted, this was done to the tune of some 8,000 appointments.

I might quote a host of other instances to show the effect some of these regulations have had. For instance, I could refer to the program which flowed from the Official Languages Act and its repercussions on the public service; it resulted in a set of guidelines, a set of rules, which had the force of law for whomever is subject to them. Now, with a change of direction, we find there is a new set of rules in place.

The same kind of thing can occur under the statute we are considering in the context of the Aeronautics Act. We in this party take great exception to making law by statute behind closed doors. We did so particularly when the gun control legislation was before parliament. A great deal of the power which would normally be expressed in the statute emerged by way of regulations. If this is a very real problem for those who must concern themselves professionally with statutes and regulations, it poses a dreadful problem for the general public.

The most improper misuse of the regulatory power which occurs to me is, of course, to be found in the Post Office Department. A report was made to the House of Commons not long ago with respect to the use of the regulatory power to increase postal rates from 12 cents to 14 cents. The committee found this method of increasing postal rates to be improper and the House of Commons concurred in its report. Notwithstanding all this, the Postmaster General (Mr. Lamontagne) has told us he does not care what the House of Commons says.

It is important we should bear such things in mind when considering whether the government should be given further powers to act by order in council. I can understand the necessity for a great many things being done by regulation and in accordance with guidelines. In an increasingly complex world it cannot be otherwise. But I trust it will not be foreign to the thinking of members of this House that it is equally necessary that, where there is excessive regulatory power, or a great deal of such power, we should have the right at some stage to consider these things in the House of Commons.

I commend to hon. members the speech made earlier in the debate by my hon. friend for Peace River (Mr. Baldwin) in which he set forth very clearly the danger which faces this parliament and, I suppose, every legislative body in the world with respect to what is happening because of the complexity of society, on the one hand, and, I am sorry to say, lazy draftsmanship on the other. You know, Mr. Speaker, it is much easier for a legal draftsman faced with a complicated problem to succumb to the temptation of deferring a difficult section to be dealt with by regulation, something which can be done later and at leisure. The statutory instruments committee deals