

Statutory Instruments

called regulations, and by virtue of which officials at the border have complete discretion as to methods of controlling the flow of immigrants to this country. The new act which is before us will go even further. It will place almost dictatorial power in the hands of the minister which, in practice, means in the hands of his senior officials, to direct the flow of immigrants to any part of the country without their decisions being in any way liable to challenge in the House.

Then there is the combines legislation which is going to committee shortly. Power is being taken away, in this case from the courts, and placed in the hands of a commission which will have tremendous authority to deal with the everyday economic affairs of a great many corporations and individuals.

Finally, there is the Transportation Act. I have left this until last for a definite reason. There is no question that the Transport Commission is to be divested of most of its authority and that this authority is to be placed in the hands of bureaucrats at the higher level in the department. I just so happens that there are comments on this by a man who is very well versed on questions of transportation and who also knows something about the bureaucracy. John R. Baldwin, under date of January, 1977, presented a seminar paper to the Canadian Transport Commission. Mr. Baldwin was for many years a very valued and respected civil servant. He was deputy minister of the Department of Transport and he ended his career in the public service as president of Air Canada. He has been a mandarin, but he has also been a working civil servant. He has been out of the political sphere for some time.

● (2020)

What does Mr. Baldwin say about the proposals contained in the new transport bill? On page 4 I read this:

In spite of the long slow move to greater recognition of the importance of normal economic processes, recent trends to strengthen the role of the bureaucracy at the expense of the operator, of Parliament, of the regulatory agency and even of the cabinet cause concern.

That is the statement of a man who, as I say, has been a deputy minister and president of one of the great air carriers of Canada. He continues:

The trend is typified by the increasing concentration of power, as defined by statute or regulation, in the hands of Governor in Council or the Minister. This means, more often than not, the advice of the bureaucracy and is leading to a bureaucratic discretionary authority that in some cases should belong to the legislator or, in other cases, to the regulatory agency rather than departmental officialdom. This, if unchecked, could lead to a greater interference with normal processes in transportation;

We then have the human rights bill. With all the exceptions and the rather vague definitions contained therein, human rights will, in effect, be what the minister declares them to be from time to time, almost on a day to day basis. By "the minister" we mean, of course, the officials who advise him.

I have given the House five items—the \$1 items, the Immigration Act, the unemployment insurance changes, the National Transportation Act, and the human rights bill—which this year the government is demanding parliament pass and which will divest us of the opportunity to do the job we were

[Mr. Baldwin.]

sent here to do on behalf of the Canadian people. These items will pass unless some of my hon. friends opposite become alarmed at the kind of authority they are prepared to give to the government. I do not care whether the government be Liberal or Conservative; I would not give those powers to any government, though certainly not to a Liberal government which has had some 45 years' experience of misusing power. Unless my hon. friends opposite are prepared to challenge the government on those items, by the time this session passes into history the government will become one of the most powerful governments in terms of the bureaucracy and its capacity to intervene, without challenge by the House, in the affairs of the people of Canada.

It is this kind of thing which leads to the deterioration of the democratic process. People become cynical. They are cynical because of this kind of situation. They mistrust the government. Any one of us who goes home on a weekly basis and talks to his constituents hears about this sort of thing. Gallup polls show it. I suggest that the time has come for us to face this challenge and to do something about it.

I agree with what has been said by speakers heretofore. You cannot turn the clock back. For one reason or another, be it good or bad, we have permitted or encouraged government to engage in this sort of interference in our lives. What we have to do is to set up a means of making the government accountable. The government must be prepared, as one of my hon. friends has suggested, to set up a statutory committee, so that when we pass a bill giving these kinds of powers to the government that statutory committee will have authority to examine the basis upon which those powers are given, how they are exercised, and what effect they are having. We simply cannot afford to sit back idly any longer and allow the government to have this authority without compelling the government to come to a committee of the House, or to the House itself, and to answer for what it has done by producing an accounting of its stewardship and how the government has acted and conducted itself in connection with such powers.

I am going to conclude, Mr. Speaker, by making some suggestions. I think that in an issue of this kind it is not enough to scold the government. It does not take any great orator to show how many mistakes the government has made in this regard. I say to hon. members opposite that this is their parliament. This is their country. The people are theirs just as much as ours. Legislation should not be passed simply at the whim of senior bureaucrats, admirable people though they may be. We have heard from one of the most senior bureaucrats of all in the person of Mr. John Baldwin about how he saw the dangers which are present in this situation. Therefore I would urge my hon. friends opposite to give serious thought to this question and to tell the government, either in caucus or in the House, that it cannot go this far; or that if the government does go this far, that it must somehow give to committees of the House, or to the House itself, the opportunity to challenge people who pass regulations. Then those people will know when they pass an order in council or a