

*Aeronautics Act Regulations Bill*

bill would purport to make them legal and effective retroactively. I understand this action is essential and must be done, because the regulations are there. I assume they are essential regulations and that grave consequences and ill effects will follow if they are not validated. The minister was questioned today about the regulations by the hon. member for Grenville-Carleton (Mr. Blair). I was inclined to tell the hon. member that he did not have to worry, because at this time none of the regulations are valid. However, I thought of my responsibility to the country and decided not to do that. By this apparently simple bill the House is now being asked to make good the defects and deficiencies of past governments and to validate these regulations. I know of nothing that can better illustrate the dangers and evils of giving unrestricted rights to any government in the way of acting by Order in Council and by regulation.

• (5:40 p.m.)

Canada is one of the few Commonwealth countries where no authority resides in the House, where there is no means of examining, scrutinizing and vetting regulations. Machinery for doing so exists in England. I had the opportunity a year and a half ago to be present in Westminster and I was invited by the chairman of the scrutiny committee there, which was dealing with regulations, to be present. It was a revealing and fascinating experience. This committee, which examines regulations such as those now in question, is advised by Sir Robert Speed who is legal counsel to Mr. Speaker. He receives a list of the large numbers of Orders in Council and regulations and these, according to certain rules, must go before the committee. He examines them with regard to their legality and validity—whether or not they have any undue or unexpected effect not contemplated by the legislation. He then makes a report to the committee and the committee meets from time to time in camera to conduct a detailed examination.

On a great many occasions, as I could tell from my examination of the proceedings of the committee, government departments were told: This regulation is not in order. This regulation is retroactive in its effect. This regulation imposes a greater burden than was contemplated by the legislation. You must change them.

We have no such safeguard in this country. Together with other hon. members, I have been attempting for the last year to repair

this serious omission. Finally, last session, we persuaded the government to set up a committee known as the Special Committee on Statutory Instruments. It was a good committee, an all-party committee which toiled very hard examining this issue with the help of expert counsel. It heard a number of witnesses and, in the result, on September 22, 1969, the day before the session began, it brought in a most comprehensive report, one which was greeted with loud hosannas by the Prime Minister (Mr. Trudeau) the President of the Privy Council (Mr. Macdonald) and others opposite. They said it was the dawn of a new day as far as statutory instruments, regulations and Orders in Council were concerned.

What has happened? The report is gathering dust in some pigeonhole, and this is not because we on this side have not attempted from time to time to push the government into implementing at least part of the proposals. Here we are, a few days away from the termination of this part of the session, and not one thing has been done about it. This is shameful and disgraceful behaviour on the part of the government.

**Some hon. Members:** Hear, hear!

**Mr. Stanfield:** Turn the rascals out.

**Mr. Baldwin:** I hear my leader say, "Turn the rascals out". That is the song now being sung in all parts of western Canada whenever a member of the government appears there. The song is, "We'll be glad when you're gone, you rascals you."

I shall read a few extracts from this report to indicate what we had in mind. The Minister of Transport (Mr. Jamieson), appears to be a reasonable man. I hope he will be prepared to bring pressure to bear on the rather immovable bodies of some of his colleagues. They may be prejudiced so far as I am concerned. I hope he will be the irresistible force.

**Mr. Jamieson:** I am the immovable body.

**Some hon. Members:** Oh, oh!

**Mr. Baldwin:** I would pit the minister against the President of the Privy Council any day. I will read one or two sentences from the preface of the report and from the end.

The report is based on the assumption that public knowledge of governmental activities is the basis of all control of delegated legislation. For parliamentary democracy is a system of government which requires that the executive be responsible to the legislature and that both be ac-