

that which relates to the examination by a committee of Parliament established under that act.

Senator Forsey: It is worse than that, Mr. Minister, because not all statutory instruments are required to be published. We have discovered over and over again in the Statutory Instruments Committee that statutory instruments get into our knowledge simply by accident. We inquire of a particular department or agency about something that we have heard about and they say, "Oh, yes, we have got that. Yes. That is a statutory instrument. Yes, you can have it, and, by the way, it is not by any means unique. They have the same kind of thing in X, Y, Z departments." So we say, "Thank you very much. This is most interesting."

Statutory instruments are not necessarily published. Sometimes they are published only when the Governor in Council—I think it is—considers that it is in the public interest that they should be published, and then I think it is in Part II of the *Canada Gazette*. I have forgotten the exact details. But I do know positively that many statutory instruments have come to our knowledge only by accident. They are not necessarily published, and it rests in the discretion of the executive to say in certain instances whether they shall or shall not be published. So I doubt if the reply the minister has made to Senator Smith is necessarily satisfactory.

Hon. Mr. Gillespie: Senator Forsey, I am advised that the practical consequence of this is that all such orders are open for access, inspection and copying pursuant to sections 24 and 25 of the Statutory Instruments Act.

Senator Smith (Colchester): Would the minister kindly inform me if somebody will compensate me for the expense of travelling from Truro, Nova Scotia, to Ottawa and back again in order to inform myself as to what is in one of those orders? I regard that not only as an unsatisfactory answer but as one which borders on being offensive.

Senator Forsey: Furthermore, if they are not published, how is Senator Smith down in Truro going to know that there is something he wants to examine?

Senator Perrault: Question!

Senator McDonald: Question!

The Chairman: All those in favour of the amendment moved by Senator Roblin to clause 9, please stand.

Senator Phillips: Are we not going to have an answer from the minister?

Senator Smith (Colchester): If the minister is unable to answer the question, we are entitled to know.

Senator Perrault: He has already answered all of your questions.

Senator Smith (Colchester): The Leader of the Government is really getting quite perturbed, but we are entitled to know the answer to one of the most important things in the democracy. How are we going to find out what we are ordered to do by those who are put in authority to issue the orders? Now, surely, that is a basic right of every citizen of Canada to know,

[Senator Smith (Colchester).]

and for the Leader of the Government to pretend that he thinks that that is not important is bordering on the insufferable.

Senator Grosart: He is not pretending!

Senator Smith (Colchester): But perhaps it is not more insufferable than some of the other things to which we are exposed.

Senator Perrault: Honourable senators, I suggest that there is a proper line of questioning, but when the honourable senator stands in his place and suggests that certain remarks of the minister have been offensive, I suggest that the senator's line of questioning itself borders on the offensive and constitutes a type of harassment.

Senator Smith (Colchester): Harassment! I am not interested in harassment. I am interested in finding out fundamental information. If the minister and the Leader of the Government in this house want to prevent the disclosure of that information, that is all right with me, because once they have had the chance to disclose it, I then know what to think of them.

Senator Flynn: Anyway, I am quite happy to see the Leader of the Government coming to the defence of the minister, but I would suggest to him that, if he continues, pretty soon the minister will say, "I will look after my enemies. Deliver me from my friend!"

The Chairman: All those in favour of the amendment please rise. All those against the amendment please rise.

The Clerk of the Senate: Yeas 9. Nays 16.

Senator Smith (Colchester): Close!

The Chairman: The amendment is defeated.

Senator Roblin: Madam Chairman, I am not discouraged by that rebuff, because I thought the odds might be against us, but I want to pursue the point. I want to pursue the point as raised by Senator Smith and others here, who have talked about the necessity for information on this matter. I agree with that, because, at the risk of repeating an argument, although I suppose it deserves some repetition, now that we have agreed to keep clause 2 in, we must recognize that we are by this act handing most extraordinary powers to third parties we have never heard of. It might be the provincial government; it might be a lot of other people. I think the least we can do is inform ourselves of what use these unknown third parties will make of the powers that are granted them by this board to make regulations and, in effect, make substantive law in the nation.

I am saying, therefore, that if we insist on having this excessive and unnecessary clause about subdelegation in the bill, the least we can do is order that whatever action is taken under that matter be in the public domain.

I therefore move:

That Bill C-42 be amended by adding immediately after line 7 on page 5 the following subclause:

"(2.1) An order made under subsection (2) shall be laid before Parliament forthwith upon the making thereof