

growth of government, bringing in its train a proliferation of regulation-making bodies.

As a direct result of the exercise of regulation-making powers by these bodies, the number of regulations that are being made has greatly increased and the lives of all Canadians are now directly affected by regulations. It is obvious and self-evident that the direct result of this increase of delegated legislation has been a gradual erosion of the power of Parliament in its role as guardian of the people of Canada.

In recent years concern has been expressed by members of the public as well as by Members of Parliament relating to the increase of legislative powers being given to the executive without any realistic form of parliamentary control. I deeply share the concern of those individuals. This legislation, together with the other steps that I have outlined, is an attempt to restore a measure of parliamentary control over the executive and to redress the imbalance in the relationship between the individual and the state. The growth of modern government has meant an alienation of much of our citizenry. The size and anonymity of government has deprived the individual citizen from participation in the decision-making process. The anonymity and remoteness of government has left an imbalance between the citizen and the state. We are looking for new ways of increasing methods of redress, recourse and appeal for the average citizen against the government over which he must have the ultimate control.

The statutory instruments bill is the latest step in the continuum of law reform directed to the protection of individual rights from the power and remoteness of modern government. This continuum includes such measures as the new law regarding expropriation, the Federal Court Act passed before Christmas, the Tax Review Board Act, also passed before Christmas, and the National Law Reform Commission. In the future it will include laws relating to the right of privacy and other human rights.

In the preparation of this bill, the third report of the Special Committee on Statutory Instruments, prepared under the chairmanship of the hon. member for Windsor-Walkerville (Mr. MacGuigan), was extremely valuable. To the chairman and members of that committee I express my appreciation for the excellent report which they made. That report formed the basis upon which the legislation now before the House was drafted.

At the committee stage I intend to render an accounting to the Standing Committee on Justice and Legal Affairs. I will compare the report with its implementation in the form of this bill. We were not able to accept all the recommendations. I will attempt to explain to the committee and the House where we departed from the recommendations and why we did so. Generally speaking, the non-partisan report of the special committee of the House of Commons has been in large measure implemented in this legislation.

It is the government's intention to implement the recommendations of the special committee to the fullest

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extent possible in the manner that I have outlined. The government in no way denies the desirability of fully implementing all the recommendations of the committee, but it was decided that full implementation of certain recommendations was not possible due to a number of practical problems which we found when preparing this legislation. To explain where we have departed from the recommendations of the committee would require a full explanation of the details of the bill. If hon. members will permit, I will not at this time attempt to outline or justify those departures. I intend to do so at the courtesy of the committee.

One of the main features of this bill is that it is designed to protect the public from the improper or unusual exercise of power that has been delegated by Parliament. This will be done in three different ways. First, most proposed regulations will be required to be submitted to the Clerk of the Privy Council who, together with the Deputy Minister of Justice, will be responsible for examining the proposed regulations to ensure four things: first, that they are authorized by the statute pursuant to which they are to be made; second, that they do not constitute an unusual or unexpected use of the authority pursuant to which they are to be made; third, that they do not trespass unduly on existing rights and freedoms and are not, in any case, inconsistent with the purposes and provisions of the Canadian Bill of Rights; and fourth, that the form and draftsmanship of the proposed regulations are in accordance with established standards.

The examination procedure will be carried out by legal officers of the Department of Justice before a regulation is made. It is hoped that at this stage in the regulation-making process any proposed regulation that fails to meet the criteria which I have just enumerated will be revised in such a manner that, having regard to those criteria, it becomes acceptable to the Department of Justice and to the person or body that proposes it.

Although it is not my intention to deal with individual provisions of the bill at this time, I do not wish any hon. member to be left with the impression that it will be possible to carry out the examination I have mentioned for all proposed regulations. If asked to give an example of the type of regulation for which an exemption from examination may be proposed, the regulations made under the National Defence Act would immediately come to mind. I am advised that the daily orders for the Canadian Forces alone number in excess of 2,500 each week.

Mr. McIntosh: Mr. Speaker,—

Mr. Speaker: I suspect the hon. member for Swift Current-Maple Creek (Mr. McIntosh) is seeking the floor for the purpose of asking a question. This can be done if the minister grants permission. Is this agreed?

Mr. Turner (Ottawa-Carleton): Agreed.

Mr. McIntosh: I wish to ask a question before the minister leaves that part of his speech. The minister said