

They would have absolutely no power to do anything about it.

The former Chief Justice James McRuer's Royal Commission into Civil Rights brought many of these matters to the attention of the public as far as the Province of Ontario is concerned, and perhaps it is time we had a similar commission or study done for the whole of Canada.

**Hon. Mr. Martin:** Why not a committee of this chamber?

**Hon. Mrs. Fergusson:** I think that would be a good idea.

The reasons usually given to justify delegated legislation have been mentioned by both Senator Phillips (Rigaud) and Senator Thompson, and include lack of parliamentary time, lack of knowledge amongst parliamentarians about the technical matters involved, and the fact that in the early stages of introducing new legislation there is need to experiment and sometimes make changes because unforeseen contingencies have arisen since the act was passed. If it were always necessary to return to Parliament for new legislation, especially when Parliament might not even be sitting, much time would be wasted in implementing the acts.

Senator Phillips, I gather, did not think these reasons valid but if he were administering such legislation he might have a different view.

Most people nowadays agree with what was stated by Mr. A. Bevan before the British Select Committee on Delegated Legislation in 1953:

There is now general agreement about the necessity of delegated legislation, the real problem is how this legislation can be reconciled with the processes of democratic legislation, security and control.

Professor John Willis, now a professor at the University of Toronto, in an article in the *Canadian Bar Review* in 1961 wrote:

Because Canada, until 1940 a mainly agricultural and rural country, is in the throes of becoming industrial and urban, new Government responsibilities, and so new civil service departments and quasi-judicial regulatory boards, are now proliferating.

Every Canadian who thinks about this realizes that governments today are expected, for the good of citizens, to make and guarantee the execution of many laws that necessarily interfere with the lives of citizens. To carry

[Hon. Mrs. Fergusson.]

out these responsibilities there has had to develop delegation of powers by the executive which itself is responsible to the elected representatives of the citizens, and I do not see how the intricate business of government as it exists today could be carried on otherwise.

We must bear in mind that looking to the future it is apparent that in our ever increasing complex society, government is destined to play an increasingly important and intimate role in the lives of our individual citizens. With the increasingly complicated legislation now coming before us and which may be anticipated in the future, it would seem that every safeguard should be provided to assure that the administrative framework developed in connection with the implementation of the legislation conforms with the spirit and the terms of the act.

Thinking more particularly in terms of our social and tax legislation, which so intimately and vitally affects the lives of so many of our citizens, the necessity of providing every assurance that the administration of the legislation conforms with Parliament's intention becomes a matter of vital importance.

This is not to suggest any lack of confidence in our administrative officers, for I have great confidence in them as I have said, but as humans, like the rest of us, they are subject to error even with the best intentions in the world. Then again in the vast machinery of government it is conceivable that there could be an occasional instance of deliberate or intuitive bias.

The drafting of regulations with respect to implementation of an Act of Parliament can only be successfully accomplished where there is a clear understanding of the philosophy behind the legislation, Parliament's intention and the actual provisions of the act. There could be a lack of understanding of this philosophy on the part of the people drafting such regulations. That is one reason why those who passed the original acts, such as the members of this house, should have an opportunity to scrutinize the regulations that implement the legislation, so that they can be sure that the philosophy which was in the minds of the legislators is being carried out by the delegated legislation. It would seem to me that a committee of this house would be in a unique position to provide the very necessary review. In view of the experience of other countries and some provinces, it seems plain that some system for study of federal legislation which may be passed under the authority