

THE SENATE

Tuesday, February 29, 1972

The Senate met at 8 p.m., the Speaker in the Chair.

Prayers.

DOCUMENTS TABLED

Hon. Paul Martin tabled:

Copies of a Report, Volumes 1, 2 and 3, dated January 1972, on a study of marketing in the Canadian footwear industry, commissioned by the Department of Industry, Trade and Commerce.

Copies of a document giving the Canadian position with respect to Conventions and Recommendations adopted at the 53rd and 54th Sessions of the International Labour Conference, held in Geneva in June 1969 and June 1970, respectively.

STANDING SENATE COMMITTEES

CHANGES IN MEMBERSHIP

Hon. John M. Macdonald, with leave of the Senate and notwithstanding Rule 45(1)(h), moved:

That the names of the honourable Senators Blois and Haig be substituted for those of the honourable Senators Bélisle and Quart on the list of senators serving on the Standing Senate Committee on Banking, Trade and Commerce;

That the names of the honourable Senators Bélisle, Grosart and Phillips be substituted for those of the honourable Senators Macdonald, Quart and White on the list of senators serving on the Standing Committee on Internal Economy, Budgets and Administration; and

That the names of the honourable Senators Sullivan and Yuzyk be substituted for those of the honourable Senators Bélisle and Grosart on the list of senators serving on the Standing Senate Committee on Legal and Constitutional Affairs.

Motion agreed to.

FOREIGN AFFAIRS

ADDITION TO COMMITTEE MEMBERSHIP

Hon. A. Hamilton McDonald moved, with leave of the Senate and notwithstanding Rule 45(1)(h):

That the name of the honourable Senator Heath be added to the list of senators serving on the Standing Senate Committee on Foreign Affairs.

Motion agreed to.

REGULATIONS AND OTHER STATUTORY INSTRUMENTS

MOTION FOR APPOINTMENT OF SENATE MEMBERS TO JOINT COMMITTEE—DEBATE ADJOURNED

Hon. Paul Martin moved, with leave of the Senate and notwithstanding Rule 45(1)(h):

That the following senators be appointed to act on behalf of the Senate on the Standing Joint Committee of the Senate and House of Commons on Regulations and other Statutory Instruments, namely, the honourable Senators Fergusson, Forsey, Goldenberg, Grosart, Haig, Lafond, Molson and Rowe; and

That a message be sent to the House of Commons to acquaint that house accordingly.

He said: Honourable senators, in view of the importance which I am sure we attach to this matter, I should like to say something about this motion proposing that eight senators, from both sides of this house, should be nominated to the Standing Joint Committee on Regulations and other Statutory Instruments. I believe that this joint committee, representing as it does both Houses of Parliament, is an important committee. In the years ahead I anticipate that it will come to have a considerable impact on the operations of government. We do not think of it as a significant but ad hoc special joint committee, such as that on the Constitution. Nevertheless it will have an ongoing task; its work will never be over; there will always be more important matters to probe. Like other standing joint committees, this joint committee will take its place among the permanent features of Parliament.

• (2010)

Honourable senators will recall that parliamentary consideration of this proposal goes back to the early days of this Parliament. A Special Committee on Statutory Instruments was established in the other place, and brought down a number of reports. The third and most significant of these was completed towards the end of 1969. I am sure the house will understand my saying that the committee owed much to its young chairman, Mark MacGuigan, who, although a novice to Parliament, had already shown his wisdom in seeking the nomination and securing election to one of the finest constituencies in Canada. I think it will be generally recognized that as chairman of this committee, he has made a notable contribution to the liberty of the subject in Canada.

The report which he presented to Parliament, and which we have discussed, stressed the responsibility of the executive to Parliament for delegated legislation as well as for the enactment of statutes. This was to be done in four ways:

(1) it proposed that the government consult fully with the public and with parliamentary standing committees before making regulations;

(2) it proposed an extension of the ambit of the present internal scrutiny of regulations by the Privy Council Office and the Department of Justice before making regulations;

(3) it proposed full publication of regulations after they had been made, with certain limited exceptions;

(4) it proposed the establishment of a new parliamentary standing committee, and regulations to provide for public scrutiny of those regulations.