

analysis of the recommendations, the government would proceed with implementation of the committee's recommendations by, first, legislative action by parliament to replace the existing Regulations Act by a new Statutory Instruments Act; second, a number of cabinet directives to implement several of the recommendations which cannot be dealt with by general legislation; and, third, amendment of the Standing Orders for the purpose of establishing a scrutiny committee to review regulations.

On November 3, 1970, the then minister of justice introduced a bill in the House entitled "an act to provide for the examination, publication and scrutiny of regulations and other statutory instruments" and on January 1, 1972, the Statutory Instruments Act was proclaimed into force. The bill reflected the acceptance "to the fullest extent possible" by the government of the recommendations of the MacGuigan committee. It was designed to make it much easier for citizens to find out what the law is, and created an opportunity for parliament to study and criticize troublesome or controversial regulations.

The act ensured that all regulations would have to pass through the hands of the Department of Justice, which would be responsible for their legality and the standard of draftsmanship. The regulations would be kept in a central registry by the Privy Council office and would be codified and consolidated periodically. The act further stated that all regulations except those the cabinet decided to keep secret would be published in the *Canada Gazette* and would be available on request to any citizen who asked for a copy. Finally, a standing joint committee, previously established by a motion to amend the Standing Orders of the House, was empowered to review regulations and other statutory instruments.

Perhaps one of the most important aspects of the Statutory Instruments Act was the widening of the definition of "regulations" under the act. Included as regulations are the following:

Any rule, order, regulation, ordinance, direction, form, tariff of costs or fees, letters patent, commission, warrant, proclamation, bylaw, resolution or other instrument . . . made in the exercise of a legislative power conferred by or under an act of parliament or for the contravention of which a penalty, fine or imprisonment is prescribed by or under an act of parliament.

Madam Speaker, I have strayed somewhat from the strict subject of the criteria to be used as proposed in the third report of the standing joint committee. However, I feel it necessary to provide an overview of the background in which the committee has operated. I suspect other speakers will give a detailed description of the operations of the committee to date and explain some of the difficulties and problems which have arisen.

I would like to say, in regard to the criteria, that in one sense they are a reflection of many of the weaknesses and abuses in statutory instruments which the committee has found already, as they are a proposed guide for the committee to use when examining future regulations. The criteria will act as a more formal framework for the committee to use when studying regulations and will provide for members of both Houses who are not committee members a clearer understanding of the operation of the standing joint committee.

Statutory Instruments

I would like to see the terms of reference of the committee widened so that if it is felt necessary, it could go back and examine regulations and other statutory instruments prior to 1970. Also, I would like to see the committee meet more frequently, including times when the House is not sitting. I mentioned when I begin my remarks that originally I was somewhat wary of my role in the committee. Perhaps a little of the zeal of the members I previously spoke about has rubbed off on me. In any case, I have become convinced of the need and importance of greater scrutiny of delegated legislation.

Finally, I should like to pay tribute to the two joint chairmen of the committee, Senator Forsey and the hon. member for Halifax-East Hants. Both these men, by their knowledge of the subject, their hard work and devotion have won the admiration of all members. I would like to personally thank them for the patience they have shown with me.

Mr. Andrew Brewin (Greenwood): Madam Speaker, the report that we are discussing deals with the criteria or guidelines under which the committee operates. I wish to spend most of my time talking about that, but I should like to precede it by saying a little about the committee which I do not think is well understood by the House. I may be wrong about that, but from some comments I have heard I think people wonder what it is all about. It sounds a dry, legalistic sort of committee, but in fact it is most important and interesting.

The plain fact of the matter—and it is absolutely inevitable that it should be so—is that the vast amount of legislation which governs us is not promulgated by parliament but by a series of departments, ministries and other bodies to whom the power to process delegated legislation is given by parliament. The purpose of the committee is to oversee this. This is no small job because there is a tremendous variety of regulations and statutory instruments. The amount of paper involved is formidable. The validity of these innumerable regulations is of the utmost importance to our citizens, and it is right and proper that parliament should know what is being done in its name and under its authority, and exercise some controlling jurisdiction. That is the purpose of the committee.

● (1420)

Let me mention, as an example, regulations in the field of immigration which affect immigrants coming to this country, the relatives of immigrants coming to this country and the economy of this country. The vast body of immigration law is not encompassed within the Immigration Act, which has not been revised since the 1940s. It is contained in the regulations which are passed from day to day and which set up policy whereby people are allowed to come in or are kept out. Of course, there are statutory prohibitions, but the ordinary rules are what concern most people in the field of immigration.

I know that for every once that I consult the Immigration Act, I must consult the regulations 25 times in order to determine what is the state of the law. I am sure that members interested in other subjects will have encountered precisely the same situation. They will have found that the law passed by parliament often is not detailed but gives authority to some other body to work out, by order