

*Statutory Instruments*

happens and how and why his government, paid with his taxes, takes such and such action or how its public administration makes it act in such and such a way. The Canadian citizen wants to know, for instance, if the increase in postal rates proclaimed by order in council last year was made pursuant to legislation.

The fisherman from Gaspésie, Magdalen Islands, Mingan Island or Sable Island, from Burin-Burgeo, Humber-St. George's-St. Barbe, Lunenburg, wants to know what kind of boat, of which length, what kind of net he will use this year. He wants to know that before, not after the season starts. He also wants to know what quantity of fish, what quantity of cod, of seabast he will be allowed to land and what size lobsters he will take during the next season.

The fishermen who take part in the seal hunt, for example, are subject to a heated controversy. My colleagues will permit this digression because I cannot help talking about this seal hunt which gave rise to shattering and shocking lucubrations which compromise the reputation of Canada and which are made by people who do not even know what they are talking about. They, and incidentally she, had better keep their mouths shut instead of coming to Canada to publicize not only a man but also a European business.

Mr. Speaker, I see you are impatient and I come back to the subject of the debate. The seal hunters need to know beforehand, and not in January or February, what will be their quotas. Coastal fishermen have a right to know how many seals they will be entitled to kill during the next season.

He is entitled to know what type of boat of what length he may use to go seal hunting. And as I said he is entitled to know not long before the beginning of the season, perhaps during the fall.

And in the midst of such an abundance of modern media, governments alone remain frozen in their self-centered and jealous tendency to hang on to their prerogatives. There is not one member here who is not aware of such government attitude, whether it be the present administration, the one before or any other administration we had in Canada. When we ask that some correspondence, some document, some report be published, the response is: "Sorry, the document requested by the hon. member is confidential because it is an inter-departmental, intergovernmental or interministry document, or because it involves national security or national defence. We ask the hon. member please to withdraw his motion."

In the face of such secretiveness, however, commendable in purpose although in many cases antiquated and anachronistic beyond words, the 28th Parliament, inspired by a legislation or declaration by the late former Prime Minister the right hon. Lester B. Pearson, under the sponsorship of the then minister of justice the Hon. John Turner, decided to put forward a piece of legislation providing a large degree of openness to allow for better public information.

It was not the end of the world. However, with the establishment of the joint committee to study regulations, we can at least rely on an institution which, in spite of the deluge of new

regulations enacted each year it has to scrutinize, is acting as a watchdog or some type of ombudsman with rather limited powers. In the scrutiny of these documents care must taken not to frighten the civil servants that are charged with the preparation of these regulations, or have them follow the legal process up to and including passing or proclamation of such documents, but rather to call their attention to certain unwanted anomalies that may creep in. They do creep in our debates, so therefore they can creep in the preparation of regulations, despite the best of intents. Let us keep in mind also that the purpose of this exercise is to protect the taxpayer whose freedom and rights are more often than not encroached upon and trampled on because of his more or less adequate knowledge or rather his outright ignorance of the legislation and the related regulations which are enforced generally without any consultation with the people involved.

The duties we have been carrying out since the committee was established have given us the opportunity to note a great many faults and discrepancies in the legislation, faults and discrepancies which prevent us from studying more effectively the documents which are put before us. As a matter of fact, other hon. members have already examined a number of them during this debate. But on many occasions, the committee had to cope with the stubbornness of civil servants within the legal branches of other departments which refer their files to the Department of Justice.

Contrary to what the Minister of Justice tried to infer this afternoon, our aim is not to criticize to the point of destroying these officials whose competence and dedication I do appreciate, but neither is it to let ourselves and the people we represent be destroyed. Public servants are moving forward, following a policy established by the Department of Justice. I suggest that the only way to promote more liberalism in the disclosure of legal opinions would be for the Department of Justice to develop new and less obsolete guidelines, more in keeping with a 1977 style public information system. I am probably being credulous to expect such an extraordinary thriftlessness. It is a fact however that without more co-operation from all those who have at a given time something to do with drafting legislation or attendant regulations, the committee is seriously hampered in its work, I would even say it is threatened with being choked.

The lack of specific definitions in statutory instruments has also been emphasized. Mr. Speaker, the committee has been functioning for almost three years, maybe more. And as yet it has been impossible, unbelievable as it may seem, to get a clear definition of statutory instrument. I believe, Mr. Speaker, that with all the legal experts who are working within the Canadian public service, some of them holding PhD's, it must be possible to enlighten us—unless of course such information is classified.

Mr. Speaker, concurrence by the government and later by Parliament in the recommendations of the second report now under discussion is essential to the intelligent and effective carrying on of the committee's work. As we are very understanding and familiar with the delays of public administration,