

That is an entirely different group of people. They are certainly not the people the minister could prescribe for by regulation because he has now limited himself to a particular group of people under the Income Tax Act. Those are the three points.

Hon. John N. Turner (Minister of Finance): Mr. Speaker, I rise on a point of order. With Your Honour's indulgence, I might wish to reserve for more complete argument at another time. However, I would like to make a preliminary response to the hon. member's point of order of which I did not receive notice. I am at somewhat of a disadvantage. Knowing his meticulous review of the proceedings of the House, I might have anticipated something of this nature.

With regard to the first point, the municipalities, it is my submission to the Chair that the municipalities are found at lines 37 to 40 on page 2 of the bill under the heading:

(f) a person within a class of persons exempt from tax under Part I of the Income Tax Act.

With regard to the second point on the two year limit, I submit to the Chair that this two year limit is consequential and consistent with other provisions in the Excise Tax Act, for example Sections 44 and 46. There is nothing new or extraordinary about this. Surely it is just a consequential matter of procedure as to when the rebate authorized by the ways and means motion and authorized by the bill must be applied for. It is a limitation provision which is already found as a general provision in the existing act being amended by this bill.

The third point is that the ways and means motion calls for authority of the governor in council to make regulations. Upon mature review, we thought we could substitute the governor in council by the House of Commons. Surely a bill which grants authority to the House rather than the governor in council will not be attacked before the House.

Mr. Baldwin: Mr. Speaker, I rise on the point of order. It is all very well for the Minister of Finance (Mr. Turner) to dismiss so cavalierly the cogent argument of the hon. member for Edmonton West (Mr. Lambert). This is one of those cases that can be compared with the situation where one is appearing for a person charged with a criminal offence. The Crown has a very strong onus upon it to prove the charges to the hilt. Only the Crown can bring in legislation of this kind. It can only be brought in on recommendation by the Governor General. It is forbidden to ordinary members.

I submit that when Your Honour considers the jurisprudence and precedents you must take upon yourself the necessity of judging the government. It must prove conclusively that there is that necessary identity between the bill and the order in council. For the minister to dismiss so simply the differences he has pointed out is quite improper. If that were the case it might not have been necessary for the ways and means motion to include the items that are in there.

The minister is saying the law existed before the ways and means motions were brought in, and consequently it is not necessary for the bill to correspond to the ways and

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means motion. He says that the existing law covers it. Under those circumstances, why did he have this in the ways and means motion to start with? It was put in there to provide a basis for a legislative proposal, as followed by this bill.

The minister has failed to sustain the onus which is upon him and the government to see that the bill for all intents and purposes corresponds to what is proposed in the ways and means motion. Certainly if there were nothing else, as the hon. member for Edmonton West and the hon. member for Winnipeg North Centre (Mr. Knowles)—I may be anticipating him—he looks as though he will support us—

An hon. Member: He looks as though he is pregnant.

Mr. Broadbent: Stanley has never looked as though he were pregnant.

Mr. Baldwin: I anticipate that the hon. member for Winnipeg North Centre will support us in this argument. I see the new Leader of the New Democratic Party is nodding his head.

The fact is the ways and means motion includes these items and they do not appear as they should in the bill. The minister casually dismisses this and says he will find some other statute as a basic. If that is the case, why did he bother to put this in the ways and means motion? The minister shakes his head. In his time he was a very good Minister of Justice. He must have learned the difference between right and wrong at that time, and he knows he is wrong now.

Mr. Stanley Knowles (Winnipeg North Centre): Mr. Speaker, there have been times when I have had to disappoint the hon. member for Peace River (Mr. Baldwin). However, he is quite right today in assuming that I will support the point of order raised by the hon. member for Edmonton West (Mr. Lambert). Indeed, I want to commend the hon. member for Edmonton West on his study of this matter and on pursuing this point which, for him, is not a new one at all. There have been times when I thought the hon. member for Edmonton West was getting concerned about some obscure point. In this case I think he is not only dead right but his position represents the outcome of earlier discussions on this point.

There have been occasions when the ways and means resolution respecting a measure such as the Excise Tax Act was couched in general terms. In that circumstance it was possible for there to be an argument between the hon. member for Edmonton West and the Minister of Finance (Mr. Turner) as to whether the bill based on that resolution really carried out the terms of the resolution. My recollection is that the government decided to get around that kind of difficulty or ambiguity by following the practice of putting down a ways and means resolution that states precisely what is supposed to be in the bill.

That was what was done in the notice of ways and means motion that was filed on June 23, namely:

That it is expedient to amend the Income Tax Act and to provide among other things:

Then we have nine different paragraphs. Most, indeed all of them, spell out in precise language what was to be