

Excise Tax Act

may I do it again. The difference between an affirmative resolution and a negative resolution is such that the hon. member for Peace River has chosen the method that is least awkward for the government. As I understand it, if one is asking for an affirmative resolution it means that an order in council cannot come into effect until the matter has been brought before parliament and there has been an affirmative vote. On the other hand, use of a negative resolution means that an order in council can be put into effect at the moment stated in the order, but can be nullified if later on there is a negative vote in parliament.

The minister said that in the field of taxation there has to be some certainty. The government operates all the time on the basis of putting on taxes and then starting to collect them, counting on the fact that it will get approval from the House later on. The ten cents tax on gasoline is being collected right now even though the bill that would endorse it, Bill C-66, has not been passed.

The government will be in precisely the same position if it accepts the amendment proposed by the hon. member for Peace River. It would have full authority by order in council to make these tax changes having to do with exemptions—in or out, as you will—and to put those changes into effect at the moment specified in the order. So there is no awkwardness for the government in that case. If the government believes that what it is doing is right and believes that it will have the support of the majority of the House, it can act. Accordingly I submit very strongly that there is a good argument for the proposition put forward by the hon. member for Peace River.

As the Minister of Finance has pointed out, he was one who had something to do with this affirmative and negative resolution proposition. It was fine to put it forward academically as a proposition to protect the rights of parliament, but why not apply it when a practical situation occurs?

So, Madam Chairman, I have had enough practice at speaking that I think I could keep going until six o'clock if necessary, but surely this is something that the minister ought to look at with his officials over the dinner recess, and I suggest we not conclude the point now. The simplest way, unless somebody else wants to say something about it, is to call it six o'clock.

The Assistant Deputy Chairman: Is it agreed we call it six o'clock?

Some hon. Members: Agreed.

Some hon. Members: No.

The Assistant Deputy Chairman: There being no agreement, is the committee ready for the question?

Mr. Turner (Ottawa-Carleton): Madam Chairman, I think there is some sense in what the hon. member just said. I think that by general agreement we could call it six o'clock.

The Assistant Deputy Chairman: Is it agreed that we call it six o'clock?

Some hon. Members: Agreed.

[Mr. Knowles (Winnipeg North Centre).]

The Assistant Deputy Chairman: It being six o'clock I do now leave the chair till eight o'clock this evening.

At six o'clock the committee took recess.

AFTER RECESS

The committee resumed at 8 p.m.

The Assistant Deputy Chairman: Order, please. House again in committee of the whole on Bill C-66, to amend the Excise Tax Act. When the committee rose at six o'clock Clause 5 as amended was under consideration.

Mr. Baldwin: Mr. Chairman, the Minister of Finance looks to me like a man who has come here with an olive branch. Perhaps he might like to give us his views at the moment, or indicate that he is prepared to entertain more argument. I have a very large number of new arguments I developed during the supper hour. I have had a very good supper and I have all kinds of fresh ideas, so I am full of enthusiasm. If the minister needs more convincing, I am prepared to make the effort. Perhaps he is in the position of a hung jury right now. He has not made up his mind and wants to hear more arguments from us. I can carry on with those arguments, but perhaps the minister would like to say something about what his attitude is now.

Mr. Turner (Ottawa-Carleton): Mr. Chairman, I have enough respect for the hon. member for Peace River to know that once he states his argument he does not have to repeat it.

Mr. Baldwin: I have new ones.

Mr. Turner (Ottawa-Carleton): He does it so succinctly and clearly there is absolutely no doubt about what he has in mind. I would, first of all, repeat what I said earlier, that having introduced the Statutory Instruments Act, we sought to place some limitation on the power of the government to delegate to ministers, or the governor in council, the authority to regulate, through officials by way of sub-delegation.

I have a good deal of sympathy for the hon. member's argument, and quite frankly I share his concern over the fact that we have not been able to bring in to this House, or that this House has not been able to adopt, through the Joint Committee on Regulations and other Statutory Instruments, new rules relating to this type of matter which would have provided a code for dealing with affirmative or negative resolutions challenging the regulatory authority given to ministers by this type of bill or bills. I am concerned also when the hon. member tells the House that he has some insider's information on what the Privy Council office is going to pronounce as to the necessity for publication of this type of regulation.

Mr. Baldwin: I have a correction to make in that regard.

Mr. Turner (Ottawa-Carleton): It is my personal feeling that, this being a regulation, it would be subject to publication under the act. I leave it to him to expand on that if he wants to later.