

ada who shall, under the supervision of the Minister, exercise such printing and publishing functions for the Government of Canada as are assigned to the Queen's Printer by law or as may be assigned to him by the Minister.

In this section, Mr. Speaker, Parliament does not assign to the Queen's Printer the function of printing and publishing an official Gazette of Canada. Nor does it give to the minister power to authorize the Queen's Printer to print and publish an official Gazette of Canada. The power of the minister as to printing and publishing is set out in section 44(1) (d) which provides that the powers and duties of the minister extend to and include, "...the acquisition and provision of printing and publishing services for departments." Nothing is said there about the Canada Gazette. Parliament has not given the minister any power to set up a Canada Gazette. Parliament has not given to the Queen's Printer the function of printing and publishing an official Gazette. Certainly, it did not do so in the act of 1969. However, since the Department of Public Printing and Stationary, whose deputy head was the Queen's Printer with responsibility for publishing the official gazette of Canada, was abolished by the act, it is obvious that the Department of Supply and Services cannot service that extinct department.

It is now necessary to inquire whether any other law assigned to the newly reconstituted Queen's Printer, under section 48, the duty of printing and publishing an official Gazette of Canada. Here, Mr. Speaker, I put the minister to the task of examining the Statutes of Canada and telling the House whether the statutes reveal that any law of this Parliament gives the Queen's Printer or other public official such authority to publish the Canada Gazette. There is no such law in existence at the present time. The various appropriation acts, based upon the main estimates and supplementary estimates for the fiscal years 1969-70 and 1970-71 show that money is voted for the activities of the Queen's Printer. There is mention of a publication referred to as the Canada Gazette; but there is no purpose specifically cited for this publication in these appropriation acts or the estimates upon which they are based. There is no mention that the purpose of this publication, the Canada Gazette, is to be the official Gazette of Canada.

I have gone into the historical background, Mr. Speaker, and I come now to the point made by the minister in committee, because he said that there is no requirement for statutory authority. There, I differ with him. This lack of a parliamentary authority by statute for the publication of "an official gazette of Canada" was confirmed by the minister in the reply to a question that I had put to him. May I refer briefly to page 17 of committee report No. 7 of the Standing Committee on Justice and Legal Affairs, of February 16, 1971, where the minister is reported as saying:

Clause 10 does not set up the Canada Gazette. Clause 10 does not set up the Queen's Printer. Clause 10 just says that the Queen's Printer is now publishing the Canada Gazette and it shall be the official gazette of Canada. That is all.

It is now necessary, Mr. Speaker, to inquire whether the Queen's Printer, under the words, "or as may be assigned to him by the Minister" in section 48 of the

Statutory Instruments Act

Government Organization Act, 1969, was assigned to print and publish, "an official gazette of Canada" by the Minister of Supply and Services (Mr. Richardson). That, Mr. Speaker, must be the chain of authority. It has been noted that the powers and duties of the Minister of Supply and Services, given to him under the Government Organization Act, 1969, do not authorize him to do this. A search of the statutes reveals that Parliament has not, in any other act, authorized him or any other minister to assign to the Queen's Printer the function of printing and publishing an official gazette of Canada.

• (3:50 p.m.)

In the absence of statutory authority, there remains only the crown prerogative. Has the Crown, in right of Canada, a prerogative to print and publish an official gazette of Canada?

Mr. Turner (Ottawa-Carleton): It is not a gazette.

Mr. Lambert (Edmonton West): It appears to be a prerogative power to which the Minister of Justice refers when he stated in the Standing Committee on Justice and Legal Affairs, at pages 17 and 18 of the committee report on the bill:

The Queen's Printer shall continue to publish. The money has been voted in the estimates regularly. There is no official authority for the official gazetting in the United Kingdom, Mr. Beseau tells me. Really, we are not creating the *Canada Gazette* by statute. We are just saying:

"10. The Queen's Printer shall continue to publish the *Canada Gazette* as the official gazette of Canada."

It has already been published. It is already found in the Estimates under whichever department it is. We are just making it the official gazette of Canada.

I could go into a very long historical examination of the crown prerogative. I could go back to the middle of the 16th century, but I will spare the House that exercise.

Mr. Baldwin: That is where the government is all the time anyway.

Mr. Lambert: The minister referred to the status of the gazette in the United Kingdom, and this is the only precedent he can follow. There is no statutory authority for the Canada Gazette, therefore the minister must fall back on the Crown prerogative. The Crown prerogative has its origin and source in the United Kingdom. I suggest to Your Honour that the two cases are quite different and, therefore, we must come to statutory authority. Whether we have an official gazette of Canada on a statutory basis or whether it is by Crown prerogative is not a decision for the minister to make, but for the courts. It is not for the minister to say that statutory authority is not required or that the authority is under the Crown prerogative. Even though there is a very fine question whether, having had statutory authority from 1869 onward the Crown prerogative was abolished at that particular point and the authority was actually taken over by this Parliament to establish an official gazette of Canada.

I must apologize to the House for having gone through a rather lengthy historical review of the antecedents and