

Water Resources

If it was considered essential in 1951 that the use of these waters for one purpose required the payment of a toll and the Governor General should make a recommendation covering this, why should it not be essential that the use of water for the carriage of effluent material requires precisely the same treatment? I suggest that by calling this a fee we cannot cover the situation. The name means nothing; it is the character of the imposition that is important.

The other side of the coin must also be considered. What is going to be done with the money collected? Let me refer Your Honour to clause 16(2)(d) which provides that these fees shall be collected by an agency to be constituted under the provisions of this act. Such an agency would in fact be the agent of Her Majesty, and the fees would then be utilized by that agency or authority for such purposes as it saw fit, including the payment of salaries and other things it deemed essential.

• (3.10 p.m.)

Here we have a device whereby the government could collect fees from individuals and corporations without any appropriation, without any message from His Excellency and without any authorization to collect such fees. The fees may be then appropriated in such form as the Governor in Council may have authorized the agency to provide through proper by-laws. If that is the case, what is to stop our very genial Minister of Finance (Mr. Benson) saying that no person shall dispose of any property, real or personal, without first securing a permit from him, and that he shall not secure that permit until the property has been valued and a fee paid amounting to 50 per cent of the increase in value. Does calling the amount sought to be obtained as a condition precedent to the sale of real or personal property make it any less a tax? It is a tax; it is a toll. We had an example of this type of tax in my province some years ago when we collected an unearned increment tax. It was a tax which provided for a 10 per cent charge on the increased value of real property. That was collected by the land titles office at the same time that office collected a fee in respect of registration. A solicitor would go there on behalf of a client and give one payment to cover both.

There was a clear distinction between paying the unearned increment tax and paying the fee. I suggest the government cannot bring in this bill in this way unless it first secures from the Governor in Council an

[Mr. Baldwin.]

appropriate amendment to the message or amends the Act. If the bill is allowed in this form, then I point out to Your Honour that any private member would be free to bring in a bill which would provide for the imposition of what the private member considered to be a fee, without the appropriate message from His Excellency, and the officials of this House would be obliged to receive it. I ask Your Honour once more to read and reflect upon the limitations in the wording of the message:

—including any expenses or allowances of any advisory committee, shall be paid out of moneys appropriated by Parliament therefor.

This device to raise money in the way suggested does not comply with the recommendation set out here because it cannot in any sense be considered as moneys appropriated by Parliament. I suggest Your Honour might consider these arguments and hopefully rule as I have requested you to do.

Mr. Stanley Knowles (Winnipeg North Centre): Mr. Speaker, as the hon. member for Peace River (Mr. Baldwin) has pointed out, the matters he has raised relate to a technicality which he believes can be cured and which need not stand in the way of the House proceeding today with a debate on second reading. Nevertheless, I support his contention that the technicality is an important one. It may be argued that the requirement of approval from the Governor General is antiquated and is something we should do away with in our procedures because, after all, the Governor General approves whatever the government wants him to approve. But so long as the technicality is there, it seems to me we should observe it.

It strikes me also that Your Honour would have a particular interest in this matter because we who are private members do our best to propose matters which cost money. It is amazing the number of problems which could be solved if we could just get the money for them. Your Honour has repeatedly told members of the House that that right is reserved to those in this House of Commons who can obtain a recommendation from His Excellency the Governor General. Therefore, it seems to me there is an importance about this matter that deserves the attention the hon. member for Peace River has asked you to give it.

As has been pointed out, Section 54 of the British North America Act is quite clear. It reads:

It shall not be lawful for the House of Commons to adopt or pass any Vote, Resolution, Address, or