

*Excise Tax Act*

(a) by striking out lines 26 to 36 on page 2 thereof and substituting therefor the following:

- “(b) a municipality,
- (c) a person for commercial or business purposes,
- (d) a farmer for farming purposes,
- (e) a fisherman, hunter or trapper for commercial fishing, hunting or trapping,
- (f) a person under conditions for which relief from the consumption or sales tax is provided by virtue of any provision of this Act other than subsection 27(2), or
- (g) a person of such other class of persons as the Governor in Council may by regulation prescribe;” and

(b) by striking out line 18 on page 3 thereof and substituting therefor the following:

- “(1)(a) to (g), for the purpose of making a”

**Mr. Baldwin:** Madam Chairman, a little while ago I heard someone ask the minister if he ever admitted making a mistake. Of course I understand it is a rule laid down in the Privy Council that any minister who admits making a mistake is forthwith fired, so we do not expect this to happen, but we have now gone all around the compass and come back to where we were at the time of the ways and means resolution, and I am one of those who feel that this is probably a wise decision.

I would like to believe that this was the advice originally given to the minister by his officials, that he took it to cabinet, and cabinet rather ruthlessly changed it and put in that unmentionable mess which brought into the bill the provision of the Income Tax Act, section 149, which would have been absolutely unenforceable. It will be difficult enough to enforce some of the provisions with regard to rebates, but section 149 of the Income Tax Act, as a basis on which rebates would be paid, would be simply nothing less than a monstrosity. I am glad to see that the minister recognized that, and I give him credit for doing so.

I feel that this is a case where we should object very strenuously to the governor in council having this power. If it is a matter of giving the governor in council power to impose a tax, I would strenuously resist it, and I think most members of the opposition would resist it, but giving the governor in council the right to add to the classes of people who are entitled to secure a rebate from a tax is something to which I am prepared to give acceptance, subject to an amendment which I will read now. I will not put the amendment, but I will read it now so that the minister, hon. members, and the Chair may have some idea of what is involved. My amendment will relate particularly to proposed Clause 5(g), and I think I will have to add to it. If the committee will look at proposed Clause 5(g) it reads as follows:

(g) a person of such other class of persons as the Governor in Council may by regulation prescribe;”

My amendment will have the effect of adding after the word regulation the following words: “subject to negative resolution of the House of Commons”, before the word “prescribe”.

So Clause 5(g) would then read as follows:

(g) a person of such other class of persons as the Governor in Council may by regulation subject to negative resolution of the House of Commons prescribe;”

[Mr. Turner (Ottawa-Carleton).]

I see that I shall have to do some editing now, but that will be the effect of my amendment.

In support of this proposal I would like to read to the committee the appropriate section of the Statutory Instruments Act which gives to the words “subject to negative resolution” a statutory definition. Section 28A. of the Statutory Instruments Act provides in subclause (d) as follows:

(d) the expression “subject to negative resolution of the House of Commons”, when used in relation to any regulation, means that such regulation shall be laid before the House of Commons within 15 days after it is made or, if the House is not then sitting, on any of the first 15 days next thereafter that parliament is sitting and may be annulled by a resolution of the House of Commons introduced and passed in accordance with the rules of that House.

● (1720)

When my resolution is brought into proper form by adding one or two words, the effect will be that the governor in council—that is pursuant to subclause (g) if the amendment which the minister has introduced, is accepted—will have power by regulation to add a person or such other classes of persons as he may think appropriate as being entitled to a rebate. These classes will be in addition to those enumerated in the subclauses which appear in front of the new subclause (g).

My amendment will provide that by a negative resolution this House will have the right to debate and strike out such classes of persons as the governor in council may prescribe, as being additional to those already established. In other words, if the minister saw fit to prescribe that members of parliament, members of the press gallery or any other group were entitled to a rebate, this will be done by order in council. The order in council will come into effect immediately it is published and, according to the date fixed in the Statutory Instruments Act, if parliament is sitting, there is then an opportunity for members to post a notice of opposition to the arrangement. After a debate pursuant to the rules of the House if enough members could be found to vote a regulation down, it would be annulled.

We are not seeking to postpone the coming into effect of the regulation by waiting until this House has passed it. That would be an affirmative resolution. The meaning of the Statutory Instruments Act is quite plain, and I suggest the minister might be prepared to accept this, after consideration as part of his amendment. If not, I will move it in due course.

I have sat here very patiently listening to the excellent arguments advanced by all members, particularly those in the New Democratic Party, which had a strangely familiar ring. Of course, those hon. members, not being here for the early part of the debate, wanted to be involved when they finally arrived so they just turned to *Hansard* and read the speeches which members of this party made earlier!

**Some hon. Members:** Hear, hear!

**Mr. Baldwin:** This repetition for the second and third time of the excellent speeches made by members of this party had its effect. I could tell this from the happy faces opposite.