

By virtue of section 22 of the Financial Administration Act, our Parliament has given to the Governor in Council the right to waive certain penalties under certain conditions. That right is given to the Crown's representatives. It is given by virtue of an act of Parliament with respect to which the consent of the Crown had to be given in the first place. Here we have a situation in which a money penalty may be assessed against individuals or corporations. Therefore, moneys which would normally belong to the Crown in right of Canada may be disposed of to the Canadian Grain Commission. I recognize that Parliament can do this; nevertheless, because these are moneys at the disposal of the Crown, the consent of the Crown must be given.

The Minister of Agriculture (Mr. Olson), or the President of the Privy Council (Mr. MacEachen) who I am sure is knowledgeable in this matter—I see him nodding and therefore I am almost certain that he will agree with what I have to say—may signify that consent. Either of them may say, “I have been in touch with His Excellency, who has been graciously pleased to say that the Crown gives its consent to disposing of assets in the form of money or, in some instances, to waiving the penalty.” Until that is done, I submit that the government cannot proceed as it now seeks to proceed. I have a large number of precedents to fortify my argument. Until that is done, I submit that even if the government were to proceed with this bill and even if Parliament were to give it third reading, the bill would be null and void. It is not null and void at present because only at final passage does this consent become absolutely essential.

There are some good points to the bill. Like most government measures, it is not very effective, but it has some good features which we feel might be passed. As the hon. member for Crowfoot (Mr. Horner) said earlier, some aspects of the bill are bad. The government, of course, approaches many of its measures like an old man approaching a young bride, full of fascination and apprehension, yet sluggishly. Nevertheless, because there are some good aspects to the bill we are prepared to pass it. But we want to see it passed in the proper form.

Your Honour may want to consider this issue. I could cite a great many precedents. I will not take up the time of the House by so doing because I am sure the President of the Privy Council, supported by the Minister of Agriculture, will say that the government is prepared to proceed with third reading now and that it will obtain the approval of His Excellency, on behalf of Her Majesty, by tomorrow.

I should like to quote one or two brief authorities. May's Parliamentary Practice, Seventeenth Edition, at page 615 reads as follows:

In the case of bills which affect the royal prerogatives—

The royal prerogatives include the right of waiving penalties, of granting commutations, and so on.

—a more complicated formula is employed, varying slightly to suit the circumstances of each case, and including the statement that the Queen places her interests at the disposal of Parliament—

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The Queen's consent is signified by a Privy Councillor, but the communication of the fact that the Queen has placed her interests at the disposal of Parliament is made orally, generally by a minister of the Crown.

Beauchesne's Fourth Edition reads as follows at page 231; I am quoting from citation 283:

The consent of the King or Queen, as the case may be... is given by a Privy Councillor to bills... affecting local and personal interests which concern the royal prerogative—

And so on. In this bill the government is attempting to dispose of moneys which normally are at the disposal of the Crown in right of Canada. That may only be done after there has been given in this House a statement by a Privy Councillor that the Governor General has given his consent to it.

Hon. H. A. Olson (Minister of Agriculture): On a point of order, Mr. Speaker, I am sure the hon. member for Peace River (Mr. Baldwin) is well aware of the fact that when this bill was first introduced into the House during the present session, there was a recommendation from His Excellency.

Mr. Baldwin: Oh, yes.

Mr. Olson: I think only a few days ago His Honour ruled that the recommendation is an indication that His Excellency has seen the bill and recommends it to this House, and that any further action in this regard is unnecessary. I should also like to draw to Your Honour's attention, while raising this point of order, that the provisions the hon. member alluded to in clause 108 are to be found also in the Prairie Farm Assistance Act. Those provisions are the same with respect to penalties and the remission of penalties and are to be found in section 11 of the Prairie Farm Assistance Act. Therefore, there is no change in those provisions. I think Your Honour will recognize that this is—I was about to say a phony argument but I will not say that.

Mr. Baldwin: I wouldn't, if I were the minister.

Mr. Olson: Well, it is a redundant argument which has no place in this situation.

Mr. MacEachen: It is a yuletide argument.

Mr. Baldwin: On the point of order, Mr. Speaker. I thought I was presenting a valid, effective and useful argument and I was sorry my previous argument was dismissed by Mr. Speaker. Nevertheless, there is no comparison between that argument and the point I am now trying to make. It is true that a recommendation was brought in, but that recommendation is related to the spending of money. What I am now saying is that this bill contains clauses which interfere with the prerogatives of the Crown with respect to the waiving of penalties and fines. There is a distinction between the two points. I am sad indeed that the Minister of Agriculture has missed the point, because I thought I had submitted a fairly good argument.