

Excise Tax Act

advantage of the language in the bill, thereby giving the minister, however debatable it might be, the power to do the very thing by regulation that is objected to, the minister has abandoned that power and, using a circumscription that is based on the resolution, has put it in the bill directly.

So not only is the inclusion in section 1 of the Income Tax Act subject to debate in parliament now, but any future changes will be subject to debate in parliament, which generally seems to me to be a narrowing of the power which was given in the resolution as opposed to a broadening of it, and a desirable objective for the minister to follow rather than an undesirable one. Before we go on, I wonder whether the hon. member for Edmonton West (Mr. Lambert) would address himself to this aspect in principle, since I believe this is fundamental to what we are considering in terms of our practice.

Mr. Lambert (Edmonton West): Mr. Speaker, I would say that it is a facile and very naïve argument. That is all it is. First of all, the House is induced to adopt a budgetary proposal that is based on a ways and means motion presented in this House. This is a provision that says that the class of persons shall be the class prescribed by the minister by regulation. Already in its debate the House has indicated that it wants the minister to consider certain types of people. But the door has been shut by the minister unilaterally by opting for part I of the Income Tax Act, a law that is totally unrelated.

● (1520)

I put it to you, Mr. Speaker, that by shutting the door, by narrowing the port to those people who may be provided for by regulation, the minister is merely widening the ambit of his taxation. After all, the regulations are to provide for exemptions. If by using part I of the Income Tax Act the minister narrows the port and says, "I am not going to except this small group"—in other words, that he is going to catch everyone in his tax net—I must point out that parliament did not tell the minister he could do that. That is not what parliament has prescribed, and the minister must obey the directions of parliament.

I submit a totally false argument has been advanced. I know the Parliamentary Secretary to the President of the Privy Council (Mr. Reid) was trying to get after me because I do not like regulations. Neither do I like provisions in a bill that are wide open so that a minister can do all and everything in the world. But in this particular case, between the resolution and the presentation of the bill the minister has opted to create a narrow port for his exemptions. If the Chair is realistic and hold members on second reading to relevance, then not one of us can talk about further exemptions because these exemptions are being provided for strictly within the bill. They are in part 1 of the Income tax Act. There is not one regulation in part 1 of the Income Tax Act that allows the minister to widen the exemptions. With the greatest respect, Mr. Speaker, the argument that was advanced by the hon. member for Kenora-Rainy River is a red herring and I am surprised it has been taken seriously.

Mr. Turner (Ottawa-Carleton): Mr. Speaker, if I may deal briefly with the point raised by the hon. member for

Edmonton West (Mr. Lambert) by way of retracking his original thinking, he cannot blow hot and cold, as the Scots used to say. He cannot object to the regulatory powers, as he has on several occasions, and now want them in. The power to exempt by regulation involves the power to tax by regulation. I felt that was abhorrent and so we specified. We had a wide, blanket power in the ways and means motion and we have rendered it more precise within what I believe is the authority of parliament to delimit the area over which taxation is to be imposed, and thereby reciprocally the limits by which exemptions ought to be allowed or granted.

Mr. Knowles (Winnipeg North Centre): Mr. Speaker, although I indicated my position with respect to this point of order when it was under debate the other day, since the matter has been revived I should like to say a few words. First of all with respect to the question Your Honour asked, may I make one comment. If I recall correctly, Your Honour asked whether a certain change that the government has made between the ways and means resolution and the bill as presented is desirable. I suggest, with all respect, that that is not the issue. Whether the change is desirable or undesirable is a matter of substance, not of procedure.

The Minister of Finance (Mr. Turner) made a good debating point in suggesting to the hon. member for Edmonton West (Mr. Lambert) that he cannot blow hot and cold at the same time.

Mr. Lambert (Edmonton West): But look at the bill!

Mr. Knowles (Winnipeg North Centre): Yes, it freezes one. When we argue for things to be done correctly in terms of procedure, it is not the occasion to become involved in positions regarding substance. For example, I can think of occasions when we have tried to get the government to improve a bill. One that comes to my mind immediately is the Medical Care Act some years ago when the Governor General's recommendation did not have in it authority for something we wanted the minister to do. We persuaded the then minister of national health and welfare, who is now Secretary of State for External Affairs (Mr. MacEachen), to make an amendment to the bill and we agreed that there had to be a new Governor General's recommendation. A Governor General's recommendation respecting a money bill is, I submit, reasonably parallel to a ways and means resolution preceding a bill respecting taxation. Therefore, what we are concerned about is the procedural correctness of what is taking place regardless of the points of view on substance that may arise.

It may be perfectly desirable, something for which we on this side of the House might argue, to have the precise provisions in the bill rather than left to regulation by the governor in council. But I would argue again, as I did the last time, that we really have to get this matter straightened out as to what is to be the form of a ways and means motion. If we want to have ways and means motions that are just general in terms of leaving it to the government to draft a bill based on those general terms, that is fine, it could be done in that way. But in this instance the government has chosen, as it has in several other instances, not to present a ways and means motion that is general but, rather, has presented a ways and means motion that is