

Canadian Livestock Feed Board

Mr. Sauvé: All I can do, Mr. Chairman, is give the assurance that the board will not exercise this kind of power—if this assurance satisfies the hon. member.

Mr. Muir (Lisgar): Mr. Chairman, before we leave clause 6 I should like to obtain clarification in respect of paragraph (d), where it says that the board may—

—conduct negotiations for the obtaining of licences for the importation of feed grain into Canada for the importation of feed grain by them within the provisions of any such licence obtained in its name, contract with feed grain dealers in Canada for the importation of feed grain by them into Canada under the terms of such licence.

I am wondering whether the minister has considered the possibility that this clause could mean that there could be the importation of surplus feed grains from the United States, corn and so on, to the detriment of the feed grain growers of all of Canada, in that, being surplus, this grain could be sold more cheaply to the board than the price at which they could purchase, say, Ontario corn or western barley. Can the minister assure us that this provision will not be used to cut feed grain prices to a point where it is not profitable to produce this grain in Canada?

Mr. Sauvé: Yes, Mr. Chairman, I can give this assurance.

Mr. McQuaid: Mr. Chairman, before clause 6 passes I wonder whether there is not a conflict in paragraph (j) as compared with clause 9. Clause 6 (j) empowers the board to act as agent for or on behalf of any minister of the crown or as agent of Her Majesty, and clause 9 (1) provides that the board is, for the purposes of this act, an agent of Her Majesty, and its powers under this act may be exercised only as an agent of Her Majesty. Clause 6 (j) purports to give the board power to act as an agent of the minister, but clause 9 (1) limits the board to acting as an agent of Her Majesty. I suggest that this point is particularly important when one considers clause 9 (4), which provides as follows:

Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the board on behalf of Her Majesty, whether in its name or in the name of Her Majesty, may be brought or taken by or against the board in the name of the board in any court that would have jurisdiction if the board were not an agent of Her Majesty.

So if the board did something on behalf of a minister of the crown, presumably no action could be taken against the board.

Mr. Sauvé: I think any action taken against the board in respect of this provision would be the same as action taken under any other legislation. This clause is no different from a similar clause in other legislation. This provision is to be found in other legislation pertaining to boards established by parliament. This is the normal type of clause, and we have not made any innovation in this bill.

Mr. McQuaid: It may be the same type of clause, but that does not mean it is necessarily correct. I suggest that there is a very definite conflict here. Clause 6 (j) empowers the board to act as an agent on behalf of any minister, and clause 9 provides that the board may only exercise its powers as an agent of Her Majesty. How does the minister resolve these two provisions? I do not think any bill should be passed if it contains obvious inconsistencies.

Mr. Sauvé: The hon. member is arguing that there is a contradiction between clause 6 (j) and clause 9. Clause 6 (j) states that the board may—

—act as agent for or on behalf of any minister of the crown or as agent of Her Majesty in right of Canada in respect of any operations that it may be directed to carry out by the Governor in Council;

Clause 9 (1) says:

The board is, for all purposes of this act, an agent of Her Majesty, and its powers under this act may be exercised only as an agent of Her Majesty.

Mr. McQuaid: Yes; and the clause provides that its powers may be exercised only as an agent of Her Majesty, not as an agent of a minister of the crown.

Mr. Sauvé: I am not quite sure of this, but is not a minister of the crown an agent of Her Majesty? I do not see the contradiction here. If the hon. member sees any contradiction I am quite ready to look into this provision more carefully, but I would repeat that I do not see any contradiction. When I am minister and somebody representing me is acting on my behalf, is this different from acting as an agent of Her Majesty? I think this is a very refined point which is not very fundamental to the purposes of the bill.

Mr. McQuaid: I agree that it is a rather refined point, and the only reason I raise it is to avoid any trouble arising later. I would suggest, Mr. Chairman, that this clause be allowed to stand until the minister has had an opportunity of referring this question to the legal officers of his department.