

*Point of Order—Mr. Riis*

**Some Hon. Members:** Agreed.

Motion agreed to.

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## WAYS AND MEANS

### TABLING OF NOTICE OF MOTION

**Hon. John C. Crosbie (Minister for International Trade):** Mr. Speaker, pursuant to the provisions of Standing Order 84(1), I have the honour to lay upon the Table copies of a Ways and Means motion to implement the Canada-U.S. Free Trade Agreement.

Pursuant to the provisions of Standing Order 84(2), I ask that an Order of the Day be designated for the consideration of the said motion.

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## POINT OF ORDER

### NECESSITY OF WAYS AND MEANS MOTION

**Mr. Nelson A. Riis (Kamloops—Shuswap):** Mr. Speaker, I rise on a point of order relating to the tabling of the Ways and Means motion by the Minister for International Trade (Mr. Crosbie). As I understand it, this Ways and Means motion is being proposed by the Minister as a necessary preliminary step in advance of the enabling legislation for the trade deal. I would like to argue quite the opposite.

This Ways and Means motion is not only unnecessary today, but it also imposes unnecessary restrictions on our ability as Members to amend the trade legislation that will follow the adoption of this resolution. I would like to cite Beauchesne's Fifth Edition, Citation 516, at page 174; which reads as follows:

A Ways and Means motion is a necessary preliminary to the imposition of a new tax, the continuation of an expiring tax, an increase in the rate of an existing tax, or an extension of the incidence of a tax so as to include persons not already payers.

Let me refer to Erskine May, Parliamentary Practice, Twentieth Edition, at page 822. It reads:

The following are examples of matters which require to be initiated in the form of a Ways and Means resolution by a Minister of the Crown.

The subheadings include new taxes, continuation of an expiring tax, reimposition of a repealed tax, an increase in the rate of an existing tax, the extension of incidence of a tax, the repeal or reduction of alleviations of taxation, the delegation of taxing powers, granting of borrowing authority, and payments into the Consolidated Fund from a source other than taxation.

Both Beauchesne and Erskine May are clear. Nowhere is it indicated that a reduction in charges on the taxpayer, either through, for example, a reduction in direct taxes or reductions

in tariffs, need be preceded by a Ways and Means motion. It is only when a Government seeks to increase charges on the taxpayer that a Ways and Means motion is required to precede the legislation.

Erskine May, at page 825, gives some guidance on this important question. It is stated:

Provisions for the alleviation of taxation are not subject to the rules of financial procedure.

I think this makes it quite clear. A Ways and Means motion such as the one introduced today by the Hon. Minister, according to the traditions of parliamentary practice, is not required to precede the free trade legislation because, as is outlined in this specific motion itself, the changes being sought are reductions in duties which impose no additional burden on the taxpayer.

This is not to suggest, however, that although it is not required, it is not be permitted. Clearly, in the last few years, it has often been the case that reductions in taxes have been preceded by Ways and Means motions. But it should be recognized that when a Ways and Means motion is passed by the House prior to the introduction of a Bill, there are certain restrictions and limitations on the scope of amendments to that Bill which are not present when a Bill is simply introduced for debate. That is my concern.

Beauchesne's Fifth Edition, Citation 518, at page 175, outlines the relation of Bills to Ways and Means resolutions. Subsection (2) states:

The most desirable practice is for the Bill to adhere strictly to the provisions of the resolution, and departures if any, ought to be subject to the strictest interpretation.

In other words, the Bill must strictly accord with the provisions of the Ways and Means motion. As I indicated, this has severe implications for the ability of Members on all sides of this House to alter or amend the Bill in question because the Bill must, in the end, conform to the Ways and Means motion. Erskine May, Twentieth Edition, at page 825, recognizes the undue restriction placed upon the ability to amend a Bill to alleviate charges on the taxpayer when it is preceded by a Ways and Means resolution. It reads:

This resolution—

That is, the Ways and Means motion presently before the House.

—is occasionally omitted when it is desired to restrict the scope of a financial Bill to a minimum, as, for example, before the general election in 1974.

Here we have an explicit recognition that Ways and Means motions or resolutions are not necessary to precede Bills that do not increase charges on the taxpayers and that if such Ways and Means resolutions are in fact introduced, they can unnecessarily limit the scope of the Bill and the ability of Members to amend it as it goes through the normal committee stage clause by clause.