

are debating. This is a very complicated question. Hon. members may refer to rulings previously made, but some of the remarks made by the hon. member reflect on rulings, and I warn him against continuing in that vein.

Mr. Lambert: Madam Speaker, if you had been listening, I think you would have noted that I was not arguing against what you are talking about, an amendment going beyond the principle of a bill. That is correct; amendments cannot do that. However, I challenge the Chair to determine what is the principle of an omnibus Criminal Code bill if it is not to amend the Criminal Code of Canada. I cite that as an example of an odd position into which the Chair can push itself when reaching for the wrong reasons, and the government House leader is inviting Your Honour to do precisely that.

In this particular matter we have two Ways and Means motions. Among our Standing Orders is Standing Order 60(11), which the British House does not have but which the Chair has ruled must be interpreted strictly. There are two reasons for that. Budget bills are to be debated in Committee of the Whole within this House, but not a borrowing authority bill. The President of the Privy Council (Mr. Pinard) took us back 25 years and referred to some entirely different rules. On two occasions Mr. Speaker Lamoureux ruled—on points of order I raised about borrowing authority being tacked on to appropriation bills—that the change in rules in 1968-69 precluded any debate on an appropriation bill, and there was no way of debating the borrowing authority. It was a clear attempt to bootleg a subject matter beyond the principle of an appropriation bill, because borrowing is not appropriation under any circumstance. There is no way; the two things are totally apart. Appropriation is a supply matter; borrowing is something quite different. The government did have to come in then with separate borrowing authority bills. The government is attempting to hide this borrowing authority by tacking it on to excise Ways and Means motions.

The Minister of Finance (Mr. MacEachen) should live up to the answer he gave me the other day that he would be prepared to hold public hearings. The Minister of State for Finance (Mr. Bussières) says that is not so. This bill relates to certain taxes and those taxes are excise taxes. They are Motions Nos. 1 and 2, unless the minister is able to find some other ways and means motions relating to excise taxes. Or can the minister specify what other taxes? And there he will run afoul of Standing Order 60(11), because the bill brought in must be in conformity with the Ways and Means motion. We cannot bring in all these other bits.

● (1600)

The minister may say that that is fine, that the bill is bringing in only those matters contained in the ways and means motion dealing with excise tax. But then we are adding another part, creating an omnibus bill by including a borrowing authority bill. Immediately the Chair faces the problem. A borrowing authority bill should go to the standing committee, according to the Standing Orders, it is not a budget bill,

Point of Order—Mr. Nielsen

whereas the excise tax bills must stay in the House unless the House decides to do otherwise.

They cannot have it both ways. It is my view that of all the bills cited by the President of the Privy Council there was not one budget bill included in that list of omnibus bills. They all dealt with other things—gun legislation, the Criminal Code, other things, but not one budget bill. It is very clear why—because he would be hoist with his own petard, knowing that they do not apply. Omnibus bills do not apply to budget bills. On that basis, I want to support the point raised by the hon. member for the Yukon (Mr. Nielsen).

I invite the Chair to reflect very carefully, for instance, to determine in answer what would be the principle of a bill “to amend certain excise taxes or the basis of valuation for certain excise taxes and the authority to borrow.” What is the relationship between the two? That is the problem right there. I invite the Chair to rule that the bill that is being brought forward does not conform with Standing Order 60, Paragraph 11, and therefore should be withdrawn.

Mr. Harvie Andre (Calgary Centre): Madam Speaker, I would like to bring to the Chair's attention a couple of points that do not repeat in any way the points raised in the excellent argument prepared by my colleague, my House leader, the member for Yukon (Mr. Nielsen).

I would like to point out first that a borrowing authority bill standing on its own is referred to standing committee. I would refer the Chair to *Hansard* of 1979, page 1197, where Bill C-10, a borrowing authority bill, was referred to the Standing Committee on Finance, Trade and Economic Affairs. Also in this session, 1980-81, this extra long session, on pages 2068-69, Bill C-30, the borrowing authority bill, was referred to the Standing Committee on Finance, Trade and Economic Affairs. Also, Bill C-59, a similar one, was referred to the Standing Committee on Finance, Trade and Economic Affairs, as recorded at page 7326 of *Hansard*.

I would point out that that is in fact what happens with a borrowing authority bill and should happen with a borrowing authority bill. This bill we are considering now, C-93, is an act to amend the statute law relating to certain taxes, and is amending the excise tax. Then, attached to that, is the phrase “and to provide other authority for the raising of funds”. It describes what, as a result of excellent rulings by previous Speakers and the precedents here, has been in fact treated as a separate bill. What we have here is a subject matter which should be treated as a separate bill, but has been quite improperly lumped in with the amending portion.

The government House leader, the President of the Privy Council (Mr. Pinard), used as what I think he would consider a strong part of his argument in defending the appropriateness of this bill a ruling by Mr. Speaker Jerome with respect to Bill C-51, an act to amend the Criminal Code, the Customs Tariff, the Parole Act, the Penitentiary Act and the Prisons and Reformatories Act. He indeed quoted from that ruling by Mr. Speaker Jerome this passage:

The use of the omnibus amending bill is well enshrined in our practices—