

Point of Order

These are from Senate Debates, June 19, 1989, page 459, concerning Bill C-35. Very, very impressive statement.

May it please Your Honour, the Commons of Canada have voted certain supplies required to enable the government to defray the expenses of the Public Service.

This form of address is used exclusively for appropriation bills. It is used to complete the aids and supplies process. It would of course not be used at the time of Royal Assent on Bill C-21. It could not be because Bill C-21 is not a bill of aids and supplies.

In arguing that the Senate was butchering—the word the minister used—Standing Order 80, the new Government House Leader exhibited a profound misunderstanding of not only the supply process of Parliament, but also the very nature of Bill C-21.

This bill calls for the reduction—I underline that word, the reduction—of expenditures. It asks Parliament to allow the government to end existing statutory expenditures, eliminating existing expenditures. It does not grant aids and supplies. That is our interpretation of what aids and supplies means.

Now I want to come back to an argument that I made a few minutes ago about the constitutional argument that was put to you today by the minister and to which I said to you, Mr. Speaker, that I did not think it was your responsibility to act as constitutional adviser to the minister.

The hon. minister charged that Section 53 of the Constitution Act of 1867 prohibits the Senate from amending money bills. Mr. Speaker, you will find that statement at page 96.

An Hon. Member: Stuff and nonsense!

Mr. Gauthier: He is wrong, wrong, wrong. In fact he had been contradicted by his own actions in dealing with the Senate amendments on Bill C-21. Section 53 of our Constitution states:

Bills for appropriating any part of the public revenue or for imposing any tax or impost shall originate in the House of Commons.

The minister claims it is axiomatic that if the Senate amends such a bill the bill does not originate in the House of Commons. That was the argument he used on March 12. Unfortunately, the only thing that is axiomatic or self-evident about this proposition is that it flies in the face of the commonly accepted meaning of the word

“originate”. And I may get the dictionary later on if he comes into the House and read it to him again as to what the word originate means.

The Concise Oxford Dictionary defines “originate” as: Give origin to, initiate, cause to begin. It defines its root “origin” as: derivation, beginning or rising or coming from something, starting-point. The word “originate” implies a beginning, not an end. It describes a starting point. Then it must run its course.

Bill C-21 originated in the House of Commons. We all know that. It was an amendment to the original existing legislation. It was amended in the House of Commons and passed by the House of Commons. Mr. Speaker, you understand and will recognize some lengthy and very constructive debate on the part of the opposition, but with the usual closure motions and appropriation of time that the government invokes all the time. This is the thirty-fifth time the government has done it in this Parliament. We are getting to the point now where the cynicism is such that we expect the government to do it every day.

• (1600)

I would not be surprised if it did so on this matter. I would not be surprised if it did it on Bill C-62, the GST bill. I would not be surprised if it did it on the abortion bill. I would not be surprised if it did it on everything before the House, because it has got into the habit of doing it so much. It is now past the stage of something which was used exceptionally and is now used commonly all the time.

Bill C-61 originated in the House of Commons. It went to the Senate, was amended and passed. The requirements of section 53 of our Constitution of 1867 in our opinion were indeed met.

It is interesting that when the minister concluded his argument on Bill C-21 he said that it was a money bill and that section 53 of The Constitution Act, 1867 prohibited the Senate from making any amendments to money bills, and he moved the following motion:

That a message be sent to the Senate to acquaint Their Honours that this House agrees with amendments 4(a) made by the Senate to Bill C-21—

Although the message then goes on to raise a constitutional objection concerning other Senate amendments, the fact remains that the government House leader and the House itself accepted, without demur or reservation,