

done so as well. I would like to have some time in order to deliberate with them as to the decision which I should render on this point of order. Therefore, if the hon. member for Annapolis Valley-Hants (Mr. Nowlan) and others who have risen insist, I will hear them, but time is running short. If they wish to withdraw, I would like now to put someone else in the chair and retire to my chamber so that I may deliberate.

Mr. J. P. Nowlan (Annapolis Valley-Hants): Madam Speaker, I appreciate your point, but I will only be 30 seconds. The point I wish to make is fundamental, and there is now a calmer atmosphere. Some of the more important points in life are very simple points and this is a very simple point. But it does not take away from its fundamental character.

I heard the government House leader say, I believe, although it was in translation, "This is the only way to do it". I want to go back and accentuate what the hon. member for Calgary Centre (Mr. Andre) said and what the hon. member for Nepean-Carleton (Mr. Baker) and others repeated. It comes back to what the Minister of Energy, Mines and Resources (Mr. Lalonde), said about the opposition having both sides of the street.

Everyone argued this morning in a heated atmosphere on a question of privilege. You ruled on that question of privilege, and we accepted it, but then we got into the specious reasoning that just because you ruled on a question of privilege, we were not supposed to raise a bona fide point of order. That, to me, is absolutely incredible, as was the suggestion that the courts of the land are supposed to dispose of this matter after tonight, when this is the highest court in the land.

But coming to the matter of both sides of the street, when this bill was introduced and passed in, I believe, in April, 1978, it was not introduced by a ways and means motion. The government House leader today in his reply earlier said that that was the only way to do it. Who is trying to have both sides of the street? When the bill was introduced it was not done by a ways and means motion, yet today the government tries to amend it by a ways and means motion.

In conclusion, there are some things that could be said, but the principle is to me so fundamental. I would hope that the law officers of the Crown, in giving you advice on this matter, Madam Speaker, would appreciate my point, that if a government, whatever its political stripe, can amend a statute which levies a charge by ways and means motions, then the Crowsnest Pass law, for instance, could be amended by a ways and means motion. I would suggest that there is not a bill that levies a charge, not a tax but a charge that is a separate fund, that could not then be changed by a ways and means motion.

Mr. Hnatyshyn: Don't give them any ideas.

Mr. Nowlan: The government House leader prompted me to make this intervention long before the parliamentary secretary made his incredible suggestion that this place and yourself do not have the right to rule on this matter. Such a situation would make this place so insane that I do not think his suggestion is worth rebuttal. But when the government House

Point of Order—Mr. Andre

leader says that the only way to deal with the matter is the way in which the Minister of Energy, Mines and Resources tried to deal with it, when the very foundation of the bill was not a ways and means motion, then to me, through his argument, he has caught himself in his own petard.

Mr. Friesen: Pinard.

Mr. Nowlan: Pinard by petard, or petard by Pinard. Be that as it may, we have a statutory levy, and the only way to change a statutory levy is by amendment.

Right Hon. Joe Clark (Leader of the Opposition): Madam Speaker, I do not wish to indulge in the House, and I think that I can make my point in 30 seconds. The Minister of Energy, Mines and Resources (Mr. Lalonde) made the point that there are all kinds of statutes which authorize charges, levies and taxes. Each of those statutes spells out a particular form of amendment. The case which we are making here today is that the government is attempting to amend a statute which can only be amended by the introduction of a new statute here in the House of Commons, by the use of a ways and means motion.

In other words, the case which has been made by my colleagues on this side of the House and, I believe, joined by the hon. member for Winnipeg North Centre (Mr. Knowles), is that we have here a situation where there is a levy established by a statute, a means set out by which that levy can be changed and that statute can be amended. The government today, perhaps inadvertently, is trying to change that statute by an instrument that is not lawful as a means of changing it.

Madam Speaker: I would like to reserve my judgment on this point of order. Rather than suspend the sitting, I think that in the interest of the House the deliberations should continue with someone else in the chair.

Tabling of documents?

Statements by ministers? The Minister of Energy, Mines and Resources.

Some hon. Members: Oh, oh!

Mr. Clark: Madam Speaker, on a point of order, I am sure that the Minister of Energy, Mines and Resources would agree that it would probably be well for us to await your ruling before he makes his statement. We are prepared to hear him now, but if the point raised by my colleague for Calgary Centre is found to be accurate, he would be explaining a measure which is impossible for him to introduce. Certainly in so far as we in this party are concerned, we would be prepared to revert to statements after your decision has been rendered, if that is necessary.

Mr. Lalonde: Madam Speaker, having waited that long, I can wait a little longer.

Mr. Nielsen: You may not have to make it at all.