

Point of Order—Mr. Andre

arguing the merits of whether or not what the minister has tabled—

Some hon. Members: Oh, oh!

Mr. Collette: Madam Speaker, I have sat here courteously while the Leader of the Opposition (Mr. Clark) heckled my House leader and others. I would ask that he show some courtesy because, as the hon. member for Winnipeg North Centre (Mr. Knowles) has said, we are not now trying to score parliamentary points between parties on courtesy between parties, we are on a fundamental matter relating to the governance of this nation. I submit to you, Madam Speaker, notwithstanding the merits of the ways and means motion, that the minister might be wrong or might be right, but the point is that it is not for the House to decide. This House, and that is you, Madam Speaker, does not have the authority—

An hon. Member: Jeepers-creepers.

Mr. Collette: —to decide that the document tabled by the minister is or is not a ways and means motion. It is up to the courts to decide. We may be getting into a very difficult point at this time and Parliament will have to deal with it later on, and that is perhaps we should bring in some kind of law which provides for the provisional collection of taxes so that situations such as these can be prevented from arising. But I submit that on the fine point put forward by the hon. member for Nepean-Carleton, you, Madam Speaker, with all respect, do not have it within your mandate as the first among equals in this House to accede to the request contained in the point of order of the hon. member for Calgary Centre (Mr. Andre).

An hon. Member: That is garbage.

Hon. Ray Hnatyshyn (Saskatoon West): Madam Speaker, I want to be quite brief. I should like to dismiss the immediately preceding intervention in this way. So far as I am concerned and so far as every other member of the House is concerned, except for the parliamentary secretary, this House of Commons is the highest court in the land.

Some hon. Members: Hear, hear!

Mr. Hnatyshyn: We will make up our own mind as to what our procedures are and we do not need any mealy-mouthed intervention from the parliamentary secretary telling Madam Speaker what her rights and privileges are in this particular instance.

Some hon. Members: Hear, hear!

Mr. Hnatyshyn: Madam Speaker, I think the matter has been placed before you in very simple terms. It is a very important matter we now face in terms of the admissibility of this suggested ways and means motion. The hon. member for Winnipeg North Centre (Mr. Knowles) has indicated that because you call something by a particular name this does not necessarily indicate that that is what it is. Your Honour will, of course, have to consult the governing statute in order to

determine precisely the effect of this particular proposal which was put forward by the minister. Let me just use the minister's own words because, as has been pointed out to Your Honour, the fact is that he has, simultaneously with the tabling of this document, issued a press release in which he tried to explain precisely what he was doing. Here is what he, or some functionary in his department and under his authority, stated in the press release:

The Minister of Energy, Mines and Resources, the Hon. Marc Lalonde, today introduced a ways and means motion to amend the Petroleum Administration Act—

In other words, the minister himself, by his own words, indicated that the effect of this is to amend the provisions of the act. The point by my colleague for Edmonton West is well taken that this involves a revolving fund. The minister himself in his press release acknowledged the fact that a fund is in existence and that the levies and contributions to this fund do not—and he underlines the word “not”—in any way increase the amount of the Consolidated Revenue Fund. He underlines the fact that this is a separate fund. Statutory provision has been made in this connection, and if the limits of that fund are to be adjusted and the amount of the levies into that fund is to be increased, it seems to me to be logical that the way to do it is by way of an amendment to the legislation, not by a ways and means motion.

We all acknowledge that this has an impact on the public, that the public is, in fact, contributing to a fund which is not the consolidated revenue fund. While there may be an obligation by way of a charge on the part of the government with respect to the deficit, that, I think, is incidental to the argument because it is a matter of legislation. I suggest to you, Your Honour, that this matter is of sufficient importance that you might feel compelled—and I think it is incumbent in view of the substantial amount of money which needs to be raised as a consequence of this ways and means motion and the effect of attempting to collect it being found to be ultra vires—to adjudicate upon the appropriateness of the purported ways and means motion brought forward by the minister.

● (1520)

The House always has the right to address itself to your ruling. But the fact of the matter is, it is imperative that you rule on the matter, Madam Speaker, and that it be brought before the House so that there can be some clarity and so that the people of Canada will not suffer from the amount of injury which they would suffer in terms of economy and from the consequences of the confusion which will take place if we do not resolve the matter this afternoon.

Madam Speaker: I feel that it is very important for me to rule on this matter today, but I would like to have some time to consider this very important point of order which has been raised by the hon. member for Calgary Centre (Mr. Andre), as well as the arguments which have been put forward in support of that very important point of order.

I have tried to note all of the arguments which have been brought forward. I am sure that the clerks at the Table have