

*Canada-U.S. Free Trade Agreement*

in the Bill. I refer Hon. Members to citation 523 of Beauchesne's 5th edition.

[English]

I must, therefore, declare that the Ways and Means motion relating to Bill C-130 was tabled at the appropriate time and its adoption stands as the necessary prerequisite to the introduction of the said Bill. I wish again to thank the Hon. Member for Kamloops—Shuswap for raising this particular matter and for providing the opportunity to clarify the Ways and Means process.

I will now deal with the second major issue, the necessity of asking the House for leave to introduce Bill C-130 before it was first read on May 24, 1988.

[Translation]

On that day, the Hon. Member for Ottawa—Vanier (Mr. Gauthier) raised a point of order to question the procedural acceptability of proceeding to the first reading motion of Bill C-130, an Act to implement the Free Trade Agreement between Canada and the United States of America, before first asking the House for leave to introduce the Bill.

The Hon. Member argued that, even though Bill C-130 was based on a Ways and Means motion adopted by the House on May 19, the Government needed to ask for leave to introduce the Bill because of the Royal Recommendation accompanying it. The Hon. Member for Kamloops—Shuswap concurred with the arguments raised by the Hon. Member for Ottawa—Vanier and pointed out that the precedents indicate that the motion for leave to introduce should be put to the House before the motion for first reading.

[English]

At that time the Chair allowed the objections of both Hon. Members and, because of the doubt I had concerning the procedure to be followed, I allowed the motion for leave to introduce the Bill to be put prior to putting the motion for first reading. I also undertook to consider the matter at length and to come back to the House with a reasoned comment on it with the intention of clarifying the complex and little understood matter. I think it would be appropriate at this time to give a detailed explanation of the procedure for the introduction of government Bills.

Generally, a Bill is introduced after a minimum of 48 hours notice. The introduction stage consists of putting to the House the question: "Is it the pleasure of the House that the Minister shall have leave, or permission, to introduce the Bill?" No debate or amendment is permitted at this stage, but a recorded division on the motion may be demanded. Permission to introduce the Bill having been given, the question for first reading and printing is then proposed, again without debate or amendment, and a recorded division may also be demanded on this motion.

The same procedure for introduction and first reading applies to what is referred to as a money Bill. This is a Bill which involves a direct expenditure of a certain sum of public

money. Such a measure may not be introduced unless and until it is accompanied by the recommendation of Her Excellency the Governor General as required by Standing Order 86(2), which reads as follows:

The message and recommendation of the Governor General in relation to any Bill for the appropriation of any part of the public revenue or of any tax or impost shall be printed on the Notice Paper and in the Votes and Proceedings when any such measure is to be introduced and the text of such recommendation shall be printed with or annexed to every such Bill.

The Royal Recommendation has the authority of the Governor General given to her Government to spend money. As described earlier, the preliminary step in the introduction of Bills proposing an increased or extended charge upon the taxpayer, but not proposing to spend money, is the adoption of a Ways and Means motion which then becomes, as stated in Standing Order 84(11), an order to bring in a Bill or Bills based on the provisions of any such motion. No debate or amendment is permitted on the motion to concur in a Ways and Means motion, but a recorded division may be demanded. Upon concurrence with the motion, a second motion for the first reading of the related Bill may then be put to the House without leave to introduce being asked of the House.

Our practice is quite clear. There is no need to ask the permission of the House to introduce such a Bill once the Ways and Means motion has been adopted.

In summary, there is one set of rules relating to ordinary Bills, with or without Royal Recommendations, which require a motion for leave and a motion for first reading. There is a second set of rules relating to Ways and Means Bills which do not contain spending provisions. Such Bills require concurrence in the Ways and Means motion followed immediately by the motion for first reading of the Bill based thereon.

The matter becomes a little more complicated when a Bill, based on a Ways and Means motion, also contains provisions relating to certain expenditures requiring the Royal Recommendation, which is the case of Bill C-130. Such a Bill requires, on the one hand, the adoption of a Ways and Means motion in order for the House to proceed to the next step. On the other hand, because it is accompanied by a Royal Recommendation, the minimum 48 hours' notice must be given in the usual manner and leave must be granted by the House before proceeding to the first reading. Such a case triggers a double procedure, which was the source of my hesitation with respect to Bill C-130, when the House was in fact asked twice to proceed with the introduction of the Bill, once through the acceptance of a Ways and Means motion on May 19 and a second time on May 24 through the regular motion requesting leave to introduce the Bill.

[Translation]

The Chair has examined the precedents and the practice since the Standing Orders relating to Ways and Means were changed in 1968, and has determined that the procedure which was eventually followed on May 24, at the suggestion of the Hon. Member for Ottawa—Vanier and the Hon. Member for Kamloops—Shuswap, was indeed the correct one.