

Privilege—Mr. W. Baker

● (1450)

[Translation]

Hon. Yvon Pinard (President of the Privy Council): Madam Speaker, the procedure is quite simple. When a government wishes to amend tax provisions or levy taxes, there are not too many ways to go about it. Two rules are applicable: Standing Order 60, which I am sure our adviser called your attention to, and Standing Order 61.

Standing Order 60 has 11 paragraphs, while Standing Order 61 has only one. It is in light of those 12 paragraphs of these Standing Orders that amendments to fiscal acts or new taxes must be considered. That type of computation is reminiscent of the remarks made by the hon. member for Winnipeg North Centre (Mr. Knowles) in 1972 when he used the same figures. He almost apologized for using that kind of arithmetic, but added he wanted to limit the debate on a similar matter. He suggested: Mr. Speaker, you have a finding to make as to whether such a measure can be brought in outside a normal budget debate. The hon. member for Winnipeg North Centre was very much to the point when he submitted: Of course, in making your decision you are bound to interpret two Standing Orders, Standing Orders 60 and 61. Of the 12 paragraphs in those two Standing Orders, 11 in Standing Order 60 and one in Standing Order 61, nine deal with a budget proper, two allow the Minister of Finance to do what he did yesterday evening, and one is general in nature.

Therefore, Madam Speaker, making your decision is simply a matter of reading Standing Orders 60 and 61, and also Beauchesne, fifth edition, pages 174 and 175. Everything is there.

Madam Speaker, Standing Order 60(1) states quite simply, and I quote:

A notice of the ways and means motion may be laid upon the Table of the House at any time—

May I stress “at any time”—

—during a sitting by a minister of the Crown, but such a motion may not be proposed in the same sitting.

The door was open for the Minister of Finance to change tax laws or raise new taxes and that was done through our Standing Order 60(1). It is very simple. From everything that has been said on the subject since this morning it may sound very complicated but the procedure is so simple that it is staring at you in the face.

If we read paragraph 11 of the same Standing Order we realize that it completes the provisions applying to that kind of situation. It reads, and I quote:

The adoption of any ways and means motion shall be an order to bring in a bill or bills based on the provisions of any such motion.

An important fact should also be emphasized, Madam Speaker. When bills based on such motions are introduced they can be debated without any time limit on second reading,

in committee or on third reading. The opposition parties have then all the time they need to criticize the government policy as concerns those new taxes or changes to tax laws. So when I hear that the opposition might be muzzled because the Minister of Finance has tabled ways and means motions, I say that it is unfair. According to our Standing Orders, it will be followed by an order of the House, bills will have to be introduced and debated at all stages without time limits, without any constraint on the opposition.

So, Madam Speaker, when we must make a decision in that kind of discussion, if Parliament is to be respected according to the wishes of my friends opposite, it is important to follow our Standing Orders. They authorize the Minister of Finance at any time—it might have been done outside the debate on the Address in Reply to the Speech from the Throne—to introduce ways and means motions at any other time, following which the opposition would not have enjoyed the opportunity to raise the question of privilege on which we heard several of its members and then to make comments on the budget. And he could have introduced his notices of motions at a time that would not have allowed the opposition to comment through its financial critic and through speeches criticizing the minister, if necessary, or congratulating him for his initiatives. So the procedure that was followed is perfectly acceptable. The minister did nothing but conform to Standing Orders 60(1) and 60(11).

I seize this opportunity also to congratulate the hon. member for Winnipeg North Centre because we may owe to his intervention in 1972 the fact that the following principle is stated in Beauchesne's fifth edition, page 174, citation 515. There is no necessity to have a budget presentation before the introduction of ways and means legislation. The reference is to the *Journals* of March 20, 1972, page 202, and in that debate, Madam Speaker, the hon. member for Winnipeg North Centre with whom I agree, said the following:

[English]

But I do not think that Standing Order 60 and Standing Order 61 are all that deficient. They make it possible for a change such as is proposed today to be undertaken without a six-day budget debate, but the rules make it pretty clear that it is the intention of Parliament that at least once a year there will be a full dress six day debate on a budget presentation.

[Translation]

I agree with what the hon. member for Winnipeg North Centre said in 1972 during a debate in very similar circumstances. The year is far from over, Madam Speaker, and I have every reason to believe that in the course of the year the parties across the way will have the opportunity of taking part in a six-day debate on a budget. But in the meantime there is nothing irregular, illegal, abnormal or unparliamentary with the Minister of Finance giving notice of a ways and means motion allowing him to amend tax laws or levying taxes. The situation being perfectly in order, I fail to see how you could entertain the motion presented by the hon. member for Nepean-Carleton (Mr. Baker) on his question of privilege and