

**Mr. Lambert (Edmonton West):** Yes, it would have to be done that way. While we could amend the bill to conform with the ways and means motion, I hardly think that is the desire of the government. The wording used in the ways and means motion is not the most felicitous. It is in order to tidy up. I would also make the point that this is one of the areas in which I think Your Honour should draw to the attention of the procedure and organization committee the fact that it should pay particular attention to this matter and make a recommendation to the House.

**Hon. John N. Turner (Minister of Finance):** Mr. Speaker, I last argued this particular point with the Minister of Justice, ably supported by the Parliamentary Secretary to the President of the Privy Council. I refer Your Honour to the language that was used in the argument at that time, and then, of course, to the decision of Mr. Speaker Lamoureux. There is no point in my going over the depth of those arguments because they are before you, except that I would like to summarize them and then distinguish, if I might, the situation which I submit is now before the Chair from the one that was before Mr. Speaker Lamoureux, if Your Honour should find difficulty in reversing that earlier ruling. I submit the situation is distinguishable, in any event. I do not want to find myself seduced by the flexibility of my hon. friend from Edmonton West (Mr. Lambert), who says that even if the government were to lose on this submission to the Chair, he is flexible enough to allow the ways and means motion to be amended. I appreciate that.

**Mr. Lambert (Edmonton West):** This puts me back to square one.

**Mr. Turner (Ottawa-Carleton):** I submit that the point is important enough to argue before Your Honour in parliament. It may be that the ways and means motion would have to be amended, in which case I would submit, as you have already suggested, that we would have to come back from committee to the Chair in order to have it amended by unanimous consent.

The government's argument here is that the Standing Order to which the hon. gentleman referred really sustains the proposition that the notice of ways and means establishes the pith and substance of a tax measure with regard to the maximum rate and incidence of the proposed tax. In other words, relieving provisions are permitted either in the drafting of the bill or in amendments before the committee of the whole so long as they do not extend the ambit of the ways and means motion. Obviously, a ways and means motion is drafted in narrative, descriptive form. A bill is more precise; there is usually a change in language. There is a change in precision between the ways and means motion and the far more voluminous and precise nature of the bill based upon it.

In any event, if the change of language is a change of substance which is relieving in nature, it covers less ambit than the ways and means motion, and I submit that it is permissible. That is the first distinguishing point that I draw to Your Honour's attention from the facts which resulted in the decision of Mr. Speaker Lamoureux on September 13, 1971. The bill before the committee is relieving, compared to the ways and means motion. The motion excluded naval vessels from tax. The bill excludes naval

#### *Excise*

vessels owned by the Canadian government from tax. That is a wider exclusion. Therefore, it is relieving in nature and it provides a distinct element for Your Honour should you wish to base your judgment upon it.

You should note, Mr. Speaker, that Mr. Speaker Lamoureux justified his ruling in 1971 by referring to the fact that the notice of ways and means in question had been in the form of a draft bill. It was the final effort on tax reform which began with the Carter commission. It was a draft bill which was referred to the committee and, of course, discussed simultaneously in the other place. There was not a ways and means motion preceding the actual bill; there was a draft bill which took the form of a ways and means motion.

In other words, a ruling based on that particular set of circumstances would be comparing one bill to another, or the precision of a bill against the precision of the bill finally before the committee. Here, Your Honour is asked to compare the more descriptive language in a ways and means motion with the more precise language of a bill. I suggest that is a second distinguishing feature upon which Your Honour can rely, should you so decide. There is a clear implication that when, as in the case now before parliament, the notice of ways and means is not in the form of a draft bill, greater scope for amendment is provided. If Your Honour should so decide, I submit that you have more liberty than had Mr. Speaker Lamoureux in the earlier case.

A further point is this: if it is decided by Your Honour that it should become a precedent for this parliament that a tax bill based on a ways and means motion must be identical, must be so precisely similar as to almost repeat the language of the ways and means motion, then there is virtually no scope for amendment either by the government, should debate convince it that amendment is in the best interests of the country, or by the opposition if an amendment should be proposed of a relieving nature.

Obviously, one would accept the proposition that no amendment could be proposed on the other side that would add to the imbalance of ways and means, even of a relieving nature. But if the ruling should be that the bill has to remain within the precise language of the ways and means motion, rather than under its general pith and substance, then there would be no flexibility left for the opposition side of the committee, and certainly no flexibility left on the government side should we, as a result of further debate, decide to make an amendment.

**Mr. Lambert (Edmonton West):** This is extending the exemption.

**Mr. Turner (Ottawa-Carleton):** Mr. Speaker, I do not object if the hon. member wishes to rise later on the same point, but I am in full flight now. I even have the interests of the hon. member in mind, so I do not want to hesitate. Clearly, one can see the situation the committee of the whole would be in if this were the case. Surely, the precedents of the House show that tax bills frequently have been amended when such amendments have not raised the rate or increased the incidence of the particular tax. Thus, one comes to the converse proposition, that what the committee of the whole can do to a bill surely