

Excise

order concerning the admissibility of a bill need not be limited to the very beginning of the discussion on the bill. This is not a question of privilege, but a point of order. A point of order can be raised at any time during the study of a bill prior to the vote thereon.

My colleague raised the point on second reading and I insisted it be raised at that time. If it had been left until the clause was studied, we would have been faced, quite rightly, with the proposition that we had voted for the bill in that form and therefore could not raise the present point of order as to its form. I should like to refer you to the debate that took place on September 13—

Mr. Turner (Ottawa-Carleton): Should we have the Speaker in the chair?

Mr. Lambert (Edmonton West): Certainly I would recommend, Mr. Chairman, that the committee rise and report progress so we can hear argument on this particular point.

Mr. Turner (Ottawa-Carleton): We would agree with that, Mr. Chairman, if there is unanimous consent, so the point can be taken before the Chair.

Mr. Nystrom: We would agree to that as well, Mr. Chairman.

The Chairman: I was about to suggest to the hon. member that the question be raised with Mr. Speaker in the chair, and there seems to be unanimous consent to that. Does the committee agree that I rise, report progress and request leave to sit again later this day?

Some hon. Members: Agreed.

● (1600)

Progress reported.

Mr. Lambert (Edmonton West): Mr. Speaker, I trust that I can be brief in that this matter was raised by the hon. member for Okanagan Boundary (Mr. Whittaker) last week. This matter has reference to the wording of the bill in paragraph No. 11 dealing with boats. The ways and means resolution which I have before me has a different reference and I would draw to your attention page 219, paragraph 11, which reads:

Boats, other than naval vessels, designed to be propelled primarily by motors exceeding 20 horsepower—

The bill, at page 11, paragraph 11, reads:

Boats, other than boats purchased or imported by Her Majesty in right of Canada for use exclusively by the Government of Canada.

In other words, naval vessels are being equated with boats other than those purchased or imported by Her Majesty in right of Canada for the exclusive use of the Government of Canada. I suggest that this is a fundamental departure and disturbs the ways and means motion. If it is within the power of the Minister of Finance (Mr. Turner), after we have adopted the ways and means motion, to bring in a bill based on the provisions in the ways and means motions in different general terms, then it is open to all members of the House to bring in amendments which would disturb the ways and means motion. I do not think the minister would contend that it is within

[Mr. Lambert (Edmonton West).]

his power or within my power to bring in such an amendment under the authority of Standing Order 60(11) after the approval of the budget resolution in general terms.

I would refer Your Honour to pages 7750 to 7755, inclusive, of *Hansard* for September 13, 1971. At that time I raised and argued a point of order. I was supported by the hon. member for Winnipeg North Centre (Mr. Knowles) and opposed by the Minister of Finance and, with the greatest respect, Your Honour. I would be very careful to draw your attention to the fact that you indicated at the time the argument was taking place that the bill in respect of which I raised my point of order contained a relieving provision and did not impose a tax. However, the provision which at this time we suggest is out of order is one that imposes a tax and is, therefore, totally different. Therefore, the case is distinguishable from the one Your Honour argued when you opposed my point of order in September, 1971.

There is no doubt that Mr. Speaker agreed with me in principle. He directed that the parties in question should come to some conclusion in view of the custom of the House of specifying in great detail, with commas, crossing of "t's", and so on, the ways and means motion. He agreed that there was an inherent danger in a bill which did not follow, in similar terms, the ways and means motion.

The same situation has arisen again, I think quite improperly. I agree with Mr. Speaker of the day that the ways and means motion in general terms should be used to allow the flexibility perhaps required as between the drafting of the ways and means motion and the drafting of the bill itself. There is no way I can condone what has happened in respect of this motion, because if the minister can amend the ways and means motion by the bill which he presents, then it is open to any hon. member of this House to bring in amendments that would disturb the ways and means motion. While we might like to do so, I do not think that would conform with the principle we have been arguing. I accept that stricture in so far as members are concerned.

● (1610)

Therefore, I am quite prepared to co-operate with the Minister of Finance (Mr. Turner) and his officials in agreeing, without any delay whatever, that the appropriate wording will be made to amend the ways and means motions. It should be corrected so as to conform with the bill, if the bill is what the minister wants; unless, of course, he intends to continue to make this exception in respect of naval vessels and say that any power boat in excess of 20 horsepower shall be subject to sales tax if bought by the Crown. I say this on the basis that we be directed to get together, bring in the amendment and then carry on with the study of the bill.

Mr. Speaker: Order, please. In clarification, may I say that the hon. member is addressing himself to the possibility of an understanding with the minister in respect of an amendment to the ways and means motion, recognizing that it is probably the desire to amend the ways and means motion in order to conform with the bill, as opposed to doing the reverse, which is to amend the bill to conform with the ways and means motion which might be done in committee, I presume.