

World Exhibition Corporation Act

provision which obviously involves expenditure is a "new and distinct" charge. The application of this test has given a somewhat uncertain answer to one difficult question—whether a provision for expenditure which proposes to finance that expenditure out of funds provided by statute for another purpose is or is not a "new and distinct" charge.

Undoubtedly, there are a number of precedents cited in May's which might be considered to support the view that the proposed increased expenditure in the bill before us is covered by the general authorization in the existing law to the extent that a resolution is not required at this stage.

However, these precedents which come from the House of Commons of the United Kingdom are at variance with our own parliamentary practice. This may stem from the fact that the British usage in this regard is based on precedent, while we are bound in Canada by the constitutional provision of section 54 of the British North America Act, which is restated in standing order 61 of the standing orders of the House of Commons.

It must also be pointed out that the precedents referred to in May's are not recent decisions and at page 763 of the same edition it is stated in part as follows:

Recent practice makes it doubtful whether certain older decisions, exempting on technical grounds charges from the requirements of financial procedure, would now be upheld.

Later on pages 763-764, it is stated, in part, as follows:

The examples given below are precedents which require due consideration. It is doubtful if they would be now followed. Indeed in 1928 a bill which proposed to substitute a new purpose for an existing statutory grant was ruled out of order because it had not been introduced on a resolution recommended by the crown.

The exemption of these cases from the provisions of the standing order was made on technical grounds and seems hardly within the spirit of the rules. It is true that in the cases given below the proposals emanated from ministers of the crown, and consequently the principle of the financial initiative of the government was not in substance abrogated. But from the abandonment of the machinery for enforcing the principle it would follow that the proposal of such methods of financing expenditure would be equally open to private members, and even in the cases referred to there would have been no ground for refusing amendments offered by private members for increasing the proposed expenditure.

May I now refer to section (1) of citation 260, Beauchesne's fourth edition, which is as follows:

The tendency has been in the Canadian House of Commons, for the past 25 years, to rule out all motions purporting to give the government a direct order to do a thing which cannot be done without the expenditure of money. Our *Journals* are full of precedents to this effect.

[Mr. Deputy Speaker.]

The principle enunciated in section 54 of the British North America Act and in standing order 61 is expressed in Beauchesne's fourth edition, citation 355, in the following terms:

Bills involving expenditure of public money or taxation, and all measures involving a charge upon the people must be preceded by a resolution.

It should be noted however that a resolution is required not only when an amendment seeks to increase the amount previously approved by parliament, but also if it changes the modality and conditions of the grant authorized by the original legislation.

Citation 246 (3) of Beauchesne's fourth edition reads as follows:

The guiding principle in determining the effect of an amendment upon the financial initiative of the crown is that the communication, to which the royal demand of recommendation is attached, must be treated as laying down once for all (unless withdrawn and replaced) not only the amount of a charge, but also its objects, purposes, conditions and qualifications.

In my opinion, the bill before the house seeks to alter the conditions relating to the expenditure of the funds previously authorized by parliament, and should thus be considered as a money bill, which can only be introduced by a minister of the crown after a proper resolution.

Hon. J. W. Pickersgill (Secretary of State): Mr. Speaker, my face is not as red as it would have been if you had made your ruling last night because, after a certain amount of reflection, I came to the conclusion that the rather tentative views I expressed last night might be found by Your Honour not to warrant justification. The fact that you have upheld the initiative of the crown cannot be altogether displeasing to those who sit on the treasury benches. I think the best thing I can do in the circumstances—and in anticipation I have spoken to my right hon. friend who is the sponsor of the bill—is to put a motion on the order paper in the normal way, and when it is proceeded with in the normal way we will take on the bill. Meanwhile I would appreciate it if you would call the next item of business.

Mr. Deputy Speaker: Shall this bill be allowed to stand?

Some hon. Members: Agreed.

Mr. Stanley Knowles (Winnipeg North Centre): Does this bill now on the order paper stand, or does it get reintroduced after the house has passed the resolution which is now to be placed on the order paper?

Mr. Pickersgill: I am quite willing to let the Chair decide that without argument.