

Privileges and Elections

amending money bills, so that so far as origination is concerned there is no question that that particular power does not belong to the Senate. Over the years, the Senate has produced a number of studies on this issue, and in some of their memoranda they have made certain arguments for their rights. But as Professor Driedger points out:

The Senate argues that Section 53 takes away only the right to initiate, and not the right to amend;

This is an argument for the Senate's position, that maybe the Senate has power to amend. But at no point in all of these discussions, even on behalf of Their Honours, has there been any question about the right to originate money bills. That right belongs solely, exclusively, absolutely to the House of Commons.

• (3:20 p.m.)

At one point Professor Driedger discussed this position hypothetically and indicated that if this principle were violated, that is if the Senate could amend a money bill, a number of other things might follow. I shall read this paragraph:

Again if the Senate conclusions are sound, it must necessarily follow that the Senate could change the incidence of taxation, could postpone the coming into force of a taxation bill, could limit its duration, and otherwise control or interfere with the imposition and collection of the revenue.

By a logical extension of the Senate conclusions, it would follow that the Senate could

- (1) increase or decrease taxation;
- (2) increase or decrease appropriations;
- (3) alter the purposes of appropriations;

At best, Mr. Speaker, Bill S-3 does this; at worst it appropriates new money, and this one of the things that Professor Driedger lists as an undesirable consequence if we were to give in to the Senate on this issue. I go on with the quotation:

(4) postpone the operation or limit the duration of taxation bills;

- (5) alter the incidence of taxation;

As I say, Mr. Speaker, I found this article on the question of the right of the Senate to amend money bills extremely interesting. By implication, it confirms one of the solid facts of Commons-Senate relationships over the years, namely, that whatever power the Senate may have to deal with our bills it has no power to originate a money bill. That power rests solely with the House of Commons.

To come back to the nature of this bill, I know that the President of the Privy Council takes a view different from mine, and of

course I think he is wrong. I think this is a money bill but he says it is just a case of putting money that has already been appropriated somewhere else. But if the Dominion Coal Board were to go out of business, the money allocated to it would lapse. It would not be available, and therefore what would be required would be a new appropriation to make it possible for the money to be spent in some other way.

This is an appropriation bill, and in terms of the Standing Orders as well as all the theory of representative government, it is a matter which should originate in this House of Commons. I hope Your Honour will so find. I hope, too, that on the basis of Your Honour's finding this House will refuse to receive this bill from the Senate but will give it back to the government so that it may be introduced in the proper manner in this House of Commons.

Hon. Marcel Lambert (Edmonton West): Mr. Speaker, I should have thought it apparent that what the government has done is not acceptable. I submit that they should have moved by way of supplementary estimates, with an item of \$1, as they did at the last session when transferring unused funds for a different purpose. I do not think that the Section 81(1) has any bearing because it refers to a sort of "class B" Crown Corporation. Here, in the House of Commons, we must receive a recommendation for appropriation, and this was not done. If this proposal is accepted it is possible that we might find moneys which were allocated for one purpose but unused, being diverted to another purpose which had never been considered by this House. I would say that the limitations imposed upon the Crown are binding in this case. The bill should not have started in the Senate but should have come here in the normal course of events with the usual notation "for discussion and disposal".

Mr. Speaker: I should like to thank hon. members for their learned contributions to a very interesting debate. I shall spend some time studying the arguments and precedents brought forward by hon. members and give my ruling as soon as possible.

PRIVILEGES AND ELECTIONS**REFERENCE TO COMMITTEE OF CANADA
ELECTIONS ACT AND OTHER MATTERS**

On the order: Government notices of motions:

November 6, 1969—The President of the Privy Council—That the Standing Committee on Privileges and Elections be empowered to study the