

Speaker's Ruling

pursuant to Beauchesne's fifth edition, citation 115, which reads:

It is the function of the Speaker to direct the attention of the House, when the occasion arises, to a breach of its privileges in bills or amendments brought from the Senate, and to direct the special entries to be made in the *Journals* by which the House, in respect of particular amendments, signifies its willingness to waive its privileges without thereby establishing a general precedent.

The hon. government House leader further claimed that the Senate has interfered with the budgetary process of the government, as approved by the House of Commons. He said: "To tamper with that, or to reverse that somehow in another place, is to tamper with the very fundamental purposes and powers of this body," meaning the House of Commons.

The hon. government House leader has found support at pages 339 and 340 of a book entitled *Modern Senate of Canada*, which was published in 1965. The author's name is Mr. F.A. Kunz. He says:

On the contrary, the Senate has acted in full understanding of the meaning and the implications of responsible government and accepted as binding upon itself the proposition that it should not unduly disturb what has come to be called the "balance of ways and means" or, as Hopkins says, "that it would be inadmissible to tamper with the overall financial program submitted by the government in its budgetary proposals in such a way as to effect a material change in the budgetary surplus or deficit envisaged therein.

I repeat: "in its budgetary proposals in such a way as to effect a material change in the budgetary surplus or deficit envisaged therein." As I have already noted, the hon. government House leader has said that the amount involved is \$1.75 billion annually.

That comment by Kunz is based on an article by an author named E. Russell Hopkins, who is a former law clerk and parliamentary counsel to the Senate of Canada.

At pages 321 and 322 of the *Canadian Tax Journals* Volume 6, September/October 1958, Hopkins comments on Section 53 of the Canadian Constitution. He says:

Section 53 of the Act provides that bills for appropriating any part of the public revenue, or for imposing any tax or impost, shall originate in the Commons." This clearly means that all taxation or appropriation bills must originate in the House of Commons. It is universally understood that it would be a violation of the principle embodied in this provision for the Senate to propose amendments which would increase a tax or appropriation proposed by the House of Commons.

I have a duty to comment, but I can only ask: "What would the learned author say if the words that I just read 'increase a tax or appropriation' were substituted or added to by the words 'an increase in the budgetary deficit'?" I bring this query to the attention of the House, and to the public who ultimately pay all the bills.

Hopkins went on to say:

The question whether the Senate should or should not amend a money bill in such a way as to disturb the balance of ways and means in any fiscal year is one of policy rather than of law: that is, it is a question for the Senate itself to determine in all the circumstances. The Senate may of course reject a money bill absolutely, and, in its view, may reduce a tax or appropriation.

He went on to say:

In either of these events the balance of the ways and means would be upset.

What Hopkins has concluded is that interventions by the Senate in money bills inevitably will change the budgetary and spending plans of the government.

I may say to hon. members and to the public that is listening, there are many Canadians across this country who may or may not have been well educated and some who think that they were well educated, who have no idea whatsoever of the awesome powers which the Senate claims to itself over the elected lower House. That is one of the reasons why it is important that hon. members listen carefully to this judgment because there is information here which many Canadians are just absolutely unaware of.

In attempting to shed light on this situation, I have looked at the British practice and I have found the following at pages 518 and 519 of Erskine May's twelfth edition. I am going to quote quite a bit of it because it is time this country got a history lesson. I am quoting from Erskine May. This is in Great Britain.

In 1909 the Finance Bill which gave effect to the budget of the year was met on its second reading in the House of Lords by an amendment declaring—

And I quote the amendment. This is the amendment by the House of Lords, which is their upper House.

—"That this House is not justified in giving its consent to this bill, until it has been submitted to the judgment of the country". The rejection of the bill by the Lords was condemned in the House of Commons by a resolution declaring "that the action of the House of Lords in refusing to pass into law the provisions made by the House of Commons for the finances of the year is a breach of the