

Dominion Coal Board Dissolution Act

amendment is concerned only with the imposition of a fine or a punishment of some sort, we will not claim our privilege of refusing to accept that bill. Surely, the language of Standing Order 64 is as clear as can be to the effect that in all other cases we will claim our privilege. Therefore I submit, Mr. Speaker, that if Your Honour finds this a matter for the House to decide rather than the Chair, the decision of the House should be to reject the introduction and the first reading of this bill.

Now, Sir, by an interesting but strange coincidence Professor Elmer A. Driedger, now of the Faculty of Law at Queen's University, just a few days before this issue came up very kindly sent me a copy of a paper he had prepared entitled, "Money Bills and the Senate". Professor Driedger sent it to me because he knew I would be interested in this kind of exciting reading. I read it before this issue was raised the other day, and it is amazing how timely it is.

Mr. Turner (Ottawa-Carleton): Would the hon. member give the date?

Mr. Knowles (Winnipeg North Centre): Yes, it is reprinted from the Ottawa Law Review, volume 3, No. 1, Fall 1968, copyright 1968 by the University of Ottawa, and is entitled "Money Bills and the Senate" by Elmer A. Driedger, Q.C. It is a very interesting and learned review of this whole question of whether or not the Senate has the authority to amend money bills.

Professor Driedger, whom we all remember as a distinguished civil servant, a former deputy minister of justice who was with us for many years, goes into the question very thoroughly and finds that the practice in the United Kingdom is quite clear. Their Lordships just do not have this power. He also finds that, over the years, our Senate has argued from time to time that the limitations on their Honours are not the same as the limitations on the House of Lords at Westminster. He points out that the Senate has argued that really the only limitation placed on the Senate in money matters is that they cannot originate money bills.

Now, I do not agree with the position the Senate takes, and I think it is fair to Professor Driedger to say that he does not agree either. But the point I am making, well documented in his article, is that even the Senate, in its discussions over the years of its powers in relation to the House of Commons, has never doubted the proposition that it has no right to originate money bills. The Senate has argued for the right to amend money bills, a

[Mr. Knowles (Winnipeg North Centre).]

right which the House of Commons has never conceded, but at no point has the Senate even contended that it had the right to originate money bills.

Professor Driedger's article, as I said, deals at some length with the position in the United Kingdom, and then he translates that into the Canadian position. As so often happens in these procedural arguments, he falls back on those famous nine words in the preamble to our constitution which so often, when we get into something like this and wonder what the answer is, lead us to say that our constitution is "similar in principle to that of the United Kingdom". And Professor Driedger says that if the Senate has certain powers here that Their Lordships do not have in Westminster, then of course those nine famous words in the preamble to our constitution are being violated. I quote briefly from his article as follows:

But perhaps the strongest argument in favour of the Commons can be founded on the theory that under our Constitution (similar in principle to that of the United Kingdom), representation and consent form the basis of the power of the Commons to grant money and impose taxes.

Further on he says:

Through the centuries the principle was maintained that taxation required representation and consent. The only body in Canada that meets this test is the Commons. The elected representatives of the people sit in the Commons, and not in the Senate—

This is Professor Driedger talking, not the member for Winnipeg North Centre.

—and, consistently with history and tradition, they may well insist that they alone—

The House of Commons.

—have the right to decide to the last cent what money is to be granted and what taxes are to be imposed.

Professor Driedger carries this argument through to point out something that Your Honour is very much aware of, namely, that we so completely assert our rights with respect to the appropriation of money that, as he says:

The Supply Bill is presented for Royal Assent by the Speaker of the House of Commons with the words "The Commons of Canada have voted supplies required to enable the government to defray certain expenses of the public service. In the name of the Commons, I present to Your Excellency the following Bill." And in the course of his speech on prorogation the Governor General addresses his thanks to the Commons alone.

In another paragraph, Professor Driedger points out that Section 53 of the BNA Act deals only with origination of bills and therefore does not deal with the question of