

HOUSE OF COMMONS

Monday, November 13, 1967

The house met at 2.30 p.m.

BRITISH NORTH AMERICA ACT

AMENDMENT RESPECTING PUBLICATIONS IN BOTH LANGUAGES

On the order:

November 8, 1967—Mr. Rock—Bill intituled: "An act to amend the British North America Act, 1867, and Publication of Statutes Act (proceedings to be printed in French and English on the same page)".

Some hon. Members: Stand.

Mr. Speaker: Before the bill stands I might take the opportunity to comment on the point of order raised by the hon. member for Winnipeg South Centre when the hon. member for Jacques-Cartier-Lasalle on Friday last sought leave to introduce this bill. The point of order was raised with the suggestion that this might be a money bill.

I have since then reviewed the terms of the proposed legislation in the light of the definition of a money bill set out at pages 841 and 842 of May's Parliamentary Practice, seventeenth edition. My conclusion is that the present bill does not fall within that definition. May states that a charge must be new and distinct and that it must be effectively imposed. He adds:

These tests have the effect of excluding from the category of "charges" a considerable number of matters which prima facie involve expenditure.

If this were not so, no public bill could be introduced by a private member, for every bill involves an expenditure of money even if it be only for the printing thereof. If any expenditure is required following the adoption of this bill, it is already covered by section 16 of the Publication of Statutes Act, chapter 230 of the Revised Statutes of Canada, 1952, which reads as follows:

All expenditures incurred in printing, binding and distributing the statutes shall be defrayed from an appropriation voted by parliament for that purpose.

I must also add that this statute, an act respecting the publication of the statutes, was introduced in the house on March 31, 1925, with the same wording as that contained in

section 16 and without a resolution. In other words, if there is any expenditure in the bill proposed by the hon. member for Jacques-Cartier-Lasalle it is already covered by existing statutory authority. Furthermore, a much more comprehensive measure was introduced in the house in 1925 and was deemed not to require a resolution nor the recommendation of the crown.

In view of the law and the precedents I suggest that the hon. member should be allowed to submit the bill to the house, but for today the bill will stand.

SENATE AND HOUSE OF COMMONS

PROPOSED MEASURE RESPECTING THE OATH OF ALLEGIANCE

[*Translation*]

Mr. Auguste Choquette (Loebinière) moved for leave to introduce a bill respecting the oath of allegiance of members of the Senate and the House of Commons.

Some hon. Members: Explain.

Mr. Choquette: Mr. Speaker, in order to prevent ridiculous charges of violation of the oath of office against parliamentarians who preach constitutional reforms, however radical they may be, provided they are advanced without resort to anarchy and violence, and to prevent the unfortunate incident that would ensue if some members of the Quebec legislature who object more and more strongly to swearing the oath of allegiance in its present form, were they to refuse, something that is more and more possible, according to my information, the purpose of the bill is to replace the oath of allegiance prescribed by section 128 of the British North America Act by the following:

I swear to be faithful to the democratic government of my country and to its constitution and to do everything in my power to serve them well and to ensure their progress under law.

[*English*]

Some hon. Members: No.

Mr. Speaker: Carried.

Hon. Gordon Churchill (Winnipeg South Centre): Mr. Speaker, I doubt very much whether this house should be asked to give unanimous consent to a bill of this nature.