

Conclusions

Before the fall of 1976, governments had an important interest in assuring that the content of a recommendation was precise, because such recommendations defined the proposed appropriation and thus limited what the House of Commons could do to the subsequent bill by way of amendment. Since 1976 a recommendation merely states, in effect, that whatever appropriation is sought in the bill is recommended. The new form makes it necessary for members of both Houses to go through any bill accompanied by a recommendation in an effort to discover what appropriation has been recommended. However, as shown by the example of Bill C-10 (*supra*) even the most careful scrutiny in some instances would not find the invisible.

Moreover, the adoption of a standard form of recommendation resulted in a shift of the locus of the initial decision as to whether or not any particular bill could be introduced without a recommendation. Before the fall of 1976 a government had to decide exactly what appropriation should be recommended. Accordingly, the government had to answer the prior question, namely, whether or not a recommendation was required. Now, however, apparently it is the Law Clerk of the House of Commons who makes that decision; indeed, apparently it is the Law Clerk, not the government, who advises the Governor General to send a recommending message.

Before December, 1968 a resolution bound the ministers as well as the private members. Thus there was a practical reason why recommendations were not sought unless necessary. Now, however, it may be thought that there is little to be gained by introducing a bill without a royal recommendation. Indeed, it may be thought prudent to have a recommendation even if the bill appears to contain no appropriating clauses.

We have identified the difficulty: namely, that the standard form of the recommendation now used does not define and specify the appropriation or appropriations recommended by the Governor General. This leads us to ask whether such a message is sufficient to meet the requirements of Section 54 of the *Constitution Act*, 1867. Regardless of how one answers that constitutional question, the fact remains that a general message of the kind now used leaves the members of both Houses, including the Speakers, without a clear