

*Western Grain Transportation Act*

of the bill. Accordingly, the form and content of the motion must be consistent with the purposes sought to be effected by the interpretation clause. Although the preliminary sentence of motion No. 2 appears to be in the form of an interpretation provision, what follows is a list of prohibitions and objectives to be observed in the administration of the Act. In other words, motion No. 2 is but a substantive proposition of a declaratory nature. If neither defines nor interprets any provision of the bill. While I sought long and hard, I can assure honourable Members, to find some ground on which I may be able to give the honourable member the benefit of any doubt so that motion No. 2 could be put to the House, it was not possible for me to reach a favourable decision in respect of this motion. For the reasons stated I do not think that motion No. 2 should be accepted.

In other words, amendments to an interpretation clause would be in order if they served, first, to define, or second, to interpret provisions of a Bill. In my submission, Madam Speaker, this is precisely the intent and effect of Motion No. 129. This motion merely serves to clarify the definition of the Government's share of cost increases as currently outlined in Clause 54 in lines 10 to 25 at page 29 under the term "cumulative Government share of the cost change".

With respect to the effect of the motion upon the financial initiative of the Crown, I believe it is important to understand that this motion would not increase the financial commitment of the Crown. For those reasons, I submit that the House should be permitted to debate Motion No. 129.

In commenting on the procedural acceptability of Motion No. 129, you indicated you felt that Motion No. 145 is consequential to Motion No. 129. Clearly, if you were to accept that Motion No. 129 is procedurally valid, that decision would resolve any problem with Motion No. 145. However, even if you find that Motion No. 129 cannot be put to the House, I would ask you to consider the acceptability of Motion No. 145. In my reading of Motion No. 145, it did not appear to me that it is necessarily consequential to Motion No. 129.

Without regard to the substance of Motion No. 129, it would seem to me that the effect and intent of Motion No. 145 is clearly identifiable on the basis of the provisions presented in the Bill as it was reported from the committee and, indeed, from the Bill as it was introduced in the Commons for first reading.

The definition of "cumulative Government share of the cost change" as outlined in Clause 54 of the Bill incorporates the substance of this motion. This fact, by extension, also speaks to my argument concerning the procedural acceptability of Motion No. 129. I believe I have reached the end of my submission with respect to the first grouping that the Chair suggested today.

With respect to the second grouping, in the case of Motion No. 153, I am once again of the view that the substance of the motion is in no way contrary to the purpose of the Bill—the purpose of the Bill as outlined in the long title of the Bill—nor am I of the opinion that it seeks to go beyond the royal recommendation. I submit that the intent of the motion is to permit the Governor in Council to make a more comprehensive regulation concerning the manner in which payments will be made under the proposed Act, the number of instalments by which payments will be made, the time at which payments will

be made, and the rules for information relating to the movement of grain with respect to which payments are to be made.

This motion does not attempt to increase payments and would not have that effect. Rather, it attempts to provide the Governor in Council with the authority to prescribe regulations governing payments, notwithstanding the requirement in Clause 55 that payments be made by a responsible Minister; no more and no less. This proposal to allow the Governor in Council to increase the qualifications and conditions attached to the recommended charge upon public revenue falls well within the scope of the authority of this House as outlined at page 712 of *Erskine May's Nineteenth Edition* where, under the general heading "The Royal demand or recommendation fixes the limits of a charge", there appears this sentence:

In relation to the standard thereby fixed, an amendment infringes the financial initiative of the Crown, not only if it increases the amount, but also if it extends the objects and purposes, or relaxes the conditions and qualifications, expressed in the communication by which the Crown has demanded or recommended a charge.

The observation made at page 712 is strengthened by the following words found at page 714 of the same edition:

The problem has arisen through a change in the attitude of the House of Commons to expenditure. From regarding itself as primarily a check upon executive extravagance, it has turned more and more during the present century to pressing expenditure upon the Government. But during its period of retrenchment it had allowed the restrictions upon its powers of amendment in supply to be firmly established. The machinery by which this was enforced had been lost sight of, and it was generally held that it was the role of the Government, not only to propose new expenditure, but also to increase by amendment expenditure after it had been proposed, and the role of the Commons to accept or reduce the Government's proposals.

It is evident that the procedure both in the United Kingdom and in Canada is that the recommendation fixes the upper level of expenditure and is not open to upward amendment, but it is within the competence of the House of Commons to amend the provisions contained in legislation so as to reduce expenditure or increase the qualifications attached to expenditures. For those reasons I do not believe, Madam Speaker, and I so submit, that Motion No. 153 can be said to go beyond the Royal Recommendation.

With respect to Motion No. 155, you have indicated some concern that its substance is contrary to the principle of the Bill and that it may infringe upon financial initiative of the Crown. By itself, Motion No. 155 does not change the method of payment envisaged in the Bill, nor can it be said to authorize payments other than those permitted in other sections of the Bill. In that sense the motion, in my submission, cannot be said to infringe on the financial initiative of the Crown. What the motion says is that in the event that payments are made other than to railways and pursuant to other sections of the proposed Act, the Governor in Council may make regulations to ensure that the spirit and general terms and conditions of the proposed Act are upheld as if the payment had been made to the railways. In other words, the motion proposes to strengthen the qualifications of the Act in the event of certain decisions being made by the Governor in Council. The motion fills in details within the broad reach of the Bill as recommended—I underline the word "recommend-