

*Oil and Petroleum*

keeping with the BNA Act of 1930. I submit that therefore the amendment is in order.

**The Chairman:** The concern I have is not only related to the recommendation, but also to the notice of a ways and means motion. Of course the amendment does not seem to impose a charge as such but seems to give a direction as to the distribution of moneys or surplus moneys which will be collected by the charge imposed by the government under this bill, and which is a condition which is not really identified or related to the recommendation to the notice of ways and means. I refer hon. members to citation 246 of Beauchesne's Fourth Edition, at page 207, paragraph (3) which says:

The guiding principle in determining the effect of an amendment up on the financial initiative of the Crown is that the communication, to which the royal demand of recommendation is attached, must be treated as laying down *once for all* (unless withdrawn and replaced) not only the amount of a charge, but also its objects, purposes, conditions and qualifications.

I think the first part of that paragraph provides grounds to disallow the amendment as not procedurally acceptable, unless hon. members have other points I might have missed. This is a complicated piece of legislation. The implications of such legislation are not always easy to identify. I take into account the amendment as it is now worded, its objective, and the points raised by the Minister which are quite valid. Perhaps other hon. members have arguments which would lead me to another decision. I see the hon. member for Peace River is prepared to say a few words.

**Mr. Baldwin:** I do have a brief comment to make, Mr. Chairman. I think it would be quite correct if the wording of the recommendation had been more specific, but this is one of those more sensible recommendations, both from the point of view of the government and of the opposition, which simply says that His Excellency the Administrator has recommended to the House of Commons the present measure within the terms set out following in the bill itself. It goes on to provide for:

● (2120)

—the administration of interprovincial, export and import trade in petroleum and petroleum products; to provide in the manner prescribed out of moneys appropriated by parliament for the payment of import compensation to eligible importers—and to provide in the manner prescribed out of moneys appropriated by parliament for petroleum supplies—

Clearly, a question of distribution is involved. If we were prohibited from making our amendment, it would follow, logically, that we should be prohibited from making almost any other type of amendment, because it could be argued that an amendment in effect goes beyond what is contained in the legislation and is therefore in conflict with the recommendation. Surely amendments are moved: to alter legislation being considered by a committee or the House.

The hon. member has proposed a certain method of distribution. We dislike the government's proposed method and want to see distribution carried on another way. If he were to attempt to add to the extent to which there could be a contribution out of revenues, or to add to the charges imposed on the taxpayers of this country, he

[Mr. Andre.]

would be completely out of court. But he is not doing that. He is saying, "We are taking this amount, which the bill contemplates will be raised, and this is the way we want it to be distributed." Clearly, that falls within the wording of the recommendation. We say, "We do not like your method of distribution." We want the committee to be given the opportunity to change that method.

**Mr. Macdonald (Rosedale):** Mr. Chairman, the recommendation, far from being general, is specific about the appropriation of funds. The wording of the recommendation in part is as follows:

—to provide in the manner prescribed out of moneys appropriated by parliament for the payment of import compensation to eligible importers for defined petroleum . . . and to provide in the manner prescribed out of moneys appropriated by parliament for petroleum supplies transfer compensation in respect of petroleum to defined suppliers.

Surely the principle has long been established that, when a recommendation is as specific as this one and a decision has been taken by the Governor General in Council with respect to public funds, the impost to be raised, as under this statute, shall be applied in limited and specific ways.

We are up against the principle set out, for example, in citation 249(1) in Beauchesne's Fourth Edition which says, in part:

No principle is better understood than the constitutional obligation that rests upon the executive government, of alone initiating measures imposing charges upon the public exchequer.

This bill provides arrangements for filling the public exchequer with money paid under the export tax, and the recommendation is in most specific terms as to how this shall be applied. Of course, the hon. member's amendment goes well beyond that.

**The Chairman:** I thank hon. members for their comments. Perhaps I should not commit myself in advance, but I have received notice of two similar or comparable amendments to be moved to clauses 23 and 36 by the hon. member for Nanaimo-Cowichan-The Islands. The hon. member's proposed amendments would provide for the distribution of moneys in a certain way. Part of the money would be spent on research and development.

If I were to let the committee decide on the amendment because I might feel it is a borderline case, as the hon. member contends, I should be opening the door to many other possibilities involving the use of moneys. This shows, I think, that my first impression was right and the amendment, to my mind, seems to go beyond the terms of the recommendation. I do not intend to read it, as the minister and the hon. member referred to it.

The hon. member for Peace River contends that the recommendation is not a limiting one and that the amendment has to do with the distribution of moneys. One must also consider that the hon. member for Don Valley is proposing something new which is not meant to be included in the recommendation preceding this bill.

I regret to say that the remarks of the hon. member for Peace River have not succeeded in changing my previous position. I feel strongly that accepting the hon. member's amendment would be contrary to principles set out in reference books such as Beauchesne's and May. As I said, it would open the door to more extreme amendments