

*Government Orders*

Second, these proposals exceed those limits imposed by the Constitution and by statute and the power of the House to regulate its internal affairs.

Third, adoption of these proposals would be a *de facto* amendment to those limiting statutes and are thus an attempt to achieve by simple motion changes which should both be statutory and constitutional.

Fourth, in light of the above, I submit that our traditions and practise require that they be found out of order. It is clear to me that the proposals in paragraphs 30 and 20 will erode the authority of the House and impede members in the discharge of their functions.

In paragraph 30 the government proposes that;

—if the House does not sit on days designated as sitting days pursuant to Standing Order 28, the total number of allotted days in that supply period shall be reduced by a number of days proportionate to the number of sitting days on which the House stood adjourned—

I have no procedural concerns with other proposals in that section, namely to reduce the number of supply days in an ordinary session from 25 to 20. Those proposals will diminish the ability of the House to examine and debate the Crown's request for expenditure, but this change is quantitative, not qualitative. I would just further note that in the British House, to which our privileges and authorities are constitutionally and statutorily linked, the number of allotted days is also limited to 20.

It is the proposal to reduce the number of allotted days proportionately with the reduction in the number of sitting days which, I submit, is a qualitative change to the rights of the House over supply.

This reduction in supply debate assumes that opposition or allotted days are a share of House time, is provided for business which does not originate with ministers of the Crown, and that this share should be linked to the length of the session.

It denies the historic linkage between allotted days and the granting of supply to the government.

It denies the historic authority of the House over supply.

It denies the historic rights of members to debate supply.

It forgets that for this House of Commons, the contemporary form of members' historic right to air their grievances and petition the Crown before supply is granted is during the opposition days that we normally refer to.

A simple reading of this motion may not reveal this flaw. It is better understood through hypothetical examples.

If, for example, the Crown forcibly adjourns the House, we could arrive at a situation whereby our own Standing Orders would have us sitting only on June 23 to entertain one day of debate on supply and to pass the Appropriation Act.

More realistically perhaps is a scenario where, in the next few weeks, a minister of the Crown could force through the House a motion to adjourn to an indefinite call, recall the House for June 23 and obtain consent on supply.

If this motion passes, our Standing Orders would permit this but the conventional and historic control of supply by the Commons would not be upheld.

As our own *Precis of Procedure* points out:

A fundamental element of the principle underlying the financial procedures of Parliament is the idea that Parliament does not grant supply until the opposition has had the opportunity to demonstrate why it should be refused.

Or, as the late Eugene Forsey wrote in his recent manuscript, *The Question of Confidence in Responsible Government*:

The historic House of Commons was in Bolingbroke's phrase and emphasized by Edward Blake, "the grand inquest of the nation". Its principal concern was with the voicing of grievances and scrutinizing the financial and administrative measures of the Crown.

Certainly, at the time of Confederation, the power of the House to debate and withhold supply was clearly understood. As Bourinot wrote in his fourth edition on page 404:

The rules of the house with respect to the expenditure of public money and the impositions of burthens upon the people are in conformity with the practice of its English prototype. All the checks and guards which the wisdom of English parliamentarians has imposed in the course of centuries upon public expenditures now exist in their full force in the parliament of the dominion.

The cardinal principle, which underlies all parliamentary rules and constitutional provisions with respect to money grants and public taxes is this—