

ministers that a royal recommendation must be attached to all bills having implications for current or future expenditure would seem to go beyond the provisions of Section 54.

The Chief Legislative Counsel of the Department of Justice appeared as a witness before the Committee. He stated that it is his practice to send a regular report on the status of legislation to the Privy Council Office for the use of the Government House Leader, advising that Office which bills, in his view, would require a royal recommendation. A list of guidelines is used in the Department to assist drafters in determining whether a bill requires a royal recommendation, based on rulings of Speakers of the House over the years.¹⁶ This witness stated further that, in offering his advice on the need for a royal recommendation:

We are there to assist the government house leader's office in determining whether or not the bill will be challenged if it [is] introduced in the Senate ... we tend to err on the side of safety ... it would be safer, in a dubious case, to get the royal recommendation on the bill ... we take the prudent view and ... simply tell them [the Privy Council Office] not to introduce that bill in the Senate because it might be ruled out of order.¹⁷

Regarding the final decision to ask for the Governor General's recommendation, the witness first indicated that this was made by the Government House Leader's office, but later he stated:

It is ultimately up to the Parliamentary Counsel's office to decide whether or not the royal recommendation is required because he is the one that received (*sic*) it, and we do not have any contact with him on this issue.¹⁸