

Government Organization

bill contains a provision or provisions that may impose a charge on the revenue.

There is no doubt that a resolution preceding a bill is not designed for the purpose of explaining the contents of the bill in any detail but solely for the purpose of giving notice to the house that the government intends to introduce a measure which involves a tax on the people or a charge on public funds.

Some hon. members have argued that the establishment of the new department of forestry and rural development implies a charge on the treasury. In opposition to this view other members have argued that there is no such charge. It should be stressed that the relevant consideration here is that there should be, to necessitate a prior resolution, a new and distinct charge.

I should like to refer hon. members to May's Parliamentary Practice, seventeenth edition, page 780. At that page, under the heading "Tests to determine whether expenditure involves a 'charge'", the author says:

A charge must be new and distinct. The question often arises whether a proposal for expenditure or for increased expenditure is not already covered by some general authorization. The test for determining this question in the case of a substantive proposal, i.e., a provision in a bill, as introduced, is a comparison with existing law.

In this instance, in so far as the Department of Forestry is concerned, I cannot convince myself that there is a new and distinct charge separate from what is already authorized by existing legislation. However, even if this interpretation of the new measure were too limited, even if it were erroneous, I believe that the resolution in its general terms covers the whole general subject of the reorganization of departments of government. In other words, there is a resolution pointing to the purpose of the bill before the house.

For these reasons, I suggest to hon. members that the resolution introduced by the right hon. Prime Minister (Mr. Pearson) before first reading of this bill satisfies the requirements of the standing orders and of section 54 of the British North America Act.

In the course of his arguments the hon. member for Peace River suggested that extreme caution should be exercised in this matter since the validity of this statute as passed by parliament might be questioned later on in the courts on the ground that the required procedure has not been followed. He suggests, in other words, that the inadequacy of the resolution might invalidate the statute.

May I quote the case of the King v. Irwin as reported in 1926, Vol. 25, Exchequer Court Reports, page 127, at page 128. The headnote is to the following effect:

Held, that when a statute appears on its face to have been duly passed by a competent legislature, the courts must assume that all things have been rightly done in respect of its passage, and cannot entertain any argument that there is a defect of parliamentary procedure lying behind the act.

I thought I should bring this case to the attention of the house, because not only the hon. member for Peace River but I believe other hon. members have referred to the fact that there might be some difficulty later on if a procedural mistake was made in the consideration of this bill.

For all these reasons, and with great respect, I cannot accept the point of order raised by the hon. member for Peace River.

Mr. H. W. Herridge (Kootenay West): Mr. Speaker, I want to make a few brief remarks on this bill. As I have said before, as a pragmatic socialist I think all of us would agree that there is need for a reorganization of the departments of the government. I think that opinion has been expressed by members on all sides of the house during this debate. I personally have not sufficient information or enough knowledge of all the subjects to say whether the organization proposed by the government is the correct one or is not. I suppose this again can only be proven as the result of experience. If this reorganization does not prove satisfactory, so long as this parliament retains control of the government of this country amendments can be made to this proposed reorganization.

However, I wish to say that I cannot agree with the argument that we can adopt the practice that is customary in Great Britain, which has an inner cabinet and an outer cabinet, or an inner cabinet and ministers. They work under different circumstances there. The country is very much smaller than ours; it has unitary government, with a completely different set of circumstances from those facing this parliament when it comes to the passage of laws and their administration.

Personally I am one of those who care little for humbug, and I run into it a lot nowadays. We all know humbug exists, whether governments admit it or not, whether the present government admits it or whether the former government admitted it. I am not objecting to the number of cabinet ministers, but they have a different function in this country.