

first full year". I am sure you will agree, Mr. Speaker, that is not an insignificant sum.

Since Confederation and indeed before the manner in which the government's fiscal program is presented to the House has been through a budget address. The address lays out the government's expenditure plans and the means by which these plans are to be financed. Our Standing Orders prescribe six days of debate and that a motion be put asking the House to support the budget. This confidence motion is important because it gives the government the authority to proceed immediately with the fiscal plans in the budget even though many of these may require legislative change. It is on the strength of the budget address, the formal procedure, the vote of confidence, that a lot of action is initiated, and indeed taxes are collected immediately with the expectation that the legislation will catch up later.

You may recall, Mr. Speaker, that in 1979 the first act of a new government of a different political party was to pass a bill from the budget of the previous government prior to 1979. Indeed, in 1984 ironically one of the first acts of our government was to bring in a PGRT bill which was part of a budget of a previous government. However such is the strength, and I say this only to emphasize that such is the nature of a budget and the confidence motion that comes with it. To tamper with that or to reverse that somehow in another place is to tamper with the very fundamental purposes and powers of this body.

I would submit that the Senate amendments to Bill C-21 undermine in a significant way the budget of April 27 in which this House has expressed its confidence. If I am correct in this assertion, does it not put a further obstacle to the acceptability by this House of the Senate message? That is, could the House express confidence in a budget and then accept Senate originated changes which undermine that same budget without in essence revoking the previously given confidence? Putting it another way, if Bill C-21 were to be defeated in this House of Commons, a claim would be made that the government had lost the confidence of the House.

For the Senate to insist upon amendments that essentially undo or negate the principles of Bill C-21 is to ask the House to vote non-confidence in the government, an inappropriate request from the Senate. Governments must have the confidence of the House but surely not

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necessarily that of the Senate. Indeed it is the confidence of the House and only the House.

I wish to quote one paragraph from an authority, R. McGregor Dawson in *The Government of Canada*, at page 212 of the fifth edition where it states:

The British North America Act requires that any measure for the spending of public funds can be considered by the House of Commons (where it must also originate) only after it has been first recommended by a message from the governor general, and by constitutional usage such a message can be transmitted to the House only through a cabinet minister. Custom and the standing orders of the House have established a companion principle that any proposal for the imposition of tax must also be made by a member of the cabinet. These two rules have been further reinforced by the practice, implied in the standing orders, that no amendment to increase taxes or appropriations can be made except upon the motion of a minister, although any member may move to have any tax or appropriation reduced or struck out. All the above principles have been derived from long English practice, and collectively they place the cabinet in a position where its responsibility in all financial matters is complete and ineluctable.

In addition to those arguments, as noted previously, Bill C-21 has a royal recommendation. I might remind hon. members that it is the parliamentary law clerk, not the government, that decides whether legislation requires a royal recommendation. If members are not aware I would refer them to Beauchesne's sixth edition, page 61, citation 225.(4), where it states that the law clerk's duties include the examination of:

— all government legislative proposals prior to their introduction to determine whether they entail an expenditure of public moneys; if they are found to do so, then drafts the Royal Recommendation for inclusion with the proposal.

The parliamentary law clerk affixed the royal recommendation to Bill C-21. That is not an issue for debate. It is very clear that a bill which represents a \$2 billion impact on the deficit could hardly be considered not to require a royal recommendation.

Members of this House must then ask themselves what kind of amendments can be made to a bill that already has a royal recommendation. For this answer one need only refer to Beauchesne's sixth edition, page 183, citation 596, where it states:

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