

(5) That Bill C-4, An Act to amend the Canada Corporations Act and other statutory provisions related to the subject matter of certain of those amendments, be amended by inserting in Clause 12 at line 36, page 53, the following:

“(5) Upon the termination of an investigation at any stage, the costs of and incidental to the investigation and any resulting enquiry and inspection shall be in the discretion of the Commission, and the Commission shall have full power to determine and order by what persons and to what extent the costs shall be paid and any costs so ordered shall be payable as a debt owing to Her Majesty in the right of Canada provided that the Commission may recommend to Her Majesty to whom and to what extent the costs as above described of that person or persons should be paid.”

and by renumbering sub-paragraph (5) as (6).—*Mr. Lambert* (Edmonton West).

RULING BY MR. SPEAKER

Mr. SPEAKER: I thank the honourable Member for Edmonton West and the Minister for taking part in this procedural debate. The advantage of the notices which the Chair receives by the appearance in our Notice Paper of the motion is that the Chair can appear to be very wise.

After lengthy discussion and consultations of precedents I have of course in this instance again given the matter very serious thought. I have listened to the very interesting and forceful argument proposed by the honourable Member for Edmonton West and he has shaken me to some extent in my original conviction that this amendment is a charge on the Crown.

The honourable Member well knows how difficult it is to get away from the long established limitation which prohibits members from proposing for acceptance by the House charges which are not covered by the Royal Recommendation. It is perhaps the most difficult procedural obstacle to be surmounted. I have some doubts that the honourable Member has been successful in this respect although he has submitted very serious objections and potent arguments.

My understanding of motion No. (3) is that it proposes in certain circumstances when persons have been acquitted of charges, when certain prosecutions have been dismissed, abandoned or withdrawn, that such persons may be reimbursed by the Crown for their expenses. It seems to me, if the proposal were accepted and became operative, that it would create a financial charge. I find it difficult to escape this conclusion.

I should perhaps refer honourable Members to May's 17th Edition, page 551 which states as follows: “Amendments or new clauses creating public charges cannot be proposed, if no money resolution or ways and means resolution has been passed, or if the amendment or clause is not covered by the terms of the resolution. This rule, which is of fundamental importance, is fully explained in Chapter XXV and on page 803.”

This is a general statement of course and refers more to the resolution than the Royal Recommendation but it is the rule which applies to Royal Recommendations even when a bill is not preceded by a resolution. I have looked at the words in the Royal Recommendation and having studied it, my humble interpretation of it was that it should be deemed to include the costs incurred by individuals, which the honourable Member's amendment would want to be paid.