

Report on Miscellaneous Estimates

accepted and it should then be found necessary to restore or reinstate the items as put forward by the House. Of course, if Your Honour finds the report was in effect invalid, and therefore a nullity in respect to the amendments it proposes to make, it would not be necessary to put that particular motion, and the President of the Treasury Board would be seeking the consent of the House to withdraw it. On that basis, I would agree basically with the principle cited, that the report in this form should not be accepted by the House, and what we have before us is really the consideration of the Supplementary Estimates (B) for the fiscal year ending March 31, 1970, as originally tabled in this House.

• (3:30 p.m.)

Mr. Speaker: I thank hon. members for their views. The fact that there is unanimity among those who have participated in the procedural discussion makes it easier for the Chair. In fact, for a moment, I wondered whether there was any point in giving a decision but I think it is probably wise to make a ruling based on the advice of hon. members who have taken part in the discussion and who have agreed on a conclusion. As hon. members know, the procedural point was raised last Friday and I indicated then that I had serious misgivings about the procedural aspects of this matter. I have had an opportunity to review it since then and my conclusions coincide with those we have heard during the last few minutes from the hon. members who have taken part in this discussion. It is hardly necessary to remind hon. members that paragraph 1 of the Fourth Report of the Standing Committee on Miscellaneous Estimates reads in part as follows:

Delete in vote 17b, on page 2, the paragraph intitled "Grants", and substitute the following therefor:

The report goes on to rewrite in substantial manner vote 17b of the supplementary estimates (B). It is not necessary, I suggest, to compare in detail the terms of the committee's proposed recommendation with that of the original estimate to establish the fact that a change of substance has been suggested by the committee. In its recommendations, the committee has proposed an alternative to the proposal recommended to the House by His Excellency. No principle is more surely provided for by our constitution and our Standing Orders than that which provides that the Crown alone initiates financial proposals.

[Mr. Macdonald (Rosedale).]

In this regard, section (1) of Standing Order 62 reads as follows:

This House shall not adopt or pass any vote, resolution, address or bill for the appropriation of any part of the public revenue, or of any tax or impost, to any purpose that has not been first recommended to the House by a message from the Governor General in the session in which such vote, resolution, address or bill is proposed.

In the same regard, section (3) of citation 246 of Beauchesne's fourth edition reads as follows:

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 demand of recommendation is attached, must be treated as laying down once and for all (unless withdrawn and replaced) not only the amount of a charge, but also its objects, purposes, conditions and qualifications. In relation to the standard thereby fixed, an amendment infringes the financial initiative of the Crown, not only if it increases the amount, but also if it extends the objects and purposes, or relaxes the conditions and qualifications expressed in the communication by which the Crown has demanded or recommended a charge. And this standard is binding not only on private members but also on ministers whose only advantage is that, as advisors of the Crown, they can present new or supplementary estimates or secure the royal recommendation to new or supplementary resolutions.

Along the same vein, may I refer to section (3) of citation 244 of Beauchesne's, as follows:

Amendments proposing, in a money resolution, to substitute a loan for a subsidy; to change the destination, purpose and conditions of a subsidy; attaching a condition to a subsidy; affecting the ends and provisions of a subsidy, must be moved by a minister with the recommendation of the Crown.

There are a number of other citations that can be brought to bear on the same question, but I do not think it will be necessary for me to do so at this stage. It is not competent, I suggest, for the House or any committee of this House to substitute a financial provision in an estimate for one which has been recommended by His Excellency.

For the foregoing reasons, I must decide that the report of the Standing Committee on Miscellaneous Estimates presented to the House Thursday, March 19th last, is a nullity and that no subsequent proceeding may or need be taken in relation thereto.

In view of this decision I assume hon. members will want to give thought to the suggestion made by the President of the Privy Council, although the request would have to be made, I assume, by the President of the Treasury Board.