

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 honourable 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 honourable Members to May's Parliamentary Practice, seventeenth edition, page 780. At that page, under the heading "Tests used 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 honourable Members that the resolution introduced by the Right Honourable 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 honourable 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 honourable Member for Peace River but I believe other honourable 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 honourable Member for Peace River.

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Debate was resumed on the motion of Mr. Pearson, seconded by Mr. Favreau,—That Bill C-178, An Act respecting the organization of the Government of Canada and matters related or incidental thereto, be now read a second time.

And debate continuing;