

*Private Members' Business*

A bill, designed to furnish machinery for the expenditure of a certain sum of public money, to be voted subsequently by Parliament, may be introduced in the House without the recommendation of the Crown.

There is a supporting citation in *Journals* of the House of Commons of Canada, Tuesday, January 16, 1912. The Speaker in a ruling that day was confronted with a bill that had been introduced to amend the Inquiries Act. It provided for the appointment of additional commissioners under the Inquiries Act who would be paid out of the Consolidated Revenue Fund of Canada.

If I may cite from page 119 of the Speaker's ruling, he stated:

It has been urged that though the present bill does not deal with the question of payment of the persons to be engaged by the commissioners, they might under its terms incur expenses which will be payable out of the Consolidated Revenue Fund and thus be a charge upon the people without Parliament making any provision for their payment by a resolution in supply.

Your Honour will recall that a supply bill had to be preceded by a resolution tantamount to the procedure that the Royal Recommendation fills in for today because that resolution required the royal recommendation at that time.

Then he stated:

The question is not free from difficulty. Mr. Bourinot in his observation seems to have extended the scope of the rule rather beyond the terms in which it is worded. What those terms cover is "a motion for any public aid or charge upon the people". This bill does not constitute such a motion. The most that can be said is that under its provisions something may have to be done which may rise to a claim against the government. If this be sufficient to bring it within the rule, then it would have to be held that every bill conferring a power upon the government in the exercise of which expense might be incurred, it comes under the rule. This, in my opinion, would be giving altogether too extensive an interpretation to the words "a motion for any public aid or charge upon the people".

And he went on:

While the authorities are not absolutely reconcilable, I am not disposed to attach to the rule this very enlarged meaning, I am therefore of the opinion that no resolution is necessary.

In this case, since the bill has the very specific provision in it that it is subject to such appropriations as Parliament may provide, Your Honour could follow the precedent established in 1912 and rule that this bill does not require a royal recommendation. However before any payment could be made under the bill the government would have to, if it chose to do so, bring in estimates to permit it to make the payments. In the

absence of such estimates the payments would not have to be made. I think that is the test.

**Mr. Les Benjamin (Regina—Lumsden):** Mr. Speaker, I am on the verge of tears but I will wait until you have made your ruling.

I will not repeat the arguments of my colleagues from Kamloops or Kingston and the Islands. My bill is deliberately worded as it is in order to obviate any requirement for a royal recommendation because I cannot provide one. I know that. I sought out the best legal advice I could find.

We have been 45 years in failing to redress a wrong to the merchant seamen of Canada. They suffered higher casualty rates than any other service in the forces and were paid less than people in the Royal Canadian Navy. There were 12,000 of them and there are now 3,500 left.

Mr. Speaker, let us assume that you rule the bill in order. What happens? It passes second reading, it goes to the committee and passes there, passes report stage and passes third reading. As a result of lines 24 and 25 in my bill nothing happens with that legislation as passed. Assuming it goes through the Senate and receives royal assent still nothing happens with it. It remains lying there in the Statutes of Canada unless and until the government attaches a royal recommendation for its expenditures of money to fill the purposes and intent of this bill.

This does not fly in the face of the traditional practice. I want to thank my hon. friend for Kingston and the Islands for his fine research on precedents which fly in the face of the arguments put forward by the government Whip.

I am certain that the overwhelming majority, if not all members of the House, want this done. That is why the bill is worded as it is. I would hope, Sir, that if you were thinking of ruling it out of order you would be willing to reconsider and report back at a later time.

**The Acting Speaker (Mr. Paproski):** Before I recognize any further speakers here I want to thank the hon. member for Kamloops, the hon. government Whip, the hon. member for Kingston and the Islands, and the hon. member for Regina—Lumsden. I will take this matter under advisement. Meanwhile, I will permit debate to take place on the item until the end of the time provided for the consideration of Private Members' Business.