

Income Tax Act

Mr. Pearson: Mr. Speaker, the Prime Minister and the Minister of Finance made it quite clear that this course has been followed twice previously. Perhaps that itself illustrates the danger into which we may be leading ourselves because on both those occasions it was understood that the course that was followed was not to be taken as a precedent. It is now being taken as a precedent and used to justify this course. On at least one of the occasions to which reference has been made—the amendment to the Special War Revenue Act of 1941—Mr. Ilsley, in part at least, justified the course he was taking, which was not to be taken as precedent, by saying that the amendment in question was scarcely a revenue amendment at all.

I take it from what the minister has said that there is no doubt on this score in the present instance. This is a revenue amendment and so the position is not even in substance exactly the same as in 1941 which has been advanced as a precedent.

Again I ask the Prime Minister and the Minister of Finance what objection could be taken to the course I have suggested, that the government itself introduce on its own initiative and on its own responsibility an amendment for the purpose the government has in mind?

Mr. Harold E. Winch (Vancouver East): Mr. Speaker, I am speaking on the entire issue now before us. I believe this places a great responsibility on your shoulders. I rise to ask that the rights of parliament and the traditions of centuries be maintained through your voice and on your advice.

If what the Prime Minister (Mr. Diefenbaker) said is correct, this House of Commons can make changes by unanimous vote or agreement. But, Mr. Speaker, I want to say as emphatically as I can that although the house has the right by vote to make changes, you are as Speaker the embodiment of the rights of parliament and of the traditions of centuries.

There are two main traditions of centuries. One is that the monarch cannot enter the House of Commons; only the monarch's representative can do that by knocking on the door. But the second is that what is known in Great Britain as the House of Lords and as the other place in our country cannot interfere with the right of the House of Commons on taxation and on expenditures. Because this right has been broken in the past we are now asked once again to break it.

Mr. Speaker, the Leader of the Opposition (Mr. Pearson) was quite correct a few moments ago when he said that what was established once would not be a precedent,

but again we are asked to do what, to break, not the precedent of 600 years that a monarch cannot enter here but that what is the other place, the House of Lords in the mother of parliaments, the United Kingdom, be given the right to break the precedent of the control of the House of Commons over taxation. I say to you, sir, with all sincerity as a traditionalist, as one who believes so much in democracy and in those who fought and died to lay down those principles, that if this is done you should make it obvious in this House of Commons that we shall not again break what has been established in the past and allowed to be broken in the past. If parliament and democracy mean anything, let us maintain the tradition and the power of this house. I am most amazed that the Prime Minister would be the one to suggest that we now do it again.

Mr. Speaker: I accept as obvious a good deal of what has been said in the course of the discussion of this rather serious matter involving the relationships of the houses of parliament and the privileges of this house. It is undoubtedly true that the house has done what is proposed now to do again and can do it again, provided it takes the proper course to do so. The precedents are, like this one, those which have arisen at the end of sessions when a money bill has been rejected by the other place and when perhaps the house was not disposed to enter too deeply into constitutional arguments; but if this motion is properly before the house it is for the house to decide whether it wishes to do again what it has done before and what it can do again.

This is the point that troubles me, and I have come to the conclusion that the motion which has been proposed by the Minister of Finance (Mr. Fleming), if it in effect amounts to a waiver of standing order 63, would require notice. That was why I said that because standing orders can be suspended only by an order of the house made on proper notice or by unanimous consent, that is why I suggested because no notice had been given that unanimous consent would be necessary before we could enter on a discussion of this motion and before this motion could be voted upon.

It may be that the house is prepared to have the matter dealt with in that way and I would say that perhaps that would be the way for the house to decide whether it wishes to follow this precedent again or whether it does not wish to follow it. It can decide that by voting. If the house allows this motion to come before it today by unanimous consent. If it will not allow this motion to come before it by unanimous consent today, then the government of course is free to give notice