

Canada Corporations Act

As I said, perhaps my colleague who, I must admit, is much more familiar with the entire procedure, could, I hope, enlighten the Chair better than I can.

Mr. Basford: It is seldom that I argue points of order in the House, but I would like to contribute briefly because the same point Your Honour has raised was raised in the committee when various amendments were moved. I concur with my colleague, the House leader, that what the hon. member for Edmonton West is endeavouring to do is to expand and extend the use of the phrase "payment of expenses" in the recommendation far beyond whatever proper interpretation could be given it. The recommendation from the Governor General preceding the introduction of Bill C-4 contains words which allow the Crown the payment of expenses to be incurred with respect to the investigation of the affairs of companies. I submit that that wording in the recommendation has to be interpreted by reference to the provisions of Bill C-4 as they stood before the Governor General when the recommendation was made.

There is nothing in the original version of Bill C-4 that would allow the conclusion that the Governor General ever intended to recommend that the Crown should accept responsibility for paying the expenses and costs incurred by the person who is the object of an investigation pursuant to these provisions. This is what the amendment of the hon. member for Edmonton West is endeavouring to do. The original version of Bill C-4 provided by way of expenses solely for the appointment of an additional member of the Restrictive Trade Practices Commission, and the conduct by the Crown of certain investigative work. Surely, the only interpretation that can be put on those words is that those are expenses that were intended to be included within the recommendation.

Mr. Lambert (Edmonton West): I have a further point, Mr. Speaker, in brief answer to the minister.

Mr. Speaker: There will have to be unanimous consent to allow the hon. member for Edmonton West to make his additional point. Of course, the hon. member may rise on a point of order.

● (3:50 p.m.)

Mr. Lambert (Edmonton West): The minister has indicated that I have rather expanded the nature of the phrase "payment of

[Mr. Macdonald (Rosedale).]

expenses", but it will be noted on examination of the bill that the right of recovery is limited to the case of a convicted individual and to no other case, whereas the payment of expenses is the responsibility of the Crown all the way up to, but falling short of, conviction. Therefore that category of expenses all the way through must be authorized and recommended by the bill. It is not limited only to matters of appointment of a commissioner. All I say is that these expenses are part of the investigation.

Mr. Speaker: I thank the hon. member for Edmonton West and the minister for taking part in this procedural debate. The advantage of the notice 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 consultation 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 put forward by the hon. 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 hon. 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 hon. 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 hon. members to May's seventeenth 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.