

*National Harbours Board Act*

Bill C-8 is intituled: "An act to amend the National Harbours Board Act (Tisdale grain terminal)", and if it is to be considered as a legislative proposal it should alter the law which it purports to amend.

Does it do so?

In my opinion, it does not. This bill appears to be merely a statement that the national harbours board may deem necessary the construction, etc., of a public terminal elevator, and it accomplishes nothing whatsoever in a legislative way. It seems to me there is little doubt that this matter should be the subject of a notice of motion and not of a bill.

In the explanatory notes accompanying the bill, it is said that "this bill proposes that a public grain elevator be constructed at Tisdale, Saskatchewan", etc. In my view, this bill does not propose that a public grain elevator be constructed at Tisdale but it states that the board may deem it necessary to construct such a grain elevator, and the word "proposes" in the explanatory notes cannot, in my opinion, be considered as a legislative proposal.

Now for the second point. If this bill really proposes to instruct the board to construct a grain elevator at Tisdale—which I do not believe it does—it is also clearly out of order, as would be a bill ordering the construction of branch lines by the Canadian National Railways, a bill instructing the federal district commission to acquire real estate or a bill directing expenditures by the national centennial administration or the Canadian Broadcasting Corporation, to refer but to a few agency or crown corporations.

In a decision rendered by Mr. Speaker Edgar on March 10 and 11, 1898, he stated, *inter alia*:

While it is competent for a private individual, without the recommendation of the crown to propose an abstract resolution with reference to grants of money, I think this is not an abstract but a very concrete resolution providing and authorizing the government to incur a specific expenditure.

If this were an authorization to an agent of Her Majesty to construct a certain public grain elevator, which, however, as I have stated, I do not believe it is, such an expenditure of money would have to be initiated by the government under the constitutional checks required by section 54 of the B.N.A. Act and the rules of the house.

On May 9, 1933, Mr. Speaker Black ruled that an amendment involving an expenditure which would be incurred by the Canadian National Railways, was out of order because the railway is owned by the government.

On March 9 and 13, 1871, Mr. Speaker Cockburn ruled a subamendment out of order when it asked the house to commit itself in

[Mr. Speaker.]

advance to an expenditure of money as such a proposition should have originated in committee of the house and should have been preceded by a message.

To summarize, I believe this bill simply refers to powers that the board already possesses and to my mind the matter under consideration would be more properly the subject of a notice of motion rather than that of a bill. This measure enacts a pious wish and it is useless to instruct the board to build an elevator as the board already has the right to either build or not to build it.

I regret that in the circumstances I am of the opinion that there is probably justification for ruling this bill out of order.

**Mr. Pickersgill:** I wonder if I might be permitted to make a suggestion to the house. My suggestion is that the hon. member for Humboldt-Melfort-Tisdale (Mr. Rapp) might undertake, at the end of the debate today, to withdraw the bill, in which case the house could agree to debate this bill as though it were a notice of motion such as Your Honour has indicated it could perfectly well be. On this basis, the hon. member's wish to bring this matter to the attention of the house will be fulfilled, notwithstanding the technical defect in the way of doing it. The hon. member had the luck of the draw and got his bill near the top of the list and it seems somewhat harsh, now, to deprive him of the opportunity he gained in this way on the grounds of a technical defect such as he, or I, or some other of the less learned members of this house would be more apt to make than would one or two of the more learned among us.

I wonder whether there would be unanimous consent to such a course and whether the hon. member himself would be agreeable to the suggestion I have made.

**Mr. Speaker:** Before we begin to discuss the bill I should like to know whether the house agrees to give unanimous consent to proceeding in the way suggested.

**Some hon. Members:** Agreed.

**Mr. Speaker:** The house having given unanimous consent to proceeding as suggested by the Secretary of State, I will put the motion, subject to its withdrawal at the end of the discussion or at six o'clock, whichever comes first.

**Mr. Reynold Rapp (Humboldt-Melfort-Tisdale):** Of course, Mr. Speaker, I do not wish to transgress your ruling. I should like to express my thanks to the leader of the house (Mr. Pickersgill) for presenting my case to hon. members. I should also like to express my thanks to the house for giving me unanimous consent to have this subject debated.