

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;

#### RULING BY MR. SPEAKER

Mr. Speaker: Order. Before I call on the next honourable Member to speak I should like to refer to the point of order which was raised this afternoon by the honourable Member for Peace River (Mr. Baldwin). He made the suggestion that the resolution preceding Bill No. C-178, which is now being considered by the House was insufficient and that there should be a further resolution to precede the bill, or that the existing resolution should be amended to make specific reference to the establishment of the new Department of Forestry and Rural Development.

During the last few hours I have had the opportunity to consider the arguments advanced by Members on both sides of the House, and I can assure honourable Members that it was not an easy decision to reach because the arguments submitted by the honourable Member for Peace River, and the honourable Member for Qu'Appelle (Mr. Hamilton), and, in opposition to these suggestions and propositions advanced by Members on the Treasury Benches did not make it easy for the Chair to decide which way to rule.

I should like to bring to the attention of the honourable Members, as they know, that the rule respecting the introduction of a bill imposing a charge upon public revenues is Standing Order 61, namely: "If any motion be made in the House for any public aid or charge upon the people, the consideration and debate thereof may not be presently entered upon, but shall be adjourned till such further day as the House thinks fit to appoint; and then it shall be referred to a Committee of the Whole House, before any resolution or vote of the House do pass thereupon."

As pointed out by the honourable Member for Peace River, Standing Order 61 must be read in light of Section 54 of the British North America Act, 1867. This section is important when considering this question at large. It says: "It shall not be lawful for the House of Commons to adopt or pass any vote, resolution, address, or bill for the appropriation of any part of the public revenue, or of any tax or impost, to any purpose—"

And I underline those words—"That has not been first recommended to that House by message of the Governor General in the session in which such vote, resolution, address, or bill is proposed."

Honourable members will note that it is the "purpose" of the resolution that is recommended to the House by His Excellency. When asking His Excellency for His recommendation we refer to the purpose of the proposed legislation in the words of the resolution, and His recommendation is given accordingly. There is no written rule nor any established practice with the force of law determining the form, the extent or the limitations applicable to a resolution preceding a bill. Such being the case resort must be had to the meaning of the words of the rule as we find it in our Standing Orders.

Ordinarily a bill may be introduced without a resolution. The impelling factor requiring a resolution is a provision of the bill imposing a charge on the revenue, but a charge which is new and distinct. It would therefore seem that the resolution meets the requirement of the rule where it, in precise language, points to the fact that the proposed bill contains a provision or provisions that may impose a charge on the revenue.