

Private Members' Business

A more recent precedent was nine days ago in our own Senate. I would like to read just a couple of parts of that ruling on a bill remarkably similar to the one before us in subject matter.

The Speaker said in the Senate on October 23, 1991:

After carefully reviewing the parliamentary authorities, the Chair has concluded that this interpretation of the general rules and practices of financial procedure is much too narrow. Our parliamentary tradition, strictly adhered to over many years, consistently indicates that bills emanating from private members which bind the House to future legislation appropriating monies is not in order in either Chamber of Parliament.

He goes on to say later about Bill S-5 in the Senate:

If Bill S-5 were enacted it would seem that many Canadians, including the merchant seamen of Canada during World War II, and their spouses, would feel that Parliament is obliged to directly appropriate monies to provide the benefits promised by the bill, since the bill amends the appropriate categories of the Pensions Act and the War Veterans Allowances Act to include wartime Canadian merchant sailors. It seems clear to the Chair that the provisions of Bill S-5 represent liabilities to the Crown. *Erskine May*, 20th edition states at page 797, "a charge is also involved by any proposal whereby the Crown would incur a liability or a contingent liability payable out of money to be voted by Parliament". On these grounds, Bill S-5 requires a Royal Recommendation.

That is an additional caution to the Chair that the passage of something which creates an expectation on behalf of Canadians would bring the entire process into disrepute if the expectation were not met. We cannot have the expectation of the Queen, through the Governor General, paying a bill without the royal recommendation that must precede it. It is perhaps unfortunate but I think it is the duty of the Chair to rule in that fashion.

The Acting Speaker (Mr. Paproski): Before the hon. member for Kingston and the Island commences I should inform the House that because of a ministerial statement an additional eight minutes will be added to Private Members' Business today. It will be 4.37 when we finish.

• (1550)

Mr. Peter Milliken (Kingston and the Islands): Mr. Speaker, I have listened very carefully to the hon. member for Kamloops and the government Whip. I basically side with the hon. member for Kamloops in my argument because I think the government Whip was correct in his initial statements but then he cited as his

authority the Speaker of the Senate in a recent ruling in the other place.

With great respect, aside from any doubts one might have on a ruling from the Speaker of the Senate after the rulings he made in the GST debate, I can tell the hon. member that I would have very grave doubts about any ruling of the Speaker of the Senate.

This one deals with another bill entirely. The other bill seeks to amend two acts which are not touched by the act that is before this House. It deals with a rule in the Constitution requiring that bills involving the expenditure of money not be introduced in the other place. Frankly it is a ruling on a different bill and a different aspect of the law relating to the royal recommendation.

I know that my friend from Calgary West will want to agree with me in that respect. To turn, as I must, to the provisions of the bill, I point out that in the bill itself the amendment that allows for the payment of money to veterans is couched in very careful language. The new section 5(1)(g) of the Department of Veterans Affairs Act says: "Subject to such appropriations as Parliament may provide" and it goes on.

There is ample authority for the idea that clauses can be inserted in bills that will prevent money being expended under the bill unless and until Parliament appropriates money for the purpose set out in the bill. I refer Your Honour to citation 613 of Beauchesne's sixth edition where it states:

A bill, which does not involve a direct expenditure but merely confers upon the government a power for the exercise of which public money will have to be voted by Parliament, is not a money bill, and no Royal Recommendation is necessary as a condition precedent to its introduction.

That is the first point. This bill does not require that the government pay pensions to these persons. It says that the payment of the pensions is subject to appropriations as may be given by Parliament. The government in order to pay these pensions would have to bring in an estimate in the usual way with a recommendation from His Excellency recommending that estimate to the House.

I submit that it falls squarely within the ambit of citation 613 of Beauchesne's. I could cite in further aid citation 614 which states: