

Northern Affairs and National Resources

The details of the projected measure are not then disclosed and debate is confined to the resolution which should not be lengthy, although care must be taken that the terms used are sufficiently wide to cover the whole of the bill which will be subsequently introduced. No amendment affecting the purposes for which the grant is recommended by the crown can be allowed. The constitutional principle which vests in the crown the sole responsibility of incurring national expenditure forbids an increase by the Commons of a sum demanded on behalf of the crown for the service of the state.

The balance of citation 439 is not applicable. Citation 440 reads:

The fundamental terms of a money resolution submitted to the house with the Governor General's recommendation upon which a committee of the whole is set up cannot be amended. Amendments will only be in order if they fall within the terms of the resolution. The procedure in committee on those resolutions follows in principle the procedure of the committee of supply, and amendments are out of order if they are proposed with a view to substituting an alternative scheme to that proposed with the royal recommendation.

That citation draws attention to the importance of the terms of the original resolution because that resolution cannot be amended. Therefore it is buttressing the statement I have read already from citation 439. It is quite clear that the utmost care must be taken in framing the terms of the original resolution, that everything intended to be included within the scope of the ensuing bill must be stated in clear terms in the resolution and be clearly included within its scope.

Citation 443 on page 170 reads:

An amendment agreed to in committee of the whole on a bill was ruled out of order by the Speaker, on his own initiative, when the order was called for receiving the committee's report, because it contemplated a larger expenditure than was provided for in the original resolution which had been recommended by the Governor General prior to the introduction of the bill.

It is quite clear that here we are dealing with something that is essential in the Canadian constitution as well as something which is firmly embedded in the procedure of this house. Any expenditure to be authorized by this house must commence with a recommendation to the house by the Governor General. That recommendation must go the full length in including every expenditure which is subsequently to be embraced within the terms of the bill. It is not sufficient for the approval by the Governor General and for the resolution passed by the house to cover a portion of the expenditure subsequently provided for in the bill. The only departure from that firm rule has been in cases where the resolution makes provision for the payment of salaries and then the bill simply proceeds in the exercise of the power so given to name the amounts of the salaries.

[Mr. Fleming.]

But here we are in a different class of case entirely; here we are in a situation where the Governor General has given approval to a resolution which provides for the establishment of two museums. The terms of the resolution were clear as crystal in that respect. The approval of the Governor General stopped there. The extent of the consideration given to that resolution in committee of the whole stopped there. The approval given in committee of the whole house and subsequently by the house stopped there. There was nothing said about the approval of additional power which could involve additional expenditures.

Here we have in the bill before us not only a violation of the terms of the resolution but we have an unwarranted departure from constitutional practice as well as an untenable departure from firmly established procedure of the house. The resolution could not have been amended—and I ask you to give thought to that point—in the committee for the purpose of providing for larger or additional expenditures such as are involved in the omnibus power contained in the last four lines of the clause.

We therefore have a situation where this bill, being bad in part as not having been authorized by the resolution or approved by the Governor General, must therefore be bad in all. If the government desires to bring in a bill containing such omnibus power, then it will have to introduce a new resolution for that purpose. On the other hand, if they choose to proceed with a bill that provides simply for the establishment of two museums, then a new bill will have to be introduced in keeping with the limited terms of the resolution which was passed by the house on February 22. For these reasons it is my respectful submission that the present bill is out of order.

Mr. Gordon Churchill (Winnipeg South Centre): Mr. Speaker, I should like on this point of order to support the argument advanced by the hon. member for Eglinton. The resolution as presented by the minister and discussed by the minister in the house was a misleading resolution. It did not disclose the full facts that have now come to light in Bill No. 161.

The house gave approval to the minister's request that authority be granted for the setting up of two museums, and gave approval to nothing else. We now find in the bill that the minister is asking for very extensive powers. If the bill passes in this form the minister may set up any number of museums and simply introduce the financial authority by items in the estimates.