

Point of Order

the charges. If it goes to the other place and the charges are put back partially or in some form, is that not an initiative of the other place which increases the expenditure that had been considered in this place?

Mr. Milliken: It may increase the expenditure which has been considered in this place, but the original expenditure was authorized by an act of Parliament. In other words, the act of this House, the act of the other place, and the Royal Assent of the Crown. All three of those elements had to combine in order for that expenditure originally to be authorized. I submit that what we are involved in here is not one House in the legislative process but all three elements, and what is required before we can change the order of expenditure authorized by that original bill is another act of Parliament.

The Constitution Act does not give this House the exclusive right to control expenditures. It does provide that bills for appropriating any part of the public revenue must originate in this House. We have a right to deal with them first. Certainly without a Royal recommendation attached to an authorization for spending, it could not be passed by this House. That much is clear from the Constitution. Sections 53 and 54 provide for that.

If this House receives a bill with or without a Royal recommendation that reduces the charge already there, before that reduction can take effect it must receive the assent of the other place and the Royal Assent. Those are the elements that are required to make that a law. We do not have, as a House, an exclusive right to decide on a new limit that is lower than what has already been authorized by statute. Statute is statute. It is no longer the creature of this House alone. It is the creature of all three elements in Parliament.

The government House leader is saying that once Parliament has enacted a law, if we want to change it we in the House of Commons have the exclusive right to change it, and that is not accurate; that is not the way the law works. An amendment to a statute requires the same thing that the statute itself required: introduction in this House and passage, introduction and passage in the other place, and Royal Assent. It must have all three before it can become law and change the original law.

Mr. Speaker: I am only exchanging views with the hon. member so that I clearly understand his argument. Perhaps the hon. member could wrap up his argument. I think I have the points.

Mr. Milliken: I have only one other point to make, Mr. Speaker.

Mr. Speaker: Very briefly.

Mr. Milliken: Yes, Sir. In order for a point of order to be a valid one in this House, aside from the argument with respect to time limits, it must be one that is raised in relation to the business of the House. We had a spectacle on April 3 of the government House leader raising this point of order when there was nothing before this House for consideration. He has not proposed a motion for a message to the Senate. There is no proceeding before this House. The Senate message has arrived on the table of this House. The Senate insists on certain amendments. That message is sitting on the table of the House. It has never been taken off. Nothing has been done about it, and it happens in the normal course of events.

The government House leader has raised a point, under the guise of a point of order, saying that he wants Your Honour to do something now. I submit that that is a very important principle because if I had stood up on a point of order saying out of the blue that I think, in relation to something that happened down the hall or some other place, I should rise on a point of order and object to it, I think Your Honour would say no, that it has nothing to do with the proceedings in this House.

He has to move a motion, upon which he may then want to make an argument, but it has nothing to do with order, procedure and dealings in this House. The only reason I did not raise this argument at the beginning, Your Honour, is because I thought Your Honour would see it so clearly that you would say that you did not want to hear the rest of my arguments. I have saved it for the end.

Mr. Speaker: There is no way I would ever say that to the hon. member. However I have your point.

Perhaps I could hear briefly from the hon. member for Saskatoon—Clark's Crossing, come back to the hon. member for Ottawa—Vanier and listen to the parliamentary secretary. I am not going to listen very much longer as this has taken up quite some time and I think I have the arguments.