

Dominion Coal Board Dissolution Act

Mr. Speaker: Before calling Bill S-3, an act to provide for the dissolution of the Dominion Coal Board and for the repeal of the Canadian Coal Equality Act, the Coal Production Assistance Act and the Dominion Coal Board Act, I have to refer to a procedural discussion which took place in the House during the last few days.

On Thursday last the hon. member for Peace River rose on a point of order to suggest that the provisions of Bill S-3, an act to provide for the dissolution of the Dominion Coal Board and for the repeal of the Canadian Coal Equality Act, the Coal Production Assistance Act and the Dominion Coal Board Act, constituted a violation of clauses 53 and 54 of the British North America Act and also of the provisions of two of our most important rules of procedure, Standing Orders 62 and 63. In his submission the hon. member contended in particular that the stated purpose of clauses 2 and 3 of the bill dealt with the appropriation of public funds and, this being so, that the bill could only be initiated in the House of Commons upon a recommendation of the Crown.

• (2:10 p.m.)

Subsequently, on Monday last the hon. member for Winnipeg North Centre debated the point of order and referred in some detail to a number of authorities dealing with the question of appropriating public funds. I suggest that the hon. gentleman made a lucid and cogent presentation and received the strong support of the hon. member for Edmonton West.

The President of the Privy Council, when he entered the discussion on Monday last, quoted citations 449 and 450 of Beauchesne's third edition in relation to the proceedings on Bill S-3. Those citations read as follows:

449. 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 resolution is necessary as a condition precedent to its introduction.

450. A bill designed to furnish machinery for the expenditure of a certain sum of public money to be voted subsequently by Parliament may be introduced in the House without the recommendation of the Crown and without a resolution being first considered in committee.

I have had an opportunity to review the origin of the citations referred to by the minister. They are to be found at pages 118 and 119 and page 240 in the Journals of 1912-13 but, frankly, I do not think those two precedents are analogous to the question now before the House.

[Mr. Trudeau.]

In his ruling given on January 16, 1912, the then Speaker stated, in part, as follows:

The question is not free from difficulty. Mr. Bourinot in his observation seems to have extended the scope of the rule rather beyond the terms in which it is worded. What those terms cover is "A motion for any public aid or charge upon the people." This bill does not constitute such a motion. The most that can be said is, that under its provisions, something may be done which may give rise to a claim against the government. If this be sufficient to bring it within the rule, then it would have to be held that every bill conferring a power upon the government in the exercise of which expense might be incurred, comes under the rule. This, in my opinion, would be giving altogether too extensive an interpretation to the words "a motion for any public aid or charge upon the people."

While the authorities are not absolutely reconcilable, I am not disposed to attach to the rule this very enlarged meaning. I am therefore of opinion that no resolution is necessary.

It will be seen from the remarks of Mr. Speaker in 1912 that there was no question of altering or amending any provision of any Appropriation Act.

The provision in subclause 2 of Bill S-3 cannot be construed in any manner except as an amendment to Appropriation Acts, past and future, and bestows upon the Governor in Council power to dispose of moneys in a manner not authorized by the relevant provisions of certain Appropriation Acts.

By allowing those financial provisions to remain in a public bill sent down from the Senate, the privileges of this House, in my opinion, have been infringed. Section 1 of Standing Order 62, which is explicit in that regard, reads as follows:

This House shall not 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 that has not been first recommended to the House by a message from the Governor General in the session in which such vote, resolution, address or bill is proposed.

My ruling, therefore, must be that as the provisions in Bill S-3 relating to the appropriation of public moneys infringe the privileges of this House that bill should be laid aside. Therefore the notice for first reading of this bill will be removed from the Order Paper.

Order discharged and bill withdrawn.

QUESTIONS ON THE ORDER PAPER

(Questions answered orally are indicated by an asterisk.)

INDIAN AFFAIRS BRANCH PERSONNEL

Question No. 220—**Mr. Howard (Skeena):**

As of April, 1969, how many people were on the staff of the Indian Affairs Branch?