

Whenever the comptroller is of the opinion that a doubt exists as to the legality or otherwise of a proposed charge to an appropriation provided for the expenses of the Senate, the House of Commons or the library of parliament, he shall forthwith, through the minister, draw the matter to the attention of the appropriate minister who shall obtain a decision in accordance with such procedure as may from time to time be prescribed by the Senate or the House of Commons as the case may be or, in the case of the library of parliament, by the Senate and the House of Commons, and the comptroller shall act in accordance with the decision.

Hon. Mr. ABBOTT: I think I should say that the department would have no objection to either one. I think the section as drawn overlooked an important procedural point, but probably either one of those would more accurately reflect what the procedure should be.

Mr. SINCLAIR: I move that the second one be adopted.

Mr. FRASER: That is what I was going to do too, Mr. Chairman.

The CHAIRMAN: There is a motion by Mr. Sinclair that the second clause that I just read should replace subsection 6 of section 31.

Shall the motion carry?

Carried.

Then, section 31 is carried in its entirety. We now go over to section 38. I think the solicitor for the treasury has an amendment to offer on this section 38.

38. It is a term of every contract providing for the payment of any money by His Majesty that payment thereunder is subject to there being an appropriation for the particular service for the fiscal year in which any commitment thereunder would come in course of payment.

Hon. Mr. ABBOTT: I did not think that there was any thought about an amendment. I understand the question was raised here that it was perhaps unfair to people who are contracting with the government that their rights should be contingent upon, at least, their right to recover money, should be contingent upon parliament voting an appropriation at a subsequent session. In fact, as the committee knows, the constitutional practice has always been that votes lapse at the end of the year and any contract which was entered into is always subject to the implied condition that parliament will vote the moneys to carry it out. This section, as I understand it, was intended to put into statutory terms what has in fact been the practice. There has never been a case of which I am aware that a successor government has refused to honour the obligations incurred by a predecessor. There has never been a case where parliament has refused to vote the necessary moneys to carry out contracts which have been entered into. The purpose of this section, I think, is that it is desirable that the government should have to go to parliament each year for a vote to carry through a contract which is entered into. And there is this further point too, I think, that the government of the day, the Minister of Finance of the day, must estimate as accurately as he can his expenditures for the 12-month period and if he over-estimates or under-estimates that shows up when he has to go to parliament for revotes or for supplementaries. I would not think that any person dealing with the government would be prejudiced by the inclusion of a condition of this kind and it does seem to me that it imposes a little greater parliamentary control over the expenditure required. That is the only reason for putting it in. As far as the Department of Finance is concerned, or as far as the executive is concerned, we would be better off without such a section. It is a check, and I