

*Dominion Coal Board Dissolution Act*

been a legal appropriation, which there was in this case. If there had not been any appropriation at all, of course the clause would not apply.

I think it might be of some assistance to refer to some of the precedents in this regard. In the opportunity I have had to look into this matter I could find no precedent exactly on the case which appears to have commended itself forcefully to Parliamentary counsel. I would, however, like to draw to the attention of the Chair two citations from the third edition of *Beauchesne* which would seem to be particularly germane to the type of measure we have here. The first is paragraph 449. It is a brief one and I should like to read it in full if I may:

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.

I submit that the procedure being followed here is analogous to the procedure being discussed in that particular case. Here we have a situation where money has in fact been voted by Parliament and, therefore, it is a question of changing the tense of the quotation in that particular paragraph and saying that where money has been voted by Parliament no direct charge against the Crown is involved and therefore no recommendation is necessary in this particular context.

The other precedent to which I would refer is paragraph 450 of *Beauchesne's* third edition, the one immediately following the one to which I have referred. Here again I should like to quote the paragraph in full:

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.

Just to remind the House, of course, the procedure referred to in that decision, that is to say, a resolution being first considered in committee, is due to the rule changes of last year, no longer required in the House. I would say by analogy that that precedent applies in this case. Parliament did approve an appropriation bill last year for the Dominion Coal Board. What this particular bill does is provide the machinery whereby the executive government may take advantage of those particular funds that have already been appropriated by parliament. Therefore on an analogous principle, by carrying forward to a later date in time, that is to say to the time

when funds have been appropriated, this would be machinery to deal with funds which have been appropriated after the dissolution of the corporation in question.

There is also another body of opinion which I have had an opportunity to consider. I should also like to bring this to Your Honour's attention. This, in essence, is a second alternative. This argument is really founded upon the opinion held in some quarters that there probably is no necessity at all for clause 3(2) in this particular bill.

In answer to the obvious question concerning why it was put in, my understanding is it was put in out of an abundance of caution on the advice of legal counsel to make certain there would be no doubt concerning the propriety of the provision. I submit, however, there has already been an Act of Parliament, preceded by the necessary formality, which in fact authorizes the re-direction of the particular Act of appropriation already made for another purpose. I should like to draw to your attention the Financial Administration Act, which is chapter 116 of the Revised Statutes of Canada and more particularly section 81 of the Financial Administration Act. Section 81(2) stipulates:

The Minister of Finance may, with the concurrence of the appropriate Minister, direct a corporation to pay all or any part of the money of the corporation to the Receiver General to be placed to the credit of a special account in the Consolidated Revenue Fund in the name of the corporation, and the Minister of Finance may pay out, for the purposes of the corporation, or repay to the corporation, all or any part of the money in the special account.

Similarly subsection (3) of that section makes a stipulation with regard to the application of surplus funds where they have been appropriated but not used or otherwise dealt with. The decision of the minister in question is to be supported by a decision of the Governor in Council. I, therefore, make an argument on two grounds; first, that the provisions of the bill indicate it is in order in that, in effect there has been advance appropriation of public funds. The funds are to be provided for the ends, benefits, conditions, obligations and qualifications for which the sums were originally appropriated in the Appropriation Act of last June. Therefore, there has been the necessary authorization by parliament of an appropriation against the public revenue. That being so, this in effect is a procedural means whereby funds already appropriated may be dealt with so far as necessary by the department to which the responsibility will be given if parliament