

Dominion Coal Board Dissolution Act

[English]

NATIONAL PARKS ACTAMENDMENTS RESPECTING DEFINITION,
ACQUISITION, ADMINISTRATION, ETC.

Hon. Donald S. Macdonald (for the Minister of Indian Affairs and Northern Development) moved for leave to introduce Bill C-152, to amend the National Parks Act.

Motion agreed to, bill read the first time and ordered to be printed.

DOMINION COAL BOARD DISSOLUTION ACT

MEASURE TO DISSOLVE

On the order:

First reading of Senate Public Bills—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—The Minister of Energy, Mines and Resources.

Mr. Speaker: Bill S-3 comes forward for consideration under this item. I take the liberty of reminding hon. members who have taken an interest in the procedural point raised last week that perhaps at an early opportunity they may wish to submit arguments in relation to the proposed Bill S-3 for the consideration of the Chair. Shall the matter stand?

Hon. Donald S. Macdonald (President of the Privy Council): Mr. Speaker, I am prepared to accommodate my hon. friends, but I wonder whether they would be prepared to go ahead today. I should like to deal with this matter on Wednesday next if they wish. I believe the hon. member for Peace River has already made his argument, and I am addressing myself to other members of the House. I am prepared to go ahead today if hon. members so wish.

Mr. Knowles (Winnipeg North Centre): Mr. Speaker, I am in the hands of the House. I am prepared to go ahead or I am prepared to wait.

● (2:50 p.m.)

Mr. Macdonald (Rosedale): Then, Mr. Speaker, perhaps I might be permitted to make my argument now in relation to the bill. You Honour might then have the privilege of spending another holiday looking into the precedents of the House.

As I followed his argument the other day, the hon. member for Peace River's objection to the proposed Bill S-3, an act to amend the

[Mr. Caouette.]

Dominion Coal Board Act and certain other statutes, was basically founded upon the provisions of section 53 of the British North America Act and Standing Orders 62 and 63 of the House, which to a substantial degree re-enact the directions given by the British North America Act.

For the purpose of my argument in this regard, perhaps I might be permitted to indicate in a general way the provisions of the bill. Clause 2 provides for the dissolution of the Dominion Coal Board. Clause 3(1) provides that all rights and property of the board, and all obligations and other liabilities, are transferred to, vested in, or imposed upon the Crown itself. Clause 3(2) of the bill is the one to which the hon. member took exception. This clause stipulates that where an appropriation has been made by an Appropriation Act, either present or future, to defray the expenses of the board, then that sum may be applied to such appropriate branch of the Department of Energy, Mines and Resources as the Governor in Council may determine. Clause 4 repeals the other Acts referred to and, in my submission, is not material to the point of order raised by the hon. member.

The critical question, therefore, is whether this provision amounts to an appropriation of public revenue as indicated in Section 53 of the British North America Act and, therefore, also whether there should have been preceding this bill a recommendation under the hand of His Excellency recommending the measure to the House and, in particular, whether, therefore, the measure should have been commenced in this House rather than the other place.

I should like to submit two arguments in this connection supporting the conclusion that this is not a money Bill, in the very broad term used often in debate in this House, introduced as an appropriation of the public revenue and therefore this is not a measure which requires a recommendation of His Excellency or one required to be introduced in this House. The basis upon which I would make my argument, firstly, is the very terms of clause 3(2) of the proposed bill. There can be no application of the section and therefore, there can be no charge against the Consolidated Revenue Fund unless there is, in fact, an Appropriation Act. Putting that in the context of the Appropriation Act passed in June this year which provided the appropriation for the board in the current year—unless the House had previously taken exception to it, and there is no exception now—clause 3(2) could not operate unless there had