

The motion standing in the name of the Honourable the President of the Treasury Board (Mr. Chrétien), having been called, as follows:

That Vote L27a, in the amount of \$5,000,000. of the Treasury Board, in respect of Loto Canada, in Supplementary Estimates (A) for the fiscal year ending March 31, 1977, be concurred in.

And a point of order having been raised by the Honourable Member for Vegreville (Mr. Mazankowski);

RULING BY MR. SPEAKER

MR. SPEAKER: The point of order raised by the honourable Member for Vegreville (Mr. Mazankowski) is a very important one, and it will come as no surprise to honourable Members that the Chair has had an opportunity to anticipate it to some extent. The support given by the honourable Member for Winnipeg North Centre (Mr. Knowles) and by the honourable Member for Grenville-Carleton (Mr. Baker) was carefully noted; it conformed to many of the pronouncements and precedents which have been cited, as well as to others which have been referred to in the research done up to this point.

The President of the Privy Council (Mr. Sharp) has presented a portion of the opposite case. I note that his Parliamentary Secretary (Mr. Blais) and the Parliamentary Secretary to the President of the Treasury Board (Mr. Francis) were also anxious to get into the debate, but I did not find it necessary to hear them at this time.

There seem to be two questions to be decided. The first is whether the method which has been followed in bringing before the House a matter which involved not only dollars and cents but a question of principle is a desirable one. If we do adhere to the theory that a vote on second reading is a vote for or against the principle of the bill, then certainly it would have been preferable for such a matter as this, which involves not only money but a question of principle, to have been brought before the House in the form of a bill in order to allow honourable Members to address themselves at one and the same time to the question whether or not money should be voted to set up a lottery, and, further, to whether or not in principle the federal government should be involved in a scheme of this sort at the present time. However, that involved the question of the desirability of such a course being followed. The arguments of the three honourable Members to my left who have contributed to the discussion made a strong case in this regard.

Nevertheless, what I have to decide is not whether it is a desirable course, but whether it is a legal course in terms of our procedures, in other words, whether it is permissible. It is not proper to compare it with a one-dollar item in the estimates because these are technical in every sense of the word, neither is it proper to attempt to compare this particular case with cases which have been argued rather ably in the past and which led to difficulty with respect to a supply bill because it contained a borrowing clause. I say this because the borrowing clause problem surfaced only at the time the supply bill was presented. This item is fundamentally different inasmuch as it was Tabled as an estimate a month ago and is therefore substantially different

from the principle involved in a borrowing clause. In a situation such as this, I have to conclude that where legislative authority exists separate from the item in the estimates and where that authority permits the establishment of the kind of corporation which is envisaged here, and indeed both the references to the Criminal Code and to the Corporations Act are supported and do in fact provide that authority, then what is happening is that the government is not coming to Parliament for legislative authority to do something, but in fact possesses the legislative authority and is coming to Parliament for the money to fund it.

Again I say the desirability of this course is open to severe question, and it would certainly be hoped that where a question of principle is involved in an urgent situation, such as that which has given rise to this course and this particular situation, it would be considered an extremely singular situation, and will not be repeated in the future.

However, I do have to find and rule that in fact the legislative authority exists separate and independent from the estimates, and, therefore, what is sought in the estimates, the item before the House, is the money to support that legislative action which exists independent from it. In these circumstances I have to conclude that there is no legal bar to proceeding in that fashion.

Mr. Chrétien, seconded by Mr. Sharp, moved,—That Vote L27a, in the amount of \$5,000,000. of the Treasury Board, in respect of Loto Canada, in Supplementary Estimates (A) for the fiscal year ending March 31, 1977, be concurred in.

And the question being put on the motion, it was agreed to, on the following division:

(Division No. 141)

YEAS

Messrs.

Abbott	Campbell (Miss)	Dionne
Allmand	(South Western Nova)	(Northumberland-
Anderson	Campbell	Miramichi)
Andras	(LaSalle-Emard-Côte	Douglas
(Port Arthur)	Saint-Paul)	(Bruce-Grey)
Andres	Caron	Drury
(Lincoln)	Chrétien	Duclos
Appoloni (Mrs.)	Clark	Dupont
Baker	(Rocky Mountain)	Dupras
(Gander-Twillingate)	Clarke	Duquet
Baker	(Vancouver Quadra)	Elzinga
(Grenville-Carleton)	Clermont	Epp
Basford	Coates	Ethier
Beatty	Collenette	Faulkner
Beaudoin	Comtois	Fleming
Bécharde	Condon	Flynn
Bégin (Miss)	Corbin	Foster
Blais	Corriveau	Fox
Blouin	Côté	Francis
Boulanger	Cullen	Fraser
Brisco	Cyr	Gauthier
Buchanan	Danson	(Roberval)
Bussières	Darling	Gauthier
Caccia	Daudlin	(Ottawa-Vanier)
Cadieu	De Bané	Gendron
Cafik	Demers	Gillespie
Campagnolo (Mrs.)	Dick	Goodale