

Government Organization

by both sources that the resolution was in proper form and was broad enough to cover the whole bill and the specific point raised by the hon. member. There is no new financial expenditure authorized by the bill in respect of the department of forestry. The minister has the power to operate under existing forestry legislation or under the ARDA legislation. Otherwise he must receive specific authority for expenditure under appropriation acts.

In general the forestry changes relate to a change in the name of the minister. Clause 35 describes the minister's salary as new but there is no increase in the ministerial salary. Only a change in the name of the minister is involved. Therefore I maintain that the resolution is in proper order and that we can proceed with a discussion of this legislation in the terms in which it has been presented to this house.

Mr. Baldwin: May I ask the minister a question? If he is relying on the argument he has just presented, would it not be proper to say that we did not need a resolution because that argument applies to other changes made in other ministerial positions?

Mr. Benson: I do not think that is the case because in other cases new ministries are created rather than there being merely a change of names. The registrar general, for example, involves an entirely new department, as does the appointment of the president of the treasury board. These are entirely new appointments involving new expenditures of money and must, therefore, be included in the resolution.

Mr. Olson: Mr. Speaker, I must disagree with the Minister of National Revenue because the Solicitor General of Canada is named in the resolution and this does not involve the creation of a new department.

Mr. Benson: On a point of order, this will involve a new department as there has never been a Solicitor General's department.

Mr. Olson: In so far as all of these departments are concerned, by using the argument advanced by the Minister of National Revenue one could interpret the resolution as being merely one to change names, as has been suggested in so far as the Minister of Forestry is concerned. Let me say this so that the hon. member for Peace River will understand the question I asked him. I do not regard this point of order as being picayune or nigging.

I think this is a very serious matter, and when I asked the hon. member for Peace River whether the point he raised was the only point to which he took exception I was seeking information. I think we should be very careful in considering this resolution because I think there could be lengthy and involved discussion about the legality of this legislation if, as the hon. member for Peace River suggested, someone at a future date should challenge the legality of a minister's position. We must concern ourselves about the legality of future functions and actions of ministers under the authority of the proposed legislation.

I do not intend to repeat all or part of the case advanced by the hon. member for Peace River because I think he has examined the situation very carefully. In my view he has put forward a sound case which should be examined again very carefully to make sure that this proposed legislation will stand up in law. It may be that a minor amendment to the resolution is required in order to make certain that this legislation will be legal. If that is the case I hope we can find some simple way of correcting this small yet important omission in order to prevent any difficulty in the future.

Mr. Nasserden: Mr. Speaker, I think it should be remembered, in view of the fact the minister referred to the law clerk of the House of Commons in this regard, that many private members' bills have been turned down for the very reason which has been brought forward in respect of this legislation.

Mr. Benson: Mr. Speaker, perhaps I might correct a misunderstanding. I meant to indicate that I had relied on the opinion of a law officer of the crown and that the law clerk was consulted in order to gain an extra opinion in support of our belief.

Mr. Nasserden: That does not change the fact that a number of private members' bills have been turned down for the same reasons advanced in regard to the legislation now before us. A very minor change would bring the resolution into order and I cannot understand why the government should not propose such a change.

Mr. Hamilton: Mr. Speaker, at the outset I wish to indicate that I am speaking on the point of order and not on second reading. The aspect of this whole debate that bothers me relates to the fact that the government suggests that since there is no change in the