

Government Organization

the department and in particular in respect of the minister, you must provide through a money bill for these salaries and costs.

This is quite apparent, because if Your Honour will examine clause 35 of Bill C-178 you will see that sections 4 and 5 of the Salaries Act are repealed and the following is substituted therefor; in other words, the position of the Minister of Forestry is repealed and the sections of the Salaries Act which provide for his salary as repealed. In order to establish a new minister we must have legislation to establish a salary for him, and I say that quite plainly this involves an appropriation by this house of a certain sum of money for the salary of this new minister. I suggest that under those conditions it is absolutely necessary that the resolution contain as a vital part thereof a provision that there is to be a minister and there is to be a salary. I will go further than that.

Mr. Olson: Mr. Speaker, may I ask the hon. member a question?

Mr. Baldwin: Surely.

Mr. Olson: May I ask whether it is just these words pertaining to the Ministry of Forestry in the resolution to which he objects or are there others?

Mr. Baldwin: I will develop that argument. I will tell the hon. member for Medicine Hat that in my view it is quite possible that the difficulty in this instance probably taints the whole bill with illegality. This is not a picayune technical argument. I believe it is our duty to make sure that legislation which is passed by this house is in the proper form. The powers to be given to the new minister of forestry and rural development are very considerable and contain the right to interfere with individuals and property belonging to individuals. We well might say and officials of the Department of Justice might say at first blush that the bill is proper in its present form and should be passed. But anyone whose rights are affected surely has a right to challenge this legislation, and I think we would be derelict in our duty if we did not bring these matters to the attention of the house and Your Honour so that when this bill leaves this chamber it will be in proper form.

I was about to refer Your Honour to clause 6 on page 7 of the bill. There the new minister of forestry and rural development has given to him certain powers and authorities which by implication at least, and I

[Mr. Baldwin.]

believe expressly, involve an expenditure of money. The minister may conduct economic studies relating to the forest resources, forest industries and marketing of forest products, make investigations designed to aid the forest industries and woodlot owners of Canada and assist external aid programs relating to forestry. If this section stands by itself as an amendment to the Forestry Act, I suggest that the government, under the terms of section 54 of the British North America Act, would be compelled to precede this bill by a financial resolution. So we have two counts; first, that there is established a new minister who was not in existence before and there is provision for his salary and, second, we have given that minister a power in respect of the expenditure of money which did not exist before. I submit that the resolution which we considered previously was defective, if it is to be used as a foundation for this bill. I think this is very significant.

● (5:40 p.m.)

Let me conclude by saying that six new ministerial positions are being created; yet the government has seen fit in respect of five new ministers with new titles to refer to them in the resolution but not to mention specifically the other new department and minister. In my opinion there is not the slightest distinction to be found between the five new departments and the department of forestry and rural development. If it is essential for the legality of this bill to include five in the resolution, why should it not be just as essential to include the department of forestry and rural development?

If it is correct that under the wording of section 54 of the B.N.A. Act it shall not be lawful for the House of Commons to adopt or pass any bill of this kind there is a strong supposition that the whole bill may be tainted with illegality and that this house has no business at this time to adopt it.

I conclude on that note. I think there is a valid complaint in that the government's procedure is defective. I believe that the resolution was defective, and that the bill following cannot properly be placed before us in that it fails to provide a proper foundation for legislation because of the lack of reference to the ministry of forestry and rural development.

Mr. Benson: Mr. Speaker, on the point of order raised by the hon. member I should like to state that I have again checked with a member of the Department of Justice and the House of Commons law clerk. I am advised