

sure the matter can be successfully concluded by the hon. member for Peace River.

Mr. Baldwin: Mr. Speaker, as I understood the last remarks of the Postmaster General, he was in effect saying that if you successfully engage in embezzling funds once and get away with it another dozen times, it then becomes a precedent and it is perfectly all right. The government says it engages in embezzling funds because it is more convenient, it is simpler and it does not have to go through the process of bringing before those nasty members of parliament all the reasons it wants this money so that it can be discussed in standing committees or in the House. The government says it does this by the simple, slippery method of using a \$1 item in the votes.

Some hon. Members: Hear, hear!

Mr. Baker (Grenville-Carleton): That was the essence of the argument.

Mr. Baldwin: I ask Your Honour to take judicial notice, because you are now presiding, and I ask you, as judge, to direct yourself and the jury to take notice of the fact that it is now 4.30 on Monday afternoon and three ministers of the Crown have risen, not to defend the principle, which is secondary, but to defend their own particular connivance with regard to the use of this method of obtaining money.

These ministers did not deal with the principle. They completely forgot the principle. The Minister of Energy, Mines and Resources said that all the government is doing by vote L62d is authorizing Eldorado Nuclear to borrow some money. That constitutes an appropriation of funds, as far as this parliament is concerned, and it is designated by the statement put out, as I understand it, by the government. The estimates division of the Treasury Board put out a list of \$1 votes included in supplementary estimates D. Category E is defined as being votes which authorize, guarantee or affect existing legislation. Obviously, this is not a guarantee and this, therefore, constitutes an admission of guilt by the Minister of Energy, Mines and Resources at the very instance of the words which have been put into the mouth of the estimates division of the Treasury Board that it is legislation.

I am not going to retrace the arguments which have been made by hon. members on all sides of the House with regard to this question, but the primary purpose of parliament is to pass on the appropriation, the voting and the expenditure of money. That is what brought parliament into existence. That is why we continue, albeit with extremely limited powers. There is no doubt about it; *Hansard* is full of statements of that kind. Beauschene's, page 198, citation 233, reads in part as follows:

It is one of the old standing principles of our constitution that the House of Commons should control the finances of the country. That is the right, privilege and duty of the House.

We cannot control practices of this kind. There is simply no way by which we, on behalf of the people of Canada, can control the expenditures of this government. I intend to prove that very briefly in my remarks. I call to the attention of Your Honour what was said by Mr. Speaker Lamoureux in a

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statement which has already been referred to. At page 4126 of *Hansard*, third session, twenty-eighth parliament, in 1971, Mr. Speaker Lamoureux said the following:

The minister is right, of course, when he suggests that the introduction and passage of statutory items in supplementary estimates is not an innovation in this House. This is a practice which goes back many years. At the same time, it has never been accepted readily by the House.

So much for these so-called precedents.

Our debates record many instances when members have taken exception to the practice. The hon. member for Winnipeg North Centre himself is not a neophyte in this regard. For example, on March 31, 1952—if he does not mind my going back so far—as reported at page 969 of *Hansard* of that day he voiced strong objection to an item in the estimates which, he contended, would circumvent section 3 of the Atomic Energy Control Act. Another example of such objection is a statement by the then hon. member for Digby-Annapolis-Kings, who stated in part as follows: "You have statutes; you may repeal them; you may amend them; but you cannot do it by supply bills."

The then member for Digby-Annapolis-Kings was a very good friend of mine and a great parliamentarian. I am glad to be standing next to Mr. Nowlan's son at this time.

Some hon. Members: Hear, hear!

Mr. Baldwin: The gist of the argument we are making at this time is that hon. members of this House are deprived of the opportunity to check, to challenge, to call witnesses, to examine in detail and to see to what extent there is adequate protection for the tax paying public of this country. Those rights are indispensable to our obligation to discharge our duties on behalf of the people of Canada, but they are taken from us by the use of \$1 items which are, in effect, not legislative items and they do not amend legislation.

I conclude by calling to the attention of Your Honour two or three examples which indicate the grave dangers which exist if this practice is allowed to continue. The hon. member for Vegreville referred to the second report of the Standing Joint Committee of the Senate and the House of Commons on Regulations and Other Statutory Instruments. One of the things which was brought before that committee was the way in which the government slyly and surreptitiously enacted regulations based on items of this kind in such a way that nobody was aware of what was being done, of how much money was being spent and the circumstances under which it was being spent. On page 33 of that report the following appears:

In delving into the intricacies of enabling powers under votes, the committee soon discovered that the enabling powers were often not found in the votes themselves, but in items in the estimates to which individual votes related.

I pause here to say that the committee discovered that there were at least 104 illustrations of this practice from 1972 to 1976. There are still some we were not able to discover. The committee had occasion to consider two amendments to the shipbuilding temporary assistance program regulations. I suppose these regulations were enacted properly in connection with shipbuilding temporary assistance. We perused the votes of the Department of Industry, Trade and Commerce, assuming that we would find the basis for those regulations. But we found none. We then went back and inquired of the department and we were told that the authority lay in vote No. 5 and the item entitled "Capital subsidies for the construction of