

Estimates

you think are the important issues, namely, whether the item which is in the estimates and the bill now before the House are a proper use of the supply procedure for legislative purposes. This was the point raised by the hon. member for Winnipeg North Centre (Mr. Knowles).

I draw attention to the fact that many programs are approved, not by separate statute, but by items in the estimates. Indeed, if we look at the main estimates which have just been approved, and the bill based on them which has just been approved by this House, we shall see several items of that character. For example, I draw attention to Vote L25, of the Department of Industry, Trade and Commerce, concerning the General Adjustment Assistance Program. That has its legislative foundation in this item in the estimates. No other legislation is required. Also, consider Vote L15 coming under the Department of Regional Economic Expansion concerning community and industrial infrastructure development. This item in the estimates forms the foundation of this program; no other legislative authority is required.

I also refer Your Honour in these particular estimates which have just been approved by the House to Indian Affairs and Northern Development, Vote L15, dealing with the Indian housing assistance program. These are established as an item in the estimates as approved and carried forward in the appropriation bill. All these give the government authority for programs for which there is not other specific legislative sanction.

It may be that there can be a preference on the part of the government, or of the opposition, as to whether any particular program should be expressed in the form of a bill or bills brought before the House in the ordinary way, or as an item in the estimates.

● (2250)

The point that is before you, Mr. Speaker, seems to be whether in fact a procedure is being followed which has been approved in the past and which is founded upon sound legislative practice.

The only grounds for objection to the legislative impact of an item in the estimates is when the primary purpose of that item is to amend an existing statute other than the Appropriation Act. The rulings on this are quite clear. The classic ruling by Mr. Speaker Lamoureux on March 10, 1967, quite clearly distinguished between items amending other statutes and items whose effects, although clearly legislative, do not amend existing statute law. The key portion reads:

—such proposals, when they are clearly intended to amend existing legislation, should come to the House by way of an amending bill rather than as an item in the supplementary estimates.

In conclusion may I suggest that the creation of Loto Canada is authorized by the Corporations Act and by the Criminal Code. Second, the provision of start-up money to the corporation and the authorization of payments does not amend any existing statute. Finally, and I hope this will be Your Honour's view, there is a strong and irrefutable argument that Vote L27a is entirely in order, and so is the bill based upon it.

Mr. Baker (Grenville-Carleton): Mr. Speaker, if we are to adopt in this House the reasoning just put forward by [Mr. Sharp.]

the President of the Privy Council (Mr. Sharp), especially his last point, then we are to admit the complete abandonment of any reason at all for a bill such as the one we just dealt with a few moments ago, or a bill of this nature. If we are to say that parliament is to approve all these things without customary debate and to use as the basis for it the Criminal Code of Canada, it is a sorry day for the legislative rights and the rights of this parliament.

The other point that he raised was with respect to a number of programs which he cited as precedents. The first program that he cited as a precedent for this happened to be an emergency program which, as I understand it, would perhaps be one of the exceptions under the ruling that was made in 1973. Surely that does not apply here. There does not seem to be any particular emergency about this that could not be satisfied by a bill before parliament which could be dealt with in the normal way.

The second example which he cited in support of this dealt with an established program under the Department of Regional Economic Expansion. That may be a sound precedent. I do not argue that point. However, it is certainly not a sound precedent for what the government is trying to do here, which is a completely new program.

I think the hon. member for Vegreville (Mr. Mazankowski) ought to be complimented with respect to the argument he has presented. I suggest he has put the case for a bill, a bill which we are prepared to deal with in a reasonable way. The support given by the hon. member for Winnipeg North Centre (Mr. Knowles) indicates that he, too, is prepared for a bill. I believe there ought to be a presumption, in any ruling Your Honour makes, against allowing such large sums of money to be passed through parliament so quickly without the usual trappings which are designed to permit the examination of programs of this nature.

I can quite appreciate the urgency of the matter as seen by the President of the Treasury Board (Mr. Chrétien), but to say that this is an emergency, or to argue that this is an established program, or to use the Criminal Code as the basis for producing what really amounts to a brand new program by way of a supplementary estimate, is not an acceptable argument and I believe the view put forward by the hon. member for Vegreville ought to be upheld by Your Honour.

Mr. Speaker: Order. The point of order raised by the hon. member for Vegreville (Mr. Mazankowski) is a very important one, and it will come as no surprise to hon. members that the Chair has had an opportunity to anticipate it to some extent. The support given by the hon. member for Winnipeg North Centre (Mr. Knowles) and by the hon. 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 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.