

Disposition of Supply Motions

have noted one thing, that is that for the second year in a row, some hon. members have played the same little game when we have come to the debate on supplies and items like those which we are discussing tonight. I believe that tonight the hon. member for Yukon (Mr. Nielsen) is showing bad grace and a purely negative attitude. Last year, more specifically on June 26, 1973, the same reasons and explanations were given. I think that it is time for the hon. member to put an end to this hoax and to go on to concrete action.

[*English*]

Mr. G. W. Baldwin (Peace River): To use the words of a prominent member of the government recently, the government has been caught with its pants down. I do not intend to go into the question of the merits. No matter what decision Your Honour may make, the fact remains that the House of Commons has lost the power to check government spending. Shades of C.D. Howe—"Who is going to stop us?"

Irrespective of the specific points raised by the hon. member for Yukon (Mr. Nielsen), the fact remains that here are three statutes which are amended in such a way that in the absence of such amendment the ends which the estimates seek to achieve could not have been attained. The former auditor general made it quite plain: he said the House had lost control over expenditures. A statement has been made by the President of the Privy Council (Mr. MacEachen). He knows better. That statement, one which to my amazement was supported by the hon. member for Winnipeg North Centre (Mr. Knowles), simply goes to establish the auditor general's point.

I shall not take up any more time. My hon. friend from the Yukon has made his point. Hon. members across the way do not care what happens to expenditures. As far as they are concerned we should amend statutes and let the items go. They are the powers that be, and nothing else matters. That is why I rose, not to deal with specific points but to rebut the improper position taken by the minister and supported by the hon. member for Winnipeg North Centre.

Mr. Speaker: I thank hon. members for their guidance in relation to the important point raised by the hon. member for Yukon (Mr. Nielsen). The House will understand that the Chair has sympathy with the ruling which has been quoted by the hon. member for Yukon. At the time the matter was first raised in the House in March of 1971, the Chair was allowed to reserve judgment. After giving serious thought to the points raised by hon. members on that occasion—and my recollection is that as many as eight or ten members took part in the debate—the Chair made the ruling which was quoted earlier this evening. One of the relevant parts is the following:

Since the adoption of the new rules, it seems there has been only one item with direct and specific legislative import that has been included in supplementary estimates. This particular item, included in the estimates for the year 1970-71, was allowed to go unchallenged and no point of order was raised in respect thereto. Thus, no practice has yet been established except perhaps that particular items proposing to amend directly and specifically a statute have not been included in supplementary estimates since the rules were changed in 1968 but for the lone exception just mentioned. The House therefore has not had the opportunity at this point to reaffirm the proposition that such proposals, when they are clear-

[Mr. Caouette (Charlevoix).]

ly 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.

I think this was a good principle to guide the House in its consideration of legislation and estimates, and I think I have to reaffirm the principle at this time. The three items to which the President of the Privy Council (Mr. MacEachen) has alluded are clearly one dollar legislative items. My understanding is that the precedent to which he referred, particularly the one of June, 1973, was not a dollar item. My understanding is it was a \$2 million legislative item. This is the difficulty, because the dollar legislative item is just that—it is just legislation by way of a dollar item in the estimates and I think it is not a practice which ought to be condoned and supported by the House.

● (2330)

The President of the Privy Council said that there are a large number of so-called dollar legislative items in the estimates. My understanding is that these are not actual dollar items which specifically amend existing legislation, but they are items which amend a previous Appropriation Act. There are many of these. In particular, before us now there are nine such items, but there is no suggestion made by the hon. member for Yukon, or indeed any member of the House or by the Chair, that these are irregular.

Hon. members might like to look at a precedent to the extent that it is relevant from the eighteenth edition of May, at page 731:

The question has repeatedly arisen in the past whether, in a particular case, the authority given by the Appropriation Act is an adequate substitute for authorization by a specific bill.

On the one hand, there is, so far as this question is concerned, no legal restraint on the discretion of the Crown in presenting an estimate, or on that of parliament in authorizing the expenditure provided by such an estimate by the Appropriation Act. On the other hand, the Appropriation Act is a general measure, containing a great many items, and is not adapted to defining the conditions, etc., of expenditure. Also, this Act only gives authority for a single year, and is therefore not appropriate for expenditure which is meant to continue for a period or indefinitely. There have been cases, too, in which the Appropriation Act has been used, not merely as a substitute for specific legislation, but to override the limits imposed by existing legislation.

The Public Accounts Committee have repeatedly drawn attention in their reports to cases of what they consider the misuse of the Appropriation Act in either the above-mentioned ways, and the Treasury, in answer to such comments, have justified the practice on grounds of emergency rather than of principle.

I suggest that if such justification were put forward, it would have to be based on emergency rather than on principle. The Chair has to make a ruling on principle, and on this basis I would have to say that these three specific items are not properly before the House.

My understanding of what the hon. member for Yukon says is that the matter to be considered is this. As was done on a previous occasion when the principle was recognized by the Chair that no attempt should be made to legislate by way of dollar items, the matter was still put, and an inquiry came from the Chair whether there was consent to proceed with the item in any event, and that consent was forthcoming. If that is my understanding of the situation this evening, then I would inquire from the House whether it is the sense of the House that we allow