

There are countless other instances which indicate that statutory dollar items have been used in the past but that this practice has not gone unchallenged.

In the situation now before us, the Members for Winnipeg North Centre (Mr. Knowles) and for Edmonton West (Mr. Lambert) have distinguished so-called statutory items from those which merely proposed a transfer of funds. The Members take exception to both types of one-dollar items but the thrust of their objection is against specific items which they suggest are clearly legislative in intent. In support of their argument the honourable Members suggest that the procedural situation has been radically changed by the adoption of the new rules in December of 1968. They urge that in view of the new supply procedures introduced by the rules, statutory dollar items should not be included in Supplementary Estimates. The honourable Member for Winnipeg North Centre contends that past practice should not be used as a guide in relation to the present machinery for the consideration of estimates. He suggests that when the House eliminated the Committee of Supply, a new situation was created because it was in Committee of Supply that formal objection had been taken to the one-dollar statutory items.

Those Members suggest that there is now no opportunity for the consideration of such items by the House itself. That of course is not entirely exact since the new Standing Orders do provide for such an opportunity, albeit restricted under the terms of S.O. 58. Clearly the Standing Orders do provide the machinery for the consideration by the House itself of specific items in the estimates to which the opposition might take exception. However, this opportunity is undoubtedly limited and depends very much on the number of allotted supply days which might still be available by virtue of S.O. 58.

In other words, under the old rules there was unlimited time to consider supplementary estimates, including items intended to amend statutes. Under the new rules there may be only a limited time to consider Supplementary Estimates.

Is the difference between the two situations so substantial that the past practice, of allowing statutory dollar items in the Supplementary Estimates, should now be disallowed? Should the very limited time allotted by S.O. 58 be restricted to the consideration of what is strictly supply? There is much to be said to support an affirmative answer to these questions.

The argument proposed by the honourable Members for Edmonton West and Winnipeg North Centre is cogent. They contend that any rulings that may have been made in the past about dollar items prior to the changes of the rules do not now apply. They suggest that the rules changes were effected to remove the consideration of detailed estimates from the floor of the House but that no decision was ever made that a motion which is tantamount to a legislative enactment should be removed from the floor of the House. They urge that the items which have a legislative effect should not be allowed to be

proceeded with by way of items in the Supplementary Estimates but should be introduced in the usual way, as is done for all other legislation, by way of a bill.

Let us, if you will, examine the items singled out by the honourable Members: the first one is vote 35c. It proposes to amend the Pension Act and the Civilian War Pensions and Allowances Act. The vote proposes to repeal schedules A and B of the Pension Act and substitute therefor a new schedule A and B as found in vote 35c. At the same time, it seeks to amend S. 38(2) and S. 38(4) of the Pension Act.

Secondly, vote 35c proposes to substitute the existing schedule in the Civilian War Pensions and Allowances Act and substitute a schedule set out under the vote, and in effect amending two sections of the Civilian War Pensions and Allowances Act.

Schedule A and B of the Pensions Act were previously amended by Statute other than an Appropriation Act in the years 1953-54, 1957-58, 1960-61. Schedule B was amended in 1966-67. None of these amendments was enacted by way of an appropriation measure. Item 10c, affecting the War Veterans Allowance Act, purports to repeal Schedule A of that act and substitute a new Schedule A. It refers to Schedule A of the War Veterans Act which was amended in 1957-58, 1960-61 and in 1965 by statutes other than an Appropriation Act. In other words, this is the first instance where amendments to the acts in question are proposed by way of statutory dollar items in the Supplementary Estimates, rather than by the normal process of separate legislation.

These three items in votes 35c and 10c are clearly and unquestionably legislative in intent. There can be no suggestion that there is an attempt to dissimulate the purpose. This is clearly identified by the language of the items themselves.

The fourth item dealing with the Established Programs Interim Arrangements Act is not as clear to me. I have spent some time attempting to ascertain the exact purpose of the item and although there is strong evidence that the item might well be procedurally defective, on the same basis as the items dealing with veterans legislation, the very complexity of the matter which has been alluded to by the honourable Member for Edmonton West (Mr. Lambert) leads me to give the Minister the benefit of the doubt in respect of item 7c.

However, in relation to items 35c and 10c, I must come to the inevitable conclusion that, in view of the situation created by the new rules, these items are not before the House in proper form.

It should be stressed that we are dealing now with an entirely new situation and with an entirely new set of circumstances. If it could be said that since the adoption of amended standing orders in 1968 the House had already accepted as part of a continuing practice the consideration of dollar items intended to amend statutes, then the argument might be made that the procedure proposed in respect of these specific items conforms with