

graphs, Nos. 8, 9 and 10 under the heading "Vote Texts That Legislate".

● (2240)

If I may abbreviate it, Mr. Speaker, he said in these paragraphs that the practice of legislating by means of items in an appropriation act is a matter of particular constitutional concern. He spoke not only of dollar items but of any items that were legislative in character, any items that had tacked on to them matters that should be brought in by way of bills. In discussing the matter he said at one point:

Legislating by means of an Appropriation Act is a convenience when a need is transitory. Furthermore, it avoids cluttering the statute books with expired legislation. But from the constitutional viewpoint, it is open to the objection that it is, in fact, incomplete legislation . . .

He was addressing himself particularly to the problems facing the Senate because he was giving this memorandum in the Senate. He said later on that if the Senate is sent a supply bill which has in it matters which are legislative, it should ask that those legislative sentences be struck out and put in another bill. Here are his exact words:

If other matters are inserted in the bill or "tacked to it"—

That is the phrase I used in anticipation a while ago.

—these should be struck out and be made into a separate bill or bills.

**Some hon. Members:** Hear, hear!

**Mr. Knowles (Winnipeg North Centre):** That is exactly what we have here. We have a supplementary item for \$5 million. That is money. That is a proper subject for a supplementary estimate. The purpose of that \$5 million is to make a loan to Loto Canada so that it can get started.

May I say parenthetically, Mr. Speaker—it does not need to be said because the House knows where I stand, but it should be put on the record—unlike my hon. friend I have no use for this national lottery at all. If this goes forward my colleagues and I shall be voting against it in its entirety. However, that does not deny me the right to argue that it should not be before us as an estimate at all.

Later in this memorandum Mr. Sellar says that a vote text which deals with a matter which normally should be proceeded with by a bill should be handled by a bill.

In light of all that, look again at what is in this supplementary estimate L27a. It is a money item. It is not just a dollar put in by way of subterfuge. It is real money, \$5 million to get Loto Canada going, but there has been tacked on, and incidentally the government did not need the bill—

**Mr. Speaker:** Order, please. I am having considerable difficulty in hearing the hon. member for Winnipeg North Centre (Mr. Knowles). I wonder if I might be permitted to hear the conclusion of his remarks.

**Some hon. Members:** Hear, hear!

**Mr. Knowles (Winnipeg North Centre):** I was trying to say, Mr. Speaker, that this bill has in it something that is legitimate as an estimate, namely, a request for \$5 million to lend to Loto Canada. But there has been tacked on to it things that are legislative in character. The government did not need to bring in this bill to create Loto Canada. It

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has done this by order in council. It did not need to bring in this bill to establish some of the conditions—who will run it, the officers, how the directors will meet and all that, but it has tacked on to this \$5 million some conditions about the money that will be raised out of this state lottery. It has tacked onto it items which are in effect legislative in that they amend some of the other statutes of Canada.

I submit that if the government can get away with this, it can do almost everything by including a matter in the supplementary estimates, and then shipping it off to the Committee on Miscellaneous Estimates. The government tacks onto an item in the estimates other items of a legislative character and, in the process, completely avoids debate on the matter on the floor of the House of Commons.

We have argued in the past about the impropriety of dollar items in the estimates. I can remember the father of the present hon. member for Mississauga (Mr. Abbott) telling us that supply bills were legislation; so, why were we kicking about dollar items? He had a bit of a case then, because supply bills were debated on the floor of the House. Now they are not so debated. By using the device of tacking legislative items on to an estimate, the government can avoid debate on the floor of the House.

Earlier in this parliament Your Honour had to rule out of order clause 5 of an appropriation bill precisely because under the new rules there was no opportunity to debate something which was in clause 5 and which had not been included in the notice.

**An hon. Member:** You have had all day to debate legislation.

**Mr. Knowles (Winnipeg North Centre):** My friend opposite still thinks there is merit to the government argument that we can use an opposition day to discuss their legislation.

**Mr. Broadbent:** That is ridiculous.

**Mr. Knowles (Winnipeg North Centre):** This side is not the government; the hon. member's side is. His side is responsible for bringing its legislation before parliament in the proper way. I submit, along with the hon. member for Vegreville, that this is not the case with this supplementary estimate.

In concluding, Mr. Speaker, I say I am thoroughly and totally opposed to the federal government's using its right that was put in the Criminal Code—although some of us voted against it—to hold state lotteries. We are opposed to this national lottery, although that is a separate issue on which we can express ourselves when this estimate comes to a vote. I contend tonight that the government does not have the right to legislate by using the estimates. In my submission Your Honour should find that the item now before the House is out of order.

**Mr. Sharp:** Mr. Speaker, commenting on the point of order raised by the hon. member for Vegreville (Mr. Mazankowski) you rightly pointed out that we are not dealing with a dollar item. We are dealing with the request for a loan of \$5 million to be put at the disposal of Loto Canada for working capital. You drew attention to what