

Order Paper Questions

from the act should not be passed without any opportunity for debate. It would be a curious irony to honour the sovereign by circumventing her parliament. Finally, Veterans Affairs vote 45d will deem employees of veterans hospitals, transferred from the jurisdiction of the federal government, to be public servants so they may continue to contribute to the public service superannuation plan. Again, a good idea, but if it is done this way it will produce a bad procedure. In many of these cases the objects are highly desirable, but it is not healthy for the future of the House of Commons to have things done in this manner, for while the convenience of the government is frequently the convenience of everyone, this will not always be the case.

Mr. Speaker, I will not dwell long on the rulings made in the past which relate to \$1 items because I believe the precedents are quite clear and well known to you. For the benefit of other members who may wish to reply, I would draw their attention to Mr. Speaker Lamoureux's ruling of March 10, 1971. He said, in summarizing the argument of those who contended that the new rules prevented \$1 items from being used as they once were:

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.

That is certainly still our feeling. He then said:

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.

My respectful submission, sir, is that that is a resounding precedent in favour of the proposition which I am attempting to make to Your Honour. I should note, as well, that on that occasion the items questioned were speedily dealt with in the proper way after the matter had arisen. This question arose again on December 10, 1973. In again reaching the conclusion that the items questioned were improper, Mr. Speaker quoted from May's where that work described the temporary nature of an appropriations act and its unsuitability for long-term legislative goals. Mr. Speaker Lamoureux concluded:

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 submission to you, sir, is that these six items are legislative, and as such have no place in the estimates and in the appropriations bill where they cannot be amended or discussed in the House and where they are shielded from sufficient comment either here or in the committee. If you find that there is some point to the argument which I have begun, and which will be advanced by others, I am prepared to discuss with the government House leader the means for quickly disposing of those items which are urgent and uncontroversial.

Mr. Lambert (Edmonton West): Mr. Speaker, this is a recurring debate that we have had from time to time. I recall

[Mr. Baker (Grenville-Carleton).]

that prior to the establishment of the CRTC it had been the attempt of the then minister of communications to create the CRTC with a \$1 item in supplementary estimates. It suffered the fate it deserves and was totally rejected as a procedure. The government would not proceed with it because it realized that the practice was totally wrong.

My colleague, the hon. member for Grenville-Carleton, has referred to the rulings of Mr. Speaker Lamoureux. I would draw your attention, Mr. Speaker, to the one on March 3, 1969, March 10, 1971, and, again, on December 10, 1973. It is remarkable that it brings to mind a motion that I moved in the miscellaneous estimates committee in 1969 which gave rise to the debate in 1969 on a motion of the opposition based on the report of the miscellaneous estimates committee in which I criticized the government for bringing forward \$1 items to amend legislation. In fact there were three such items. I recall that on that occasion I had the majority; the reason was that the Minister of Energy, Mines and Resources (Mr. Gillespie) joined me in expressing that view. I find it strange that he should now be part of an administration which on this occasion moves to transgress that principle, not once but half a dozen times.

I would commend to Your Honour the House of Commons *Journals* of December 10, 1973, at page 737, in the first column, second paragraph. This is a quotation from a ruling by Mr. Speaker Lamoureux. It reads:

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 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, had not been included in supplementary estimates since the rules were changed in 1968 but for the one exception just mentioned. The House therefore has not had the opportunity at this point to reaffirm the proposition that 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.

● (1520)

That was a quotation from March, 1971. The ruling continues as follows:

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.

My colleagues and I have pointed out a number of items in supplementary estimates D the purpose of which is to extend legislation. This is to be an appropriation act, not a legislative statute. We are not saying anything about transferring moneys from one vote to another. That is clearly the established and, I think, very justifiable procedure, because by so doing the government is coming back to the House and seeking permission to change votes of money. That move is unimpeachable, but to change existing legislation within appropriation bills or to create, in effect, new statutes as is proposed by the recognition of Via Rail is totally wrong. You, Mr. Speaker, being practised in the law, would recoil with horror to look at a statute and—without additional indices which would indicate going to an appropriation act—see a \$1 item which totally