

*Speaker's Ruling*

that spending estimates cannot be used to amend legislation, and he invited the Chair to use its authority to rule the offending estimates out of order.

[*Translation*]

The hon. member for Kingston and the Islands spoke to the issue on March 11, 1991. He asked the Chair to take into account that the Estimates are recommended to the House by the Governor General but that this recommendation is secured on the advice of Ministers of the Crown.

[*English*]

The hon. member then referred the Chair to two precedents. One concerned provisions in Appropriation Act No. 2 in 1965 for the payment of a gratuity to the spouse of a deceased member. The second related to the inclusion in vote 1 under Privy Council Office in Appropriation Act No. 3 in fiscal year 1989-90 of the salaries for ministers of state who do not preside over a ministry of state.

The hon. member for Churchill expressed the view that vote 2c in the Supplementary Estimates violated the Financial Administration Act in that it sought moneys to be used beyond the current fiscal year. Furthermore, he noted that the allowances in question should have been sought through an amendment to the Parliament of Canada Act. For this reason, he explained, the decisions of previous Speakers have been breached.

Finally, the hon. member for Churchill concluded that it was particularly inappropriate to secure an individual profit for certain members of Parliament by a means that are in any way questionable.

[*Translation*]

As both the items objected to are estimates requested by the Upper House, the Chair's initial reaction was to consider the propriety of this House interfering with the Estimates of the other place. In the last 20 years or so that the items from the Senate have been before committees of the House of Commons, no witnesses from the other place have appeared before the standing committee charged with considering the Estimates from the Upper House. Therefore no guidance can be sought in the review of those Estimates.

[*English*]

The "parentage" of the particular items challenged also remains doubtful. The hon. member for Kingston and the Islands pointed out that these estimates were recommended to the House by the Governor General, and by constitutional convention, he notes, that must indicate that they are approved by cabinet. The hon. member for Churchill was more direct. He claimed that the government had improperly brought these estimates before Parliament and that the government had responsibility for ensuring that they were in proper form. The hon. member for Calgary West, on the other hand, has clearly distinguished between government estimates and the estimates from the House of Commons and the Senate.

These latter two, he stated, are not government estimates and come before us through the mechanisms specified in the Parliament of Canada Act. Now, section 51 of the Parliament of Canada Act provides that the estimates of the House of Commons "shall, on approval by the Board of Internal Economy, be transmitted by the Speaker to the President of the Treasury Board who shall lay them severally before the House of Commons with the estimates of the government for the fiscal year." On a plain reading of these words, it appears that the hon. member for Calgary West is perfectly correct in claiming a special status for the House of Commons estimates. The Chair was not, however, referred to nor has it uncovered any similar legislative provision as respects the Senate.

[*Translation*]

Against the issue of ownership of the Senate Estimates and the propriety of any intervention by the House of Commons is arrayed a formidable force composed of a substantial body of significant rulings by my predecessors and the provisions of the Financial Administration Act and citation 233 of Beauchesne's fourth edition which states that:

"The cardinal principle on which the whole of our financial system is based is that of parliamentary control, and by this is understood not the control of Parliament in its constitutional sense, but control by the Commons alone."

[*English*]

The hon. member for Ontario has made his case carefully and well. In his intervention, he set out all the relevant sections of the Parliament of Canada Act to demonstrate that there is no provision in that statute upon which the Senate's present request for an allow-