

Point of Order—Mr. Nielsen

POINT OF ORDER

MR. NIELSEN—SUGGESTED IRREGULARITY IN SUPPLEMENTARY ESTIMATES (C)

Hon. Erik Nielsen (Yukon): Mr. Speaker, I would like to make a brief point of order with respect to the validity of one of the Estimates in Supplementary Estimates (C). As you know, Sir, tomorrow has been set down as being the final allotted day in the current supply period and the House will be asked to pass Supplementary Estimates (C) before the end of the sitting tomorrow. This gives some urgency to the need for a ruling on the point of order which I am submitting before the close of business today so that if the Chair does not find itself in agreement with my submissions, we do have the option of filing an Notice of Objection. However, I hope that my argument will appeal to the Chair.

As a result of this, I would like to ask the Chair to consider the procedural acceptability of Vote 1c under the Department of National Revenue, Customs and Excise. The explanation of the requirement for this Vote outlines the fact that the Department is requesting some \$209,000 for a personal alarm security system and a further \$225,000 for the "Offshore extension of Customs and Excise jurisdiction". I am not entirely certain about what the personal alarm security system is but that is not the part of the Vote which concerns me. Rather, I am concerned about the fact that the Department of National Revenue, through the Vote, has requested \$225,000 for the extension of its jurisdiction before legislation has been passed by the House authorizing such an extension of jurisdiction.

I am sure that all of the important aspects of this issue will be touched upon at such time as the legislation to authorize this extension is brought before the House for debate. What does concern me is the fact that the Department, prior to any debate having taken place on Bill C-16 which purports to authorize the extension of customs jurisdiction, has asked that \$225,000 be voted to the Department to allow it to extend its jurisdiction. By any definition, Mr. Speaker, such an Estimate anticipates the decision of the House with respect to Bill C-16.

It might be claimed, specious as the argument may be, that it is common practice for the Government to implement tax changes as soon as a Ways and Means motion has been passed by the House and that on this basis, the mere introduction of a Bill based on a Ways and Means motion is sufficient to permit the Department to proceed. Frankly, Mr. Speaker, I am not enamoured of that practice at the best of times, but using that argument in this case would clearly be a rationalization by the Government of an unparliamentary procedure.

If the passage of a Ways and Means motion is sufficient to authorize government expenditures, then we have no need at all to waste the time of committees or the time of the House as a whole when dealing with the Business of Supply. We could consolidate Supply with Ways and Means proceedings and save ourselves a lot of time and effort. The passage of a Ways and Means motion may be sufficient to permit the immediate implementation or levying of a tax, but I submit to you, Sir, that it is not sufficient to authorize expenditures.

It has already been well established by your predecessors, Mr. Speaker, that Estimates should not be used to legislate by creating new regulations or altering existing statutes. Surely any Vote which is explained in part as being for the offshore extension of customs and excise jurisdiction is one which seeks to authorize the Government to take action in the absence of enabling legislation.

For the reasons that I have just outlined, Mr. Speaker, I would hope that you might subject Vote 1c to some close scrutiny and rule it out of order on the grounds that it anticipates a decision of the House on Bill C-16. This is a decision which, I might point out, has been delayed by the Government's own failure to bring the Bill forward for debate.

● (1510)

Mr. Speaker: The Chair will take the point raised by the Hon. Member under advisement and, recognizing the courtesy he has extended by giving notice, will attempt to bring a decision on it to his attention as soon as possible.

Mr. Nielsen: Mr. Speaker, I hope—

Mr. Speaker: I am aware that the Hon. Member may want to file a notice of objection in the event that the decision of the Chair is a certain way. The Chair is fully cognizant of his position and will attempt to meet that request.

Mr. Nielsen: Mr. Speaker, I thank you kindly for that. I simply want to re-emphasize that tomorrow is the last day of Supply in this Supply period.

Mr. Tousignant: Mr. Speaker, I rise on a point of order. It has become evident in the House that Members on this side and even on the other side are worried about the Leader of the Opposition (Mr. Mulroney) not being in the House—

Mr. Speaker: Order. It is not the practice of the House to refer to the absence or presence of Hon. Members.

ROUTINE PROCEEDINGS

[English]

HEALTH, WELFARE AND SOCIAL AFFAIRS

PRESENTATION OF FIRST REPORT OF STANDING COMMITTEE

Mr. David Weatherhead (Scarborough West): Mr. Speaker, I have the honour to present the first report of the Standing Committee on Health, Welfare and Social Affairs in both official languages.