

Point of Order—Mr. Andre

past, to extend the borrowing authority to a ceiling of \$30 million.

With respect to my hon. friend's second point, the request to Parliament that it adopt Vote 10c, a one dollar item to authorize payments of \$1 million for the purpose of the Small Business Investment Grants Program, I am advised that this is simply a transfer of funds from one category to another. Here also the House is not being asked to authorize an additional expenditure of funds, but simply, as I have said, the transfer of funds from one Vote to another. This is the accepted procedure for doing so, a procedure which has been accepted by Speakers in the past.

• (1220)

My hon. friend expresses some concern that the Small Business Investment Grants Act has not yet been passed by the House, but I would remind him that the proposal was contained either in the economic statement of last October, or—and I think this is the correct place—it was found in the budget of last June. Certainly the House has conveyed its approval in principle at the very least of the program when it voted an expression of support for the budget last June. Also, I would like to think that my hon. friend and his colleagues support the early and prompt expenditure of funds aimed at reducing interest costs for small business in their purchase of depreciable property to expand and modernize. I would like to think that he is simply raising a technical point—and I appreciate the seriousness with which he does so—and is not opposing this very worthy program.

We all know that the disposition of business in this House does not always proceed with the timeliness that many of us would like. There are others on our side of the House who have commented on the pace of disposition of House business and expressed their view as to the reasons for that pace. We have argued that the Opposition bears some responsibility for this. While I do not think we want to reopen that debate at this point, I do not think it is unusual for Supplementary Estimates to be presented for Parliament's approval of something which is already under way.

So I would like to conclude by again thanking my hon. friend for giving me some notice of this point of order. It is a serious one which has been raised in similar circumstances in the past. I do not claim a deep expertise in these matters, although obviously I am attempting to learn as quickly as possible. But I have provided the House the explanation I was able to obtain in the short period after the Hon. Member gave me notice. I would like to think that this explanation will reassure the House and above all the Chair that these items are perfectly consistent with the rulings of the Chair on previous occasions.

Mr. Andre: Mr. Speaker, first let me say to the Hon. Minister that the reason I gave only a half hour notice is that I

did not know until early this morning that in fact this would be the only day I would have the opportunity to raise this matter.

Mr. Gray: I am not complaining.

Mr. Andre: No, I recognize you were not. Normally I would have given more notice.

The Minister indicated, concerning the Vote in Industry, Trade and Commerce, that the one dollar item merely represented a transfer between spending under one category to spending under another category. I humbly submit that that in fact is not true. What has happened is that money has been spent out of a contingency fund based on legislation which has not in fact been passed by the House. I do not even know if the legislation was introduced when the money was spent.

So you have a situation where we are being asked to legalize expenditures under an Act which has not been passed by the House. This is clearly in contravention of decisions reached by Madam Speaker and her predecessor, Mr. Speaker Jerome, and indeed by Mr. Speaker Lamoureux who said that supply items are to seek appropriations to spend on programs authorized by Parliament. They have to be authorized by Parliament. The fact they have had second reading is immaterial. They are not law. There is no law for that program, and therefore the Government has no right to ask us for authority to spend on a program which is not law.

As to the question of whether it ought to be law, there has never been any question on that on our side. The legislation proceeded very quickly through all processes and was stopped on November 23, 1982, and the Government House Leader has to deal with that.

With respect to Vote L11C, under Fisheries and Oceans, the Minister indicated that it was merely the changing of an Appropriation Act which had been done in the past and therefore it is okay. I might say that Madam Speaker, on June 12, 1981, perhaps anticipated that kind of argument when she stated this:

Finally, it seems clear that it is in order to extend the purposes of an item in an Appropriation Act by means of an item in the Estimates—

That was the Minister's argument. She then said:

—provided that it does not amend any other legislation.

Clearly Vote L11C, under Fisheries and Oceans, amends the Freshwater Fish Marketing Act, Section 17(2). So in that instance the Minister's argument that it is merely changing an Appropriation Act has been anticipated by Madam Speaker's ruling of June 12, 1981, and I humbly submit that both Votes must be found out of order.

The Acting Speaker (Mr. Corbin): The Chair thanks Hon. Members for their contributions to the point of order. The matter will be taken under advisement and Madam Speaker will certainly want to rule on it at the next sitting of the House.