

Therefore at this time on second reading, when the bill is presented to us, after the first reading given it a few minutes ago, I call into question the appropriateness of the appearance in this bill of clause 5, which goes away beyond the terms of the royal recommendation. It never appeared there.

● (2220)

We were told one year ago that it was an unusual procedure, that it was wrong, and would not be done again. Now, in direct contravention of a standing order of this House which is clear and unequivocal, and of section 54 of the British North America Act, the government, with this appropriation act, seeks to have this House set aside its rules and run roughshod over the provisions of the BNA Act. I invite Your Honour to indicate that clause 5 of this bill goes beyond the powers of the recommendation of His Excellency, and must be stricken from the bill.

Mr. Sharp: Mr. Speaker, when this question was raised—
Some hon. Members: Oh, oh!

Mr. Sharp: Mr. Speaker, the hon. member for Edmonton West (Mr. Lambert) quoted words I used last December, when the same point was raised by him. At that time I was quite unaware that the bill then before us included a clause of the kind which is before the House again today. My remarks were directed to this effect: that I was unaware of this, and therefore would not let it happen again. But this time I am aware.

Some hon. Members: Oh, oh!

Mr. Sharp: Mr. Speaker, not only am I aware, but I have before me a list of acts in which a similar clause is to be found. I have 18 statutes, 18 appropriation acts passed between 1955 and 1974, in which a similar provision was included. On each of these occasions I understand that it was quite in order and quite within the terms of the constitution and the British North America Act.

Some hon. Members: Oh, oh!

Mr. Peters: Mitch to the Senate.

Mr. Knowles (Winnipeg North Centre): Mr. Speaker, I wish to indicate my support for the position taken by the hon. member for Edmonton West (Mr. Lambert). I suggest to the President of the Privy Council (Mr. Sharp) that any of the earlier precedents to which he referred must be looked at in the light of what was said when this issue arose one year ago. Surely the statement of the President of the Privy Council one year ago, to the effect that it would not happen again, should carry some weight.

I draw to Your Honour's attention the fact that we are operating under Order No. 28 on today's order paper, which reads as follows:

Consideration of a motion to concur in Supplementary Estimates (A) 1975-76, laid upon the Table, Wednesday, November 12, 1975.

A few minutes ago, after we had disposed of the motion for the day put down by the Social Credit party, Your Honour put to the House a question in the name of the President of the Treasury Board (Mr. Chrétien) to the effect that we concur in Supplementary Estimates (A) 1975-76. Thus far I suggest we were operating within the

Supply

rules of this House. However, I point out to Your Honour Standing Order 58(19) which reads as follows—

Mr. Speaker: Order, please. As I indicated earlier, the point of order involved here was alluded to almost 12 months ago. It is a very serious point of order, one in which I would be greatly aided by having the intervention of any hon. member who wants to contribute to the point. I would very much appreciate being able to hear.

Mr. Knowles (Winnipeg North Centre): I was about to draw to Your Honour's attention Standing Order 58(19) which is very pertinent to this whole situation. It reads as follows:

The concurrence in any estimate or estimates or interim supply shall be an Order of the House to bring in a bill or bills based thereon.

That motion was passed, the motion in the name of the President of the Treasury Board concurring in interim supply. That, therefore, was an order to bring in a bill based thereon. I submit in line with what has been argued by the hon. member for Edmonton West that the bill that has now been introduced is based in the main on the supplementary estimates that we passed a few moments ago, but that clause 5 of this bill is in no way based on the estimates that we concurred in tonight.

Some hon. Members: Hear, hear!

Mr. Knowles (Winnipeg North Centre): I submit further that if one goes back earlier into Standing Order 58 and reads what it is all about in terms of the business of supply, he will find it clear that the business of supply deals with the passing of estimates; main, interim, supplementary, what have you. However, the business of supply does not open the door for the government to bring in other measures; financial, taxation, or what have you.

What we have before us now is a bill allegedly based on supplementary estimates that were passed a few moments ago. However, there is more in the bill than was in those estimates. There is clause 5 which is completely foreign to the estimates as a whole.

The estimates deal with the authority to spend certain money. Some of it is new money, some of it is transferred. But clause 5 is an authority to the government to borrow, in addition to all of the other moneys covered in the motion passed a few moments ago, up to \$2 billion with authority to do that retroactively to April 1, 1975.

I submit, therefore, that the hon. member for Edmonton West is quite within his rights and is exercising his responsibility in raising this point of order. As you yourself have said, Mr. Speaker, it is a serious one that calls for serious consideration.

● (2230)

[Translation]

Mr. Fortin: Mr. Speaker, our party, in full agreement with the Progressive Conservative Party and the New Democratic Party, wants to point out the unfairness of clause 5 of the bill before the House. The Prime Minister himself, today, during the question period, stated that the only sources of borrowed money the government resorts to are the taxes of the taxpayers, loans on the foreign market and bonds.