

Estimates

purposes of airports for the fiscal year ending March 31, 1974 . . ." My objection will be that the vote is not for the fiscal year ending March 31, 1974, but for "the current and subsequent fiscal years." I invite Your Honour to refer to page 27-22 of the main estimates.

Motion No. 9 is that the House concur in "the main estimates for the fiscal year ending March 31, 1974 . . ." My objection will be that the main estimates contain a number of votes that are not for the fiscal year ending March 31, 1974, but for "the current and subsequent fiscal years." There are 16 of these votes. There are 17 if the air transport program vote is included, and there are 22 if votes 5, 10, 15, 20 and 25 of the Department of National Defence are added. These five votes are extended into subsequent fiscal years by a provision in vote 1 of the National Defence estimates. These 22 votes that are out of order total only \$80 million short of \$3 billion. The total estimates are for something over \$19 billion, so that one-sixth of the sums requested by the government are procedurally improper. I have a list of these improper votes, Mr. Speaker, and for your convenience I will be glad to supply you with a copy.

There can be no doubt that motions Nos. 7 and 9 cannot be put, and I advance the following reasons in support of that argument. First, these motions offend against section 54 of the British North America Act. Section 54 reads as follows:

It shall not be lawful for the House of Commons to adopt or pass any vote, resolution, address, or bill for the appropriation of any part of the public revenue, or of any tax or impost, to any purpose that has not been first recommended to that House by message of the Governor General in the session in which such vote, resolution, address, or bill is proposed.

The estimates were recommended by the Governor General to this House in the following terms as recorded in *Votes and Proceedings* No. 34 of February 20, 1973, page 127:

His Excellency the Governor General transmits to the House of Commons the estimates of sums required for the service of Canada for the year ending on the 31st of March, 1974, and, in accordance with the provisions of "The British North America Act, 1867", the Governor General recommends these estimates to the House of Commons.

Again I draw Your Honour's attention to the limitation imposed by that. It will be observed that the recommendation of the Governor General extends only to the "sums required for the service of Canada for the year ending on the 31st March, 1974 . . ." That is the defined and limited recommendation of the Governor General. The purpose of his recommendation is "for the service of Canada," but only to March 31, 1974. The purpose of his recommendation does not extend to any sum in the estimates that is required beyond that date.

There are innumerable decisions by the Chair that the Governor General's recommendation limits not only the amount but the purpose. The sums or votes I refer to not only exceed the amounts required for the current year insofar as they are required for subsequent years, but they offend against the purpose recommended by the Governor General, that is, supply for the service of Canada for the year ending March 31, 1974. It may be harmless to include these improper votes in the estimates, but certainly Mr. Speaker cannot put to this House a motion, in my submis-

[Mr. Nielsen.]

sion, that includes them. That is contrary to section 54 of the British North America Act and to Standing Order 62(1).

A second ground supporting my point of order is section 20 of the Financial Administration Act which provides as follows:

All estimates of expenditures submitted to parliament shall be for the services coming in course of payment during the fiscal year.

Not all the rules of procedure governing this House are contained in the Standing Orders: there are several in the British North America Act, 1867. Section 48 of the act provides for the quorum of this House; section 49 governs voting; section 50 concerns the continuation of this House. Again, there are procedural rules in several separate acts of parliament. Among these are the Speaker of the House of Commons Act, the Senate and House of Commons Act, and the House of Commons Act. More recently there have been the Electoral Boundaries Readjustment Act and the Statutory Instruments Act with respect to affirmative and negative resolutions.

There is also in many acts the provision with respect to tabling annual reports in parliament. There are several procedural provisions in the International Act which affect the conduct of the business of this House. Section 20 of the Financial Administration Act is a procedural provision that is binding upon this House. Section 20 is a practical restatement of the constitutional rule in section 20 of the BNA Act which provides:

There shall be a session of the Parliament of Canada once at least in every year, so that twelve months shall not intervene between the last sitting of the parliament in one session and its first sitting in the next session.

That provision of the BNA Act is explained by the statement in May's seventeenth edition at the top of page 31:

—while the practice of providing money for the public service by annual enactments renders it compulsory upon her—

That is Her Majesty.

—to summon parliament to meet every year.

Section 20 of the Financial Administration Act—

Some hon. Members: Order.

Mr. Nielsen: —is the procedural rule which, as a statutory limitation upon the Crown's prerogative of summoning parliament, ensures that the prerogative must be exercised to summon parliament for voting one year's supply but no more; and that, Mr. Speaker, for the public service of Canada.

Mr. Deputy Speaker: Order. I hesitate to interrupt the hon. member, but there are several reasons why the Chair does so with reluctance. The hon. member has been quoting to the Chair sections from various enactments of Canada and the British parliament.

● (2150)

I do not think it is the role of the Chair to make an interpretation of law. I think it is the role of the Chair to deal with questions of order that arise in proceedings. At a quarter to ten this evening it is the duty of the Chair to interrupt proceedings and to put the questions that have