

*Point of Order—Mr. Andre***POINT OF ORDER**

MR. ANDRE—PROVISIONS IN SUPPLEMENTARY ESTIMATES (C),
1982-83—RULING BY MADAM SPEAKER

Madam Speaker: I would like to rule on the point of order raised by the Hon. Member for Calgary Centre (Mr. Andre). It concerns the procedural acceptability of two votes in the Supplementary Estimates (C) for the fiscal year ending March 31, 1983, namely, Vote L11c under Fisheries and Oceans and Vote 10c under Industry, Trade and Commerce. The Hon. Member argued that these two votes seek to appropriate money for purposes not authorized by Parliament. The Chair would like to express its appreciation to the Hon. Member and to the President of the Treasury Board (Mr. Gray) for their contributions on this important matter.

The Hon. Member for Calgary Centre raised, as his first point, Vote L11c under Fisheries and Oceans, the object of which is to increase the borrowing limit of the Freshwater Fish Marketing Corporation, as set out in Section 17 of the Freshwater Fish Marketing Act. The Hon. Member submitted that this vote is out of order in that it seeks to amend legislation by means of an item in the Estimates. He indicated that the borrowing limit was previously extended by Appropriation Acts from \$5 million to \$20 million but that rulings in 1974 and subsequently have made it abundantly clear that such a procedure is, in fact, out of order.

The Hon. President of the Treasury Board stated in rebuttal, although with little notice for study which the Hon. Member for Calgary Centre conceded, "that there are many precedents setting out the acceptability of the procedure with respect to Vote L11c, involving as it does not a request to authorize the Government to spend money, but simply to increase the level of borrowing authority".

In reviewing this matter with great care, I have noted that the borrowing limit expressed in Section 17 of the Freshwater Fish Marketing Act was extended in 1970 and 1974 by Appropriation Acts. The Hon. Member for Calgary Centre now challenges this procedure.

I should like to bring to the attention of the House my ruling of June 12, 1981, wherein I stated, having taken cognizance of the opinions of my predecessors, and I quote:

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 provided that it does not amend any other legislation.

This is further supported by Citation 485(1) of Beauchesne's Fifth Edition, which says:

Items in the Estimates which are clearly intended to amend existing legislation should come to the House by way of an amending bill rather than as an item in the Estimates.

In the present circumstances, it is clear to me that Vote L11c seeks to amend Section 17 of the Freshwater Fish Marketing Act and is therefore out of order.

The Hon. Member for Calgary Centre also objected to Vote 10c under Industry, Trade and Commerce. I agree with the Hon. Member that here the real issue is not the method used

to transfer money from the Treasury Board Contingencies Vote to Vote 10c, but rather the purpose of the program for which the grant is intended. As outlined in the Estimates, the grant is to provide payments under the Small Business Investment Grant Act which is now before the House in the form of Bill C-136.

I can only repeat what I said in my ruling of June 12, 1981, that "the Appropriation Act should only seek authority to spend the money for a program that has been previously authorized by a statute." Vote 10c clearly anticipates legislation and, in that sense, seeks to establish a new program in the absence of other legislative authority and seeks also the funds to put it into operation. In accordance with rulings by my two predecessors and myself, I must agree with the Hon. Member for Calgary Centre that Vote 10c is also out of order.

Accordingly, Vote L11c under Fisheries and Oceans and Vote 10c under Industry, Trade and Commerce, being improperly before the House, shall be deleted from the Supplementary Estimates (C) for the fiscal year ending March 31, 1983, and I so order.

As a consequence of this ruling, the two notices of motions standing on this day's Notice Paper under Opposed Items Nos. 7 and 8 and seeking concurrence in Vote L11c and Vote 10c, cannot be part of today's proceedings and the main motion to concur in the Supplementary Estimates (C), 1982-83, standing in the name of the President of the Treasury Board, will be put to the House in an amended form.

I must tell Hon. Members that because of the very short time which stands between now and the time at which we will vote this evening, it will not be possible to reprint the Bill, but hand corrected copies will be circulated among Members.

[*Translation*]

Today being the final allotted day for the supply period, as usual the House will proceed with the study and adoption of the supply Bills. In keeping with the recent practice, do Hon. Members agree that copies of those Bills which will be introduced later today be distributed now? Following the ruling by the Chair, a few copies of those Bills are available, as I just said, and they will be distributed because the House will vote on them later on this afternoon.

[*English*]

Does the House agree?

Some Hon. Members: Agreed.

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PRIVILEGE

MR. FRIESEN—SUPPLEMENTARY QUESTION ASKED DURING QUESTION PERIOD

Mr. Benno Friesen (Surrey-White Rock-North Delta): Madam Speaker, on a question of privilege, I want to explain my question earlier today when you corrected my motive.