

HOUSE OF COMMONS

Tuesday, March 14, 1967

The house met at 2.30 p.m.

PRIVILEGE

**MR. LAMBERT—ALLEGED IRREGULARITY IN
DEFENCE ESTIMATES**

Hon. Marcel Lambert (Edmonton West):

Mr. Speaker, I rise on a question of privilege which affects the members of this house and parliament generally. Briefly the question is as follows. Yesterday the President of Treasury Board tabled the estimates for the fiscal year ending March 31, 1968. Reference to pages 308 and following, dealing with the Department of National Defence, will disclose what I submit is a gross irregularity having regard to the law as it stands today and, in particular, to the National Defence Act and the Financial Administration Act.

I would say in support of my contention that these estimates in connection with the Department of National Defence are contrary to existing law as provided in section 15 of the National Defence Act, which reads as follows:

The Canadian forces are the naval, army and air force of Her Majesty raised by Canada and consist of three services, namely, the Royal Canadian Navy, the Canadian Army and the Royal Canadian Air Force.

Reference to vote 15 of the estimates as they appear at page 316 of the blue book will show that these estimates are based on the premise of a single unified service, something which is not founded in law today. For this reason the estimates are improperly set out, and as a consequence parliament will be asked to vote money and supply in a manner contrary to the existing law.

I say this without prejudice to the determination which may be made by this house at some time in the future, and I do not say that this house will have to consider all these estimates before the passage of Bill C-243. However, by the end of this month the government will come forward with a request for interim supply and will be asking this house to provide one twelfth or more of next year's supply on the basis of the estimates now put forward.

I put it to Your Honour that the passage of estimates based on a single unified service

would be contrary to the National Defence Act, and contrary also to sections 24 to 26 of the Financial Administration Act both in letter and in spirit. Section 24 reads as follows:

Subject to the British North America Acts, 1867 to 1951, no payments shall be made out of the consolidated revenue fund without the authority of parliament.

Section 25 reads:

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

Parliament cannot act outside the law and today, as we are facing these estimates, the law provides that there shall be three services. The National Defence Act has not been amended, and I therefore maintain that these estimates as presented, bearing in mind the necessity of the government asking for interim supply by the end of March, constitute an abuse of the privileges of this house.

• (2:40 p.m.)

Therefore I move:

That the book of estimates for the fiscal year 1967-68, as presented, be withdrawn and revised to show proposed expenditures for the Department of National Defence in conformity with existing law.

Mr. Speaker: Order, please. As the hon. member for Edmonton West knows, it is the duty of the Chair in the first instance to determine whether there is a prima facie case of privilege. The matter which the hon. member is now submitting for the attention and consideration of the Chair is of considerable substance. Let me suggest to the hon. member and others who support his cause that perhaps we should hear arguments as to whether there is a question of privilege, after which the Chair may be given an opportunity to reflect on the matter before making a judgment.

I submit that perhaps it would not be proper in respect of such a serious matter for the Chair to render an immediate decision. It is my feeling that it would be helpful to hear arguments and precedents which hon. members may wish to submit for the guidance of the Chair. In my view that should be done before we proceed with other matters.

Hon. D. S. Harkness (Calgary North): Mr. Speaker, I submit that here there is an open