

Routine Proceedings

impugned type of estimates is a matter I think the Chair will have to decide.

I want to point out first that in most cases the arguments for having estimates excluded on the basis that they created new programs were advanced by the person who is now the leader of the government in the House and who must accept very direct responsibility for having recommended these estimates to the House through his boss, the Governor General of Canada.

He, presumably as a member of cabinet, advised His Excellency to recommend these estimates to the House. He, having done so, I presume has satisfied himself as to the form and content of these estimates based on the fact that he is something of an expert on the matter, having raised issues for years and years before the House as to the propriety of the form of various estimates.

I trust we will hear from him in respect of this matter in due course and whether or not he feels this particular estimate is in accordance with the precedents, many of which he established by his arguments.

Second, I would refer Your Honour to two precedents, one I must say the validity of which may be at issue because it was adopted prior to the rulings in 1971 and 1981 which the hon. member for Ontario has cited in support of his proposal. However, I refer Your Honour to Appropriation Act No. 2 for 1965 in which a particular item in the schedule to the act that contained the words of the votes reads as follows:

To authorize, during the current and subsequent fiscal years, payment of a gratuity in respect of the death of any member of the Senate or House of Commons subsequent to August 2, 1963, to the surviving spouse or the estate of the deceased member, in an amount equal to two months' sessional indemnity and to ratify any such payments made during the 1963-64 fiscal year; estimated amount required for the 1964-65 fiscal year, \$12,000.

That was an estimate adopted by this House that did change a program and I think is worth consideration by Your Honour.

In addition there was one other, which I have easily obtained here, in the 1989-90 Appropriation Act No. 3 for that particular financial year. Vote 1 for the Privy Council Office provided in part, and I will only quote the relevant part:

—the payment to each member of the Queen's Privy Council for Canada who is a Minister without Portfolio or a Minister of State who does not preside over a Ministry of State of a salary equal to the salary paid to Ministers of State who preside over Ministries of State under the *Salaries Act*, as adjusted pursuant to the *Parliament of Canada Act* and *pro rata* for any period less than a year—

Then there is a sum mentioned.

I submit that once again the estimate as passed in the Appropriation Act did something similar to what is proposed to be done in this particular estimate.

In looking at whether Your Honour should rule this estimate out of order, I invite you, Sir, to have regard to these two precedents. I hope that they are of assistance to the Chair and its ruling on this important issue.

Mr. Rod Murphy (Churchill): Mr. Speaker, I this is a very important matter. I intend to be very short in presenting my arguments because later on this morning, our leader, the member for Yukon, will be presenting a motion to this House with regard to the Constitution of Canada and the process that we should be using to bring about changes to our Constitution and the substance related to that. That is also very important and we must get to it as soon as possible.

However, since the day has been chosen to continue arguments on the point of order raised by the member for Ontario, I do want to add to the remarks I made on Friday.

First, I believe that the government has improperly brought these estimates before us. While it is true that the Senate passes its estimates and it is the obligation of the government to present those estimates to both Houses, I believe that the government had the option to look to find out whether or not the Senate estimates were in the proper form. I would submit that that is not the case in this particular case. Vote 2c, under the Supplementary Estimates, for the Senate says:

To authorize the implementation of the Forty-first Report of the Standing Committee of Internal Economy, Budgets and Administration, 2nd session, 34th Parliament, adopted by the Senate on June 5, 1990, and to authorize, in the current and subsequent fiscal year, payment of the allowance referred to in the report.

The Financial Administration Act is very clear. In section 27 it says:

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