

*Speaker's Ruling*

This is a process which has long been adhered to by the House which provides for an examination of the estimates in rather great detail, but does not provide for extensive debate between the various stages of the supply bill. As a result of that, it has long been a tenant (sic) of the House that supply ought to be confined strictly to the process for which it was intended; that is to say, for the purpose of putting forward by the government the estimate of money it needs, and then in turn voting by the House of that money to the government, and not to be extended in any way into the legislative area, because legislation and legislated changes in substance are not intended to be part of supply, but rather ought to be part of the legislative process in the regular way which requires three readings, committee stage, and, in other words, ample opportunity for Members to participate in debate and amendment.

That is from *Votes and Proceedings*, page 184.

[*Translation*]

As the hon. member for Ontario acknowledged in raising his point of order, Madam Speaker Sauvé in a carefully-structured ruling on June 12, 1981, set out the principles established by her predecessors. She said: This history shows that during the past ten years, members have objected that in one way or another the estimates that have been submitted from time to time by the government have attempted to do more than set out the spending requirements of the government for the next fiscal year. This is of course supposed to be the acknowledged purpose of estimates and appropriation acts. (*Debates*, page 10546)

• (1520 )

[*English*]

In light of this line of authority, the direction the Chair must take in this regard is evident.

The language of both Senate vote 2c in the Supplementary Estimates 1990-91 and of vote 5 in the Main Estimates 1991-92 is specific. Vote 2c reads as follows:

To authorize the implementation of the Forty-first Report of the Standing Committee on 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 within the report.

Vote 5 reads:

To authorize the implementation of the Forty-first Report of the Standing Senate Committee on 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 years, payment of the allowance referred to within the report.

In both instances authority is sought, first, to implement the Senate committee report which recommended the allowances and, second, to pay the allowances. The very wording of the votes confirms that there is no existing statutory authority under which the allowances could be paid. If the statutory authority existed there would be no need to seek approval for implementation in this fashion. The type of authority sought here is akin to approval in principle and, as was made clear in the rulings of both Speakers Lamoureux and Jerome, should be sought through legislation other than appropriation bills.

The lack of legislative authority on which to base a request for funds exceeding an existing and continuing act of Parliament, alone, would be reason enough for the Chair to order that the offending items be struck from the estimates; but authority is also sought to spend in a time period beyond the current fiscal year. That too is also clearly prohibited. The cycle of supply is articulated at page 677 of May's 18th edition "According to the 'principle of annuality', which is strictly enforced every financial year is treated as a closed period separate from every other financial year. Money voted for and revenue received during a particular year cannot be applied to the use of a subsequent year; furthermore citation 483 of Beauchesne's fifth edition refers to "the Main Estimates to cover the incoming fiscal year". Citation 484 states:

The purpose of the Estimates is to present to Parliament the budgetary and non-budgetary expenditure proposals of the Government for the next fiscal year.

[*Translation*]

May and Beauchesne read together leave no room for doubt on this point. Supply requests, through main or supplementary estimates must relate solely to the fiscal year for which they are granted.

[*English*]

The weight of precedent and the strength of the argument made by members in the House compel me to find that vote 2c under Parliament in the Supplementary Estimates 1990-91 and vote 5 under Parliament in the Main Estimates 1991-92 are not properly before the House, and are therefore deleted from the estimates. All proceedings relating to those specific votes are declared null and void and there can be no further proceedings relating to those two votes.

The Chair extends its appreciation to the hon. member for Ontario who so carefully set out his point of order