

of order, was in no way, shape or form an indication that I or other members of the House felt that it was appropriate. It was only because within any one estimate period there is only so much one can do. I just did not have the time to check the whole thing. It is pretty hard for my research assistant and I to match the thousands of people in Treasury Board, and of course I have had one or two other things on my mind.

If Madam Speaker examines the votes raised and the indications which I have presented here in particular as against the very clear, precise and concise ruling of Your Honour last year and the rulings of your predecessors, it becomes pretty clear that these votes are out of order.

I repeat to the President of the Treasury Board (Mr. Johnston) that our object is not to confuse unduly or to cause problems for the minister. Our object is simply to get him to treat the House with respect and to obey the law and the rulings of the Chair. In drafting this document again this year, I think they have taken liberties which are inappropriate. I feel Your Honour should rule these votes out of order.

Hon. Donald J. Johnston (President of the Treasury Board): Madam Speaker, I welcome the opportunity of responding to the point of order. I congratulate the hon. member for Calgary Centre (Mr. Andre) for his tenacity in this matter. I only wish it were matched by legal talent.

The first point I should like to make in responding to the arguments of the hon. member for Calgary Centre is that timing in raising points of order of this kind is of the essence. I refer to Citation 235 of Beauchesne, wherein it is indicated that an hon. member raising a point of order "should do so as soon as he perceives an irregularity in the proceedings which are engaging the attention of the House". It continues:

The Speaker's attention must be directed to a breach of order at the proper moment, namely the moment it occurred.

Last year the hon. member for Calgary Centre had the courtesy to raise his point of order on June 1. He raised his point of order today before the last allotted day, Monday. I suggest that on that ground alone the point of order should not be entertained. However, it is not at all necessary for me to rely on that point, but I suggest that it is relevant and applicable.

The arguments put forward by the hon. member for Calgary Centre suffer from a number of fatal flaws. We paid great attention to Madam Speaker's ruling of last year when we prepared the Main Estimates in order to ensure, beyond any doubt, that there were no new legislative provisions provided for in the Main Estimates which I tabled. I should like to refer you, Madam Speaker, to your ruling of June 12, 1981 wherein you said:

The test is whether or not the government is putting forward a spending estimate under authority it already possesses, or whether it is really seeking new legislative authority to do something.

Then Madam Speaker went on with two comments which perhaps the hon. member for Calgary Centre has not noted. As reported on page 10547 of *Hansard* of June 12, Madam Speaker stated:

Point of Order—Mr. Andre

However, two of the items, External Affairs Votes L50 and L55, have previous statutory authority, albeit previous Appropriation Acts, and thus are in order.

Further you went on to say:

As I said earlier, the programs described by External Affairs Votes L50 and L55 are authorized by previous Appropriation Acts, and therefore the moneys sought for the instalment to be paid are in order.

There is no magic in what the Treasury Board has done this year in terms of the language which has been added to the Main Estimates. It is there for convenient reference by readers of the estimates, because of Your Honour's ruling last year. In each of the cases cited by the hon. member for Calgary Centre, it is to be noted that there is previous authorization through an Appropriation Act.

Everything to which the hon. member referred has received prior parliamentary approval through Appropriation Acts. Let me deal just very briefly with a few examples of that, just to make the record absolutely clear. The hon. member referred to Communications, Vote No. 1. This is when he was dealing with the issue of authority to pay. Madam Speaker will recall that he categorized a number of votes as providing authority to a department to expend funds received within the operation of a program. On page 3-6, Communications, Vote 1 reads as follows:

—Operating expenditures, the grant listed in the Estimates, contributions and authority to spend revenue received during the year (As previously provided in Appropriation Act No. 2, 1981-82).

I do not want to take the time of the House by going through each one of the sections which the hon. member raised, but if Madam Speaker refers to the Main Estimates, I can assure her that she will find in each single case the same authority and reference provided. The authorization is clearly given.

Then the hon. member for Calgary Centre made reference to the provisions of proposed legislation, Bill C-96, Section 20.1(1), where he said that we are attempting to provide for this kind of authority. Indeed, we are in strict compliance with Madam Speaker's ruling last year. We recognize the validity of the ruling which was rendered, and hence in future it will require the sanction of the provisions of the proposed law to provide for similar programs, but not for programs which have already received parliamentary approval within the scope of the ruling which Your Honour delivered and in accordance with the specific passages which I read.

Of course, the same is true with all other votes, more particularly with respect to the provisions of Bill C-91 which authorizes the Department of Public Works to expend funds on other than public property. That will provide authorization for such expenditures in the future. If Madam Speaker refers to the Main Estimates, she will note that we have been very careful to ensure that no such new authorities are provided for. Of course, as I pointed out, what is provided for are those which are there. I understand that a number of these votes which the hon. member for Calgary Centre has challenged today have in fact been in the estimates for many years, if not decades.