

Points of Order

adoption of this Report by the Senate and payable, after Parliament appropriates the necessary funds, on application by the member."

That was approved, and that is the rule under which the Senate has established that the funds are available.

Members of Parliament and senators are paid under the statutes of the Parliament of Canada Act, which I have referred to, and I would now like to reference in detail my point of order. In the Parliament of Canada Act, Part IV, section 55(1), the sessional allowance of MPs and senators is clearly prescribed.

In section 55(3) of the same act the annual rate of change to this allowance is also very clearly prescribed.

In section 55(5) the rate of change that did not prescribe to the rate established in section 55(3) was included very specifically as a unique consideration.

In section 55(7), when again the automatic provisions for salary adjustments were overridden, an amendment to this legislation was enacted to change the rate of pay.

Section 57 of the Parliament of Canada Act deals with the deductions for non-attendance by members to the House and the Senate. I would also emphasize it deals with deductions, not increases or extra payments.

In section 59 both Houses are empowered to set stricter rules that relate to attendance.

Section 63 of the Parliament of Canada Act authorizes either House to pay certain expenses incurred by members. Specifically, section 63(3) establishes an allowance for expenses for members, and particularly section 63(3)(a) sets the allowance for senators.

Further, section 67(1) establishes how members' allowances can be adjusted annually by a very clear process.

Section 68(1) requires the Governor in Council subsequent to each election to appoint commissioners to review the adequacy of the allowances provided to members and to report their findings and recommendations within six months.

The government did in fact appoint that commission and its submissions were received in this House.

I would like to submit, Mr. Speaker, that the inclusion of the \$153 allowance does not meet any of the preceding requirements. Further, in the absence of any indication of legislative amendments to the Parliament of

Canada Act, I would request that you rule the senators' new allowance as it appears in the spending estimates out of order.

The reason I would do that, I would now like to indicate, is that there have been similar attempts to use the spending estimates to change legislation. The Speaker in the past has been asked to rule on similar type attempts. I would now like to cite a couple of examples which I hope Your Honour would include in your considerations on my point of order.

Back on March 25 of 1981, Madam Speaker at the time had been asked by the hon. member for Calgary Centre to address a similar occurrence, where in fact the statutes were not being amended but appropriations appeared in the spending estimates.

I would like to quote from page 8600 of the March 25, 1981 *Commons Debates*:

In 1971 hon. members commenced to take exception to those items in Supplementary Estimates which in effect were amending statutes other than appropriation acts. The hon. member mentioned those occasions commencing with the ruling of March 10, 1971 leading to the ruling of December 7, 1977, on a point of order which the hon. member himself had raised on that occasion. Because it was a new point in 1971, the Speaker disallowed only some of the items objected to on the ground that they were obvious amendments to statutes other than appropriation acts while permitting, with a warning, less obvious items to remain in the estimates.

• (1210)

Further, on June 12, 1981 the Speaker ruled on a similar point made by the hon. member for Calgary Centre. It is a rather lengthy ruling. I would like to quote some comments from it, but I would certainly refer it to Your Honour for consideration. As reported on pages 10546 and 10547 of the *Commons Debates* for June 12, 1981, it reads:

—history shows that during the past 10 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.

In 1971 the Chair ruled that items in the estimates that attempt to amend existing statutes are out of order. This was confirmed by most subsequent rulings.

In 1974 and 1976 the Chair went further and dealt with the question of matters of substance being put in the estimates. The Speaker, in effect, ruled that the Appropriation Act is not the place to seek authority to do something such as to establish a program. Rather, the