

Point of Order—Mr. Andre

Loans in accordance with terms and conditions prescribed by regulations of the Governor in Council,

(a) for the purpose of promoting the establishment, growth, efficiency or international competitiveness of Canadian industry and to foster the expansion of Canadian trade to a person engaged or about to engage in a manufacturing, processing or other commercial activity; or

(b) to a person who has previously obtained assistance under a program of assistance to industry or any trustee or receiver authorized by law to carry on the business of such person for the purpose of protecting the Crown's interest resulting therefrom.

Very clearly, vote L35 would give the governor in council regulation-making authority. We are being asked through Vote L35 to give the governor in council the right to make law, the right to make regulations, to set up a whole new program to promote the establishment, growth, efficiency or international competitiveness of Canadian industry. No one is arguing about the merits of the program. Clearly it is a whole new program complete with its own set of laws and regulations which Parliament is being asked to authorize through an appropriations bill. That is clearly contrary to the conditions of your ruling of last year.

Vote 40 of Public Works, which is found on page 23-54, reads:

Land Management and Development—Program expenditures, contributions and authority for Toronto Harbourfront Corporation to spend revenues received during the year in respect of Toronto harbourfront properties owned by Her Majesty and payments to a corporation to be established for the purposes of developing the port properties of Chicoutimi owned by Her Majesty.

That is out of order for two reasons. First, the authority to spend revenues. These are Her Majesty's revenues which are public moneys and which should go into the Consolidated Revenue Fund according to the Financial Administration Act. But we are being asked to delegate the authority to spend those revenues to the Toronto Harbourfront Corporation, which is a Crown corporation of some sort, I guess. It is one of the mysterious 400 Crown corporations that are making life so wonderful for Canadians. In any event, it is clearly contrary to the Financial Administration Act.

Second, it is for the purpose of payments to a corporation to be established. The government is asking us for authority through this vote to establish a new Crown corporation. That clearly goes way beyond what is the proper role for a vote as articulated by yourself and your predecessors, the Hon. Mr. Jerome and the Hon. Mr. Lamoureux. Those votes are clearly out of order.

One last vote which is clearly out of order is Secretary of State, Vote 40. This one is almost an affront to the House. It is out of order because the government relies on an authority that exists but is not valid. At page 26-42 we find Vote 40, which reads:

Contributions, and authority to make payments out of the Consolidated Revenue Fund and to charge said payments to the National Lottery Account, for the purpose of physical fitness, amateur sport and recreation programs in accordance with terms and conditions prescribed by order of the Governor in Council, the aggregate of said payments and payments made pursuant to paragraph (d) of Treasury Board Vote L27a, Appropriation Act No. 4, 1976, not to exceed at any time 5 per cent of the aggregate of the amounts credited to the National Lottery Account.

It relies on its authority for paragraph (d) in the Appropriation Act No. 4, 1976, Vote L27a. However, if you look at Vote L27a of the Appropriation act No. 4, 1976, it states: "To provide, in respect of Loto Canada". I shall put on the record paragraph (d) of Vote L27a. It reads:

(d) in the current fiscal year, for the purpose of physical fitness, amateur sport and recreation programs in accordance with terms and conditions prescribed by order of the Governor in Council, of an amount not to exceed 5 per cent of the amount credited to the said Account in the current fiscal year; and—

In other words, this authority, the Appropriation Act No. 4, 1976, which is used in Vote 40 of the Secretary of State's estimates for 1982-1983, has essentially been dead for six years. The government is using authority which ended at the end of that fiscal year. "In the current fiscal year" is the operative language.

Mr. Beatty: It is like the Minister of Finance (Mr. MacEachen), who has been dead since last November.

Mr. Nielsen: But he will not lie down.

Mr. Andre: I will point out that the rest of the vote looks like it is setting up a program as well, and probably should have been ruled out of order on its merits.

You may notice that throughout the estimates there is the wording in brackets at the end of votes "As previously provided in Appropriation Act No. 2, 1981-82". That language is there, I am sure, as a result of your ruling last year when a great number of votes were examined and ruled out of order, most appropriately. The Treasury Board when drafting these estimates put in this language, as previously provided in Appropriation Act No. 2, as somehow sanctifying these votes.

● (1230)

I merely want to point out, Madam Speaker, that you and your predecessors by your decisions, by example, and I believe by statements, have clearly indicated that the fact that an improperly constituted vote might have passed in the past is not justification for saying that therefore it is okay in perpetuity and one can do that.

May I also point out that you and your predecessors have quite properly ruled that it is not the role of the Chair to go through every vote to see if it is in order, but that the Chair will rule on points of order raised by hon. members. Last year I pointed out, as I have done in previous years, that even though I had a very extensive list of votes which I felt were out of order, I did not in any way, shape or form claim that it was a definitive list. Indeed, I made the observation last year that quite likely there were numerous other votes which were out of order. I simply lacked the resources, the staff and so on to go through and check every one of these votes in terms of their legality or non-legality.

I understand what the Treasury Board officials were doing when they included the language, "As previously provided in Appropriation Act No. 2, 1981-82". The mere fact that that kind of language might not have been raised by myself last year, when I had an extensive list of votes which I felt were out