

Energy, Mines and Resources, Vote 1; Environment, Vote 5; Finance, Vote 1; Public Works, Vote 10; Supply and Services, Vote 1; Transport, Vote 1, Vote 10, all end with the phrase:

Program expenditures and authority to spend revenues received during the year.

Transport, Vote 45 reads:

—and authority to spend revenue received during the year including the spending of an amount equal to, in the opinion of the Minister of National Revenue, the amount received—

And it goes on. Clearly, Madam Speaker, those votes seek authority which does not exist under current legislation. The government is in fact attempting, through Bill C-96, to gain that authority. If it succeeds, then presumably it would not need that language to seek that authority; but at this point in time it does not have that authority.

In spite of the Chair's very clear rulings there is one vote—perhaps two others, but I am not certain so I will not raise them now—which seeks to amend legislation. I am referring to Privy Council, vote 1 which states:

Program expenditures, including the operation of the Prime Minister's residence; 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 Senate and House of Commons Act—

The Salaries Act, as amended last July, states the remuneration to be paid to each minister. Section 5 states:

The salary of each Minister of State, being a member of the Queen's Privy Council for Canada, who presides over a Ministry of State is \$30,800 per annum.

What Vote 1 of the Privy Council seeks to do is amend that act, because it says that ministers of state who do not preside over a ministry of state will have a salary equal to that paid to a minister of state who does preside over a ministry of state. That is exactly parallel, Madam Speaker, to a vote which you ruled out of order, appropriately so, last year, being vote 30 of Agriculture in the 1981-82 Main Estimates. That vote stated, and I quote:

Agri-Food Regulation and Inspection—Contributions including compensation at rates determined in the manner provided by Section 12 of the Animal Disease and Protection Act to owners of animals affected with diseases coming under that Act that have died or have been slaughtered in circumstances not covered by the Act.

So that vote attempted to extend the act to situations not covered by it. Quite properly, Madam Speaker, you ruled that was an amendment to the legislation. Privy Council, vote 1 does exactly the same thing, and is clearly out of order based on your ruling of last year.

Another series of votes which I believe to be out of order is Public Works, Votes 15, 25 and 35, which seek authority for expenditures not authorized under existing legislation. Vote 15 reads:

Capital expenditures including expenditures on works on other than Federal property and authority to reimburse—

And so on. The key words are “expenditures . . . on other than federal property”. Madam Speaker, the Public Works Act in Section 9 provides:

### *Point of Order—Mr. Andre*

The Minister has the management, charge and direction of the following properties belonging to Canada, and of the services in this section enumerated, namely:

And then subparagraph (h):

—all other property that now belongs to Canada and the works and properties acquired, constructed, extended, enlarged, repaired or improved at the expense of Canada, or for the acquisition, construction, repairing, extending, enlarging or improving of which any public money is voted and appropriated by Parliament—

So what this act says is that when the minister spends any money extending, improving, etc., any property, it belongs to Canada. That property belongs to Canada. There is no authority granted to spend money on non-government-owned property. If the minister improves the buildings, puts in leasehold improvements, they become the property of the minister. The only exception is when there is a distinct subsidy involved.

I would also point out that the recognition of that fact is obvious from Bill C-91, which has been given first reading only, which states in Clause 1:

• (1220)

The Minister may, with the approval of the Governor in Council, incur expenditures or perform, or have performed, services or work in relation to

(b) properties not belonging to Canada.

What Bill C-91 would do if it were passed is give the minister legal authority to do what he is attempting to do through Votes 15, 25 and 35 in the estimates. No authority exists for the minister to spend public moneys on non-public property based on Section 9 of the Public Works Act. Bill C-91, which has not been passed by this House, seeks to give the minister that authority, but until it is passed it is now law.

Again, I refer to Citation 486, I believe it is, of Beauchesne which says that you cannot anticipate legislation in the estimates. A vote is out of order until the legislation is passed.

The other class of votes which are out of order are those perhaps best demonstrated by IT and C votes 25 and L35 on page 14-6. It is my submission that these votes attempt to create a new program which is clearly contrary to the decision you made last year at this time, Madam Speaker, when you said:

—the Appropriation Act is not the place to seek authority to do something, such as to establish a program.

I might refer in particular to Grants Vote 25, which reads:

Payments in accordance with terms and conditions approved by the Governor in Council to companies engaged in ship repair on the Canadian east and west coasts for the construction and extension of dry docks and for the purchase and construction of supporting facilities.

There is no program of that sort, Madam Speaker. Perhaps there should be. We are not speaking against the program. The telltale language there is the terms and conditions approved by the governor in council. In essence, we are being asked to delegate to the governor in council authority to set up this program under the terms and conditions the government decides. That is not in keeping with your ruling, Madam Speaker.

Vote L35 is perhaps a more obvious example of attempting to set up a new program. This vote reads: