

Speaker's Ruling

ance could be based. The hon. member then marshalled the various rulings of the Chair since 1971 in support of the concept that authority to act is received through legislation, whereas money to finance authorized action is received through the passage of an Appropriation Act. He contended that the allowance sought by the hon. senators should have been obtained by means of an amendment to the Parliament of Canada Act and, in an impressive survey of Speakers' rulings, demonstrated that in the past, attempts to legislate or to amend statutes other than Appropriation Acts by means of items inserted in the estimates have been disallowed.

The hon. member for Churchill agreed that there was an attempt here to do through appropriations what should be done through legislation and that this was in breach of the Speakers' rulings. He also made the point that the estimates according to section 27 of the Financial Administration Act should relate only to expenses for the current fiscal year and drew attention to the fact that Senate vote 2c in the Supplementary Estimates sought authority for the payment of the allowance in the current and subsequent fiscal year. It should also be noted that Senate vote 5 in the Main Estimates 1991-92 seeks the same authority not only for the current and subsequent fiscal years but for all subsequent fiscal years.

[Translation]

The hon. member for Kingston and the Islands in his intervention did not question the impact of the authorities quoted by the hon. member for Ontario. Rather, he provided for the Chair's consideration two precedents which the Chair will discuss briefly.

[English]

It appears common ground in the arguments that have been made, first, that statutes ought not to be amended by means of items in the estimates; second, that authority to act in cases where statutory provisions already exist should be sought by the passage of amending legislation and only then the money to finance that action should be sought through appropriation acts and, third, that funds requested in the estimates must relate only to the fiscal year for which they are requested.

• (1510)

In this event, there remains only for the Chair to decide, as the member for Kingston and the Islands put it, whether the items in the estimates providing for the senators' allowance fall into the impugned type of estimates.

[Translation]

The hon. member referred the Chair to a particular item in the schedule to Appropriation Act No. 2 for 1965 which authorized the payment of a gratuity to the spouse or estate of a deceased member of the Senate or House of Commons. I believe the hon. member himself recognized that this precedent is of little utility in the current circumstances, because it relates to a time when there was a radically different supply process in this Chamber and, of course, it predates the significant ruling of the Chair in the 1971-84 period.

[English]

The hon. member's second precedent referred to an item in the schedule to Appropriation Act No. 3 for the financial year 1989-90. Vote 1 under Privy Council Office, he noted, provided for the payment to ministers without portfolios, or to ministers of state who do not preside over a ministry, a salary equal to the salary paid pursuant to the Salaries Act to a minister of state who presides over a ministry. There are other provisions therein, but it is not necessary to quote at length. On June 18, 1982, the hon. member for Calgary Centre challenged precisely this item. He said, as recorded at page 18607 of *Debates*:

In spite of the Chair's very clear rulings there is one vote—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