

Point of Order—Mr. Andre

priation of funds. This may have been reasonable in the distant past when the appropriation bill was subject to full and complete debate with first and second reading, committee and report stages and third reading. However, since the rule changes in 1969 wherein the appropriation bill is passed through all stages with no debate, this procedure is no longer appropriate.

Now, over the last decade numerous members have raised points of order respecting the use of the estimates and the appropriations procedure to seek legislative authority by way of dollar items. Your predecessors, Madam Speaker, have ruled on these points a number of times, including on March 10, 1971, December 10, 1973, and March 6, 1974, by the Hon. Speaker Lamoureux; on June 22, 1976, March 22, 1977 and June 7, 1977 by the Hon. Speaker James Jerome.

On December 7, 1977, Speaker Jerome, referring to the supply procedure, said as reported on page 1642 of *Hansard*:

This is a process which has long been adhered to by the House which provides for an examination of the estimates in rather great detail, but does not provide for extensive debate between the various stages of the supply bill. As a result of that, it has long been a tenet of the House that supply ought to be confined strictly to the process for which it was intended, that is to say, for the purpose of putting forward by the government the estimate of money it needs, and then in turn the voting by the House of that money to the government, and not to be extended in any way into the legislative area, because legislation and legislated changes in substance are not intended to be part of supply, but rather ought to be part of the legislative process in the regular way which requires three readings, committee stage, and, in other words, ample opportunity for members to participate in debate and amendment.

Perhaps the most definitive ruling, again by your immediate predecessor is to be found on page 4221 of *Hansard*, March 22, 1977, wherein he stated:

On the general question, it is my view that the government receives from Parliament the authority to act through the passage of legislation and receives the money to finance such authorized action through the passage by Parliament of an appropriation act. A supply item, in my opinion, ought not, therefore, to be used to obtain authority which is the proper subject of legislation.

The rulings of the Hon. Speaker Jerome are unambiguous and precise, Madam Speaker. In my view, therefore, to show that the items or votes in Supplementary Estimates (C), which I will soon identify, are improper and out of order, it is only necessary to show that these are not truly supply items, but rather that they seek to go beyond the simple and limited scope of the supply procedure, which is the appropriation of specific funds for specific purposes and nothing more.

I would like first to bring to your attention Vote 5c under the Department of Energy, Mines and Resources, at page 24 of the Supplementary Estimates (C), 1980-81. I will not read this rather long item into the record, but what it does is grant to the governor in council authority to establish what is termed the Canadian ownership account, a non-budgetary trust account, and give the governor in council authority to transfer funds from what will be a Canadian charge, if and when that is approved by this House, into such account. It gives the government authority to spend that money on the shares of Petrofina up to a maximum of, interestingly enough, \$1.7 billion. Then, Madam Speaker, the item in the final line concludes with the following words: "and to provide a further sum of \$5,382,000." Last Thursday, the Minister of Energy,

Mines and Resources (Mr. Lalonde) attended the Standing Committee on National Resources and Public Works. He outlined in detail what the \$5,382,000 was for. It consists of ten different items. The testimony is in the committee records and is available. The items are: \$600,000 to implement the Canadian oil and gas substitution program; \$81,000 for professional services; \$195,000 for studies; \$170,000 for capital costs of vehicle conversion; \$250,000 for an energy audit; \$50,000 for some contracting out; \$20,000 for consulting fees; \$2,259,000 for scientific equipment; \$1,134,000 to supply resources to administer the petroleum incentives program; \$623,000 to provide additional managerial authority.

● (1550)

Those ten items which are accounted for in the last seven words of the estimate add up to precisely \$5,382,000, so that all of the vote described in the words preceding the last words of this vote do not have even a single dollar attached to them. In other words, if this vote were not seeking authority to set up this fund and to give the governor in council authority to administer it, it could have been taken care of by the simple words "to provide an amount of \$5,382,000", the details of which were supplied by the minister.

The entire intent of that vote and that wording is clearly to seek authority for the establishment of this special fund, and it is described as a non-budgetary account. Those words are important in that they indicate that this account and the funds transferred in and out will be beyond the reach of the public accounts procedure, that is, the funds are collected by the Canadian ownership charge and will not go into the Consolidated Revenue Fund, be reported in the public accounts and thereby in fact show up in the blue books of estimates. In fact, they will go into this non-budgetary account, and Parliament will have no opportunity to examine them in the same way as we have the opportunity to examine the gathering and expending of normal taxation funds through the consolidated revenue fund.

Without these checks and balances which are normally provided, I think it falls upon us as a responsible Parliament to give even more consideration to what the government is attempting to do here.

If I may quote again the words of Mr. Speaker Jerome of March 22, 1977, he said:

—the government receives from parliament the authority to act through the passage of legislation and receives the money to finance such authorized action through the passage by Parliament of an appropriation act.

The government in this instance is clearly seeking legislative authority through a parliamentary act to set up this account, but in this instance it has not even sought the nominal one dollar which has been the traditional device used in order to establish an account.

If there is any question in the mind of the Chair with regard to the points I have raised, I would be pleased to elaborate. There are ample precedents in the rulings of Your Honour's immediate predecessors to establish beyond doubt that what the government is attempting to do is something which ought