

*Financial Administration Act*

Then the report says:

In the audit office view these guide lines were not always followed in the preparation of the special warrants and a number of the items provided for did not meet the test of being "urgently required for the public good" as required by section 28 of the act.

Furthermore, payments under the special warrants continued to be made after parliament assembled on January 18, 1966 until Appropriation Act No. 1, 1966 was assented to on February 8, 1966.

This is a serious problem which of course the permanent officers of the crown have to face when their political masters, for reasons best known to themselves, decide to call elections from time to time. This is something for which all political parties must accept some degree of responsibility. When you look at the original section 28 of the Financial Administration Act, the section that will be replaced by this clause, you find this wording:

Where an accident happens to any public work or building when parliament is not in session and an expenditure for the repair or renewal thereof is urgently required, or where any other matter arises when parliament is not in session—

**Mr. Benson:** On a point of order, Mr. Chairman, that is not the section that is being replaced now. The section that is being replaced now is the one that was enacted on September 6, 1958.

**Mr. Baldwin:** I recognize that this section was changed, Mr. Chairman, by reason of another amendment. I am trying to get at the history of the legislation. It is quite obvious, starting on this basis and working forward, that it was intended that when some special or urgent circumstance arose requiring expenditure to be made when parliament was not in session, recourse could be had to this particular section.

I remember that when I was practising law years ago, as a solicitor for some municipalities in Alberta there was a question of whether relief or welfare payments were the responsibility of one municipality or another. The test then was that if it was a case of sudden and urgent necessity, the municipality in which the person resided was liable for these payments. I remember that there were cases of women being delivered of children who tried to suggest that this was a case of sudden and urgent necessity, and we could always argue logically that this had nothing to do with a sudden and urgent necessity because there had been a preparatory period of nine months.

For a government deliberately, two and a half years before its time has come—I have in

[Mr. Baldwin.]

mind a little different time here—to seek an election and go to the people, and then say there is a payment that is urgently required to be made, I submit is absolute nonsense. We have argued this question in the public accounts committee time after time and this is an opportunity to bring the matter before this committee. If the government is defeated there might be some circumstances in which a payment has to be made urgently, but even then, as the hon. member for Carleton has pointed out, there are ways and means of getting around the difficulty. But when a government deliberately chooses to seek an election knowing it can have recourse to this legislation, and the sum of \$920 million is involved, it is a further example of the erosion of parliamentary control of finance. It is all very well to say that under the terms of the legislation the estimates are brought back to the house. Of course they are, but the money has been spent and we cannot undo what has been done.

Over the last two or three elections billions of dollars have been spent by way of Governor General's warrants and this parliament has had nothing at all to do with those expenditures except after the act, in approving the amounts. I suggest that the original intention of the section was to provide for emergency payments of a particular kind, but when a government deliberately seeks an election they should only do so on the basis that they have provided the funds necessary to carry on the essential services of government during that period.

Quite obviously it is going to take a great deal more than a simple amendment to resolve this question. This is a matter which governments will have to consider in the light of parliamentary responsibility. A government has a certain responsibility which sometimes it can only exercise when it sees fit to ask His Excellency for dissolution of parliament, but I suggest they should not do so until they have taken the proper precaution of making available the funds necessary for the carrying on of the essential services of government. I intend to vote against this clause in the hope that it may initiate further discussion of this problem.

There is one other matter that I want to bring to the minister's attention. I have not a copy of the last amendment, but perhaps the minister can answer this question. Will section 28 of the Financial Administration Act contain a provision similar to that contained in subsection (4) of the act, which provides