

When the matter was raised in 1961, some 16 years later, it was reviewed at that time and it was considered in the light of the practice being followed at that time for other cases of a similar nature. In other words, what fraction of full time these services could count. The practice followed at that time, I am informed, was that the amount of pay the man received as a consultant was compared not with what he received from other employers outside but rather with what he would have received had he been employed full time for the agency concerned. Assessing the matter in this way, the conclusion was reached that approximately half time would be a reasonable evaluation of the matter, as the agency had proposed in the first instance. This was supplemented by some effort to find out the real time spent on the work of the agency as compared with relative earnings. In this particular case it should be noted that when this gentleman was consultant to the agency he in fact exercised a considerable measure of executive authority in the agency's affairs, and in fact served in place of the chief full time officer of the agency for several months in the year when the latter was away on leave. The branch felt, and I feel on reviewing the matter, that the original request of the agency was warranted and that the decision to grant it in 1961 was justified.

The CHAIRMAN: Thank you, Mr. Bryce. Have you any comment, Mr. Henderson?

Mr. HENDERSON: No, I have no comment on that explanation, Mr. Chairman.

The CHAIRMAN: May we pass on to the next item in view of Mr. Bryce's explanation?

This is No. 65 and refers to payment under pension plan for employees engaged locally outside Canada.

65. *Payment under pension plan for employees engaged locally outside Canada.* Pension plans for employees engaged locally (a) in the United States and (b) in the United Kingdom and the Republic of Ireland, were established with the approval of the governor in council in 1957, and reference was made to these plans in our 1958 report (paragraphs 56 to 59). In its Second Report, 1959 the standing committee on public accounts commented on these plans and stated:

It was drawn to the notice of this committee that the Public Service Superannuation Act excludes from its benefits 'an employee engaged locally outside Canada' and that the sole authority for entering into the arrangements was a vote having this text: 'government contributions to pension plans for employees engaged locally outside Canada'. Therefore, the matter before the committee was whether the text of this vote was sufficiently explicit to vary a statement of policy enunciated in the Public Service Superannuation Act.

It is a commonplace to say that, save when the prerogative is applicable, public administration derives its authority from some provision in a statute and that, while the text of a vote may be such as to result in an enactment, such an intent should be clearly stated. The reason is that the object of supply and appropriation being simply to furnish the crown with authority and opportunity to draw on consolidated revenue fund, the committee of supply should never be presumed to be simultaneously determining the law applicable, save and except when the text of the item necessitates.

In the present cases, contracts have been negotiated and a substantial number of persons have been contributing for over a year. In the circumstances, your committee accepts the status quo