

Correspondence on Surcharges

Some hon. Members: Oh, oh.

Mr. Smith (Simcoe North): I presume I quoted accurately from *Hansard* the hon. member for Essex East when he said:

It was not rejected. As my hon. friend knows, it was an oral opinion.

Mr. Martin (Essex East): Yes, based on what he said.

Mr. Smith (Simcoe North): The hon. member said that it was an oral opinion. However, I should like to quote from column II of *Hansard* for 1948, page 1322. The hon. member for Eglinton said:

Several days ago, in reply to a question from the hon. member for Calgary East, the minister, as I recall his remarks, and I was in the house at the time, said that an opinion had been sought by himself last August, and that the opinion had been given at least in the first instance orally and had been followed by a memorandum. I understood that the minister was considering making the memorandum available to members of the house.

Mr. Abbott: No. I said I would show it to the hon. member for Calgary East and I did.

There was a written opinion.

Mr. Fleming: I have not seen it.

Mr. Abbott: I said, at the time it was asked for, I did not know whether it was proper for legal opinions from law officers of the crown to be produced in parliament. I discovered later that it was not; but my hon. friend said he would like to look at it himself. Knowing what a good lawyer he was, I had no objection to showing it to him, and I did give him a copy of the memorandum the other day...

Perhaps that was improper; I do not know. In any event, I did it.

So there was a written opinion. Perhaps it would be interesting to hear Mr. Abbott's rejection of the motion by the hon. member for Eglinton on this matter. I am reading from volume 1 of *Hansard* for 1948, at page 331 where Mr. Abbott is reported as follows:

The policy which the government announces is the government's policy and it must stand or fall by that policy. It takes its advice from the permanent civil servants and in some cases accepts that advice and in other cases rejects it, for reasons. The government itself must take the decision. But to suggest that permanent civil servants should be subject to questioning as to what advice they have given the government would, if followed, be completely destructive of our parliamentary system of responsible government. I know of no case in which any suggestion has been made before this one to which I am referring. It has never been made in the British House of Commons. To my knowledge it has never been made before here and I hope this is the last time it will be made.

I am still quoting from Mr. Abbott.

One of the strengths of any British parliamentary government is the permanent civil service which goes on from government to government. The government may change but the permanent civil service is always there, ready to advise and carry on the functions of government. If we are going to expose the permanent civil service to personal attack and innuendoes and call them to account for

[Mr. Martin (Essex East).]

advice they have given to their political superiors, I say that we shall not be able to get any sort of first-class men in our civil service.

Mr. Pickersgill: May I ask the hon. member a question?

Mr. Smith (Simcoe North): I should like to complete one sentence. Surely that is the real reason why Mr. Abbott did not produce the opinion, not that it was a verbal opinion only, as was alleged by the hon. member for Essex East.

Mr. Pickersgill: Could I ask the hon. member a question? Did he read far enough to discover that what Mr. Abbott was referring to was not just the opinion of the law officers of the crown but the memoranda supplied to him by Mr. Rasminsky of the foreign exchange control board, and several other civil servants, which would have been privileged, as my hon. friend from Essex East would have agreed.

Mr. Smith (Simcoe North): I think the principle is clearly stated by Mr. Abbott. There may have been dozens of other documents.

Mr. Pickersgill: They are referred to.

Mr. Smith (Simcoe North): They were not produced. Neither was the opinion of the law officers of the crown produced. My hon. friend was curious as to why I was bringing in all the books and I promised I would not forget him. I should like to quote from page 351 of 1948 *Hansard*, volume 1. There we find that Mr. M. J. Coldwell stated as follows:

May I at once associate myself with what the Minister of Finance and the hon. member for Muskoka-Ontario said this afternoon about the impropriety of attacking in this house the permanent officials of Canada. Both hon. gentlemen quite properly warned the house that this should not be done—

Mr. Pickersgill: Mr. Speaker, I rise on a point of order. Your Honour was rather restrictive when I was speaking. I have been following the reading from *Hansard* of the hon. member. The hon. gentleman is now referring to a statement made by Mr. Abbott about other officials and not about law officers of the crown. I submit that it is totally irrelevant and is just using up time that should not be used up, according to the ruling given by Your Honour.

Mr. Speaker: Order. If certain citations have been made and certain arguments have been advanced as to whether documents should or should not be produced, the hon. member may cite references as has been done by other hon. members. If they are improper, it is up to or rather open to some other hon. members who will participate in the debate to traverse the arguments now advanced. So long as they do not go into the