

to tell you the truth, whether or not that is the proper way to do it, but it seems to me you cannot be wrong in drawing it to the attention of the House or the Senate. To do that, I should have thought that the minister would simply say "here is a matter that has been referred to me by the comptroller under section so-and-so, I move that it be referred to the Internal Economy Commissioners, or other appropriate committee." It seems to me it could be worked out on that basis. I am not sure, because I have not thought about it, whether it can be worked out by referring it to the Speaker because I am not sure what the Speaker does in a case like that.

Mr. SINCLAIR: Suppose the Clerk of the House wanted to get a couple of dictaphones for the stenographers' pool, and the comptroller might doubt that this was a legal charge against the authority, the appropriation for stationery. Is that going to be held off till next spring for the decision of the House?

That is the type of thing you come across, Mr. McIntyre, is it not?

Mr. MCINTYRE: That is what we have in mind.

Mr. SINCLAIR: Let us look at that. Do you mean to say that the House of Commons has to decide whether or not a dictaphone should or should not be bought?

Mr. MAJOR: Are you not referring it to the Speaker and the Speaker may refer it to the standing committee?

The CHAIRMAN: If we want to correct something that we have not the right to do, we are taking a roundabout way of doing it. I thought, if we left it as Mr. Henry himself considered appropriate, we should leave it to the "Senate and the House of Commons".

Mr. MACDONNELL: No, no, I do not think so.

May I ask Mr. Henry this question? If this was another department—Transport, Agriculture, or whatnot, am I right in thinking, as has been suggested, that the proper person to have this directive would be the minister of the respective department, is that correct?

Mr. HENRY: Yes, sir, for the purpose of drawing it to his attention, but he would not decide—

The CHAIRMAN: That way we will not get the decision.

Mr. CROLL: Why not leave the decision with the Speaker?

Mr. MACDONNELL: I was going on to ask if that was the proper procedure, would not the analogy in this case be the Speaker?

Mr. CLARK: No, I do not think the proper analogy is the Speaker. I suppose the Speaker is in the same position as the minister of the appropriate department—the minister whose official has made a request for a cheque which is illegal in some respects, in excess of the appropriation or something of that sort. In such cases the comptroller has to argue with the appropriate department and it gets up to the minister, presumably, before it is actually referred to the Treasury Board. But he cannot get the issue settled with the department—whether it is the deputy minister, another official, or the minister—so in the preceding subsections of this section he has to refer it to the Treasury Board and the Treasury Board makes the final decision between the disputants.

Here, you are trying to deal with a case where there has been a dispute. The Clerk of the House has requested a cheque which for some reason the comptroller thinks is illegal and a proposed illegal application of public funds. Presumably, it has been called to the attention of the Speaker by the official, the clerk, or the comptroller, and it may be that the Speaker upholds this particular official. You have the question then of who will decide as between the comptroller and the Speaker or, if you like, the Clerk of the House. You have to find something that corresponds to the Treasury Board in the case of another department.