

Supply—Privy Council

The crown today is represented in this house by the crown's first minister, and he is now craving our support for an item of \$15,000 as remuneration for two members of his government who have no statutory basis for their remuneration. That is what we are being asked to do in this item. We are being asked to provide funds until March 31, when there will again be no statutory basis. We, the elected representatives of the people, are being asked to vote this money.

Mr. Diefenbaker: Could I ask the hon. gentleman a question? I do not know the answer to this myself. Did he not say a while ago that there was a statute creating parliamentary assistants?

Mr. Pickersgill: Oh, no, not at all, except to this extent; that there was an appropriation act, which is a statute, but I did not make the statement to begin with. I said that the appropriation for the full year had been passed, not just a fraction of it as happened last fall in this case, and it was done after a full debate in the house, which I remember personally though I was not in the house. Therefore there is no analogy there.

I come back again to the fact that we are being asked at this time to vote \$15,000 to pay these two very estimable gentlemen who are members of the government and for whom the previous parliament had made no continuing provision. That is what we are being asked to do. That is what the Prime Minister has us here to do at this moment. What I am saying is this. The government anticipated two things. They anticipated that they would want to continue to pay these ministers and they anticipated correctly that they were going to win a victory at the polls. Therefore they paid these two gentlemen by governor general's warrants.

I say that was something no government should have done, that the last thing a government should do without parliamentary authority is to make payments to its own members. That is what was done by these governor general's warrants. That is the last thing a government should do. To make payment to their friends would be bad enough but to make payment to themselves is much worse, and that is what they were doing. They sat there in cabinet meeting some time between February 1 and March 31 and said, "Well, we will give these fellows a little dividend to help them out until the election." That is what happened. Perhaps I have put it rather crudely, as some of our constituents might have put it, but that is what happened and there is no getting around it.

On the point of whether this disqualified the hon. member for Greenwood from being a candidate, it is my opinion on reading the

statute that it would appear to have done so. But I welcome the Prime Minister's offer to get us a formal opinion on the subject from the law officers of the crown. I will not say anything more about it until we have that opinion, because I certainly would not wish to set up my opinion against theirs.

Now, sir, if the hon. gentlemen were improperly elected because they were unqualified to be elected, and if at the time they were elected they were receiving an emolument from the crown, as has been admitted they were, it would appear to me that there would still be a pretty strong argument that, even if they did not receive any further emolument between the date of their election and the date of the passing of the first interim supply bill, they were nevertheless improperly elected and should not have been here. There again I am not going to pit my opinion against the opinion of the law officers of the crown. I would very much welcome, because I think this is a very interesting and important constitutional point, having that opinion.

One thing upon which nobody needs an opinion, one thing that is within the jurisdiction of this house, is the question of whether or not we are going to condone the practice of the members of the government handing out sums of money to themselves by the use of governor general's warrants at a time when there is no parliament. As the Prime Minister has told us, that is what did happen in this case. I think it casts very grave doubt upon the position of both hon. gentlemen in the house. About this one point there seems to be no controversy whatever. It does seem to me that the sooner the government introduces proper legislation to regularize this situation and bring any remuneration that is paid to ministers without portfolio under the Salaries Act, as is done in the case of other ministers, the sooner we will remove any chance—

Mr. Diefenbaker: What about parliamentary assistants?

Mr. Pickersgill: I think if we are going to continue having parliamentary assistants we can say that the experimental phase, from 1942 to 1958, is over and that we might now take the risk of having permanent legislation on this subject. Since the Prime Minister has mentioned the subject, I might say that it appears the experimental phase is not over. We have the absolutely preposterous situation, and I am glad the Prime Minister reminded me of it, of \$56,000 having been voted by this committee to pay parliamentary assistants who do not exist and who cannot possibly receive a good part of that sum. However, the government insisted on ramming that through over our objections. On the