

When he paid into plan number five of the superannuation fund it was on the understanding that in the event of his death his widow would receive half his superannuation. If he now changes his mind and desires to be treated as a supreme court judge, in the event of his death his widow should not receive compensation. It does not seem to me reasonable that so much should be made of the contention of this gentleman and that an item should be placed in the estimates which, I presume, will have to be voted year after year during the lifetime of this gentleman. It should not be left to this house to say whether or not that is the proper action.

Hon. J. L. ILSLEY (Minister of Finance): I want to place this case fairly and squarely before the House of Commons, whose servant the auditor general is, and leave it to the judgment of the house. I want to point out that prior to 1931 the tenure of the office of the auditor general was the same as the tenure of supreme court judges. I do not think it will be necessary for me to go back very far into the history of Great Britain to illustrate how serious the matter of the tenure of supreme court judges has been considered; I think it will be sufficient to say that it figured in two revolutions. The matter was finally settled by the settlement act of 1702 when it was decided that supreme court judges should hold office during good behaviour and should only be removable by an address of the two houses of parliament.

In the early stages of confederation, specifically in 1878, it was determined by the federal parliament that the office of auditor general was of sufficient importance to the Dominion of Canada that the appointees should have the same tenure as judges of the supreme court. Since that time, auditors general have been appointed under the same act, with certain variations or amendments, with their term to run during good behaviour, which is usually taken to be interchangeable with the term "for life," and they were to be removable only by an address of both houses of parliament. Why was that done? That was done to guarantee in so far as it possibly could be guaranteed the independence of the auditor general.

Upon the auditor general is cast an extremely difficult, unpleasant and responsible task. It is his duty to check ministers and departments of the government, even the government itself, and report to this House of Commons anything which he may find wrong in connection with expenditures. The matters upon which he is to report are listed in the Consolidated Revenue and Audit Act. It is provided in that act that the Min-

[Mr. Stirling.]

ister of Finance shall make his report to the House of Commons, but if he does not make that report, then the auditor general may report direct to the house, thus showing that he is an officer of the house and not under the government.

Mr. CASSELMAN (Grenville-Dundas): Has he ever so reported?

Mr. ILSLEY: The auditor general reports every year.

Mr. CASSELMAN (Grenville-Dundas): I mean to the house.

Mr. ILSLEY: The report of the auditor general is presented to the house. It may be that the salary of this gentleman was increased when he was appointed, but I am not interested in that. All I am interested in is that this high officer is appointed under the same tenure as applies to supreme court judges and for the same reason, in order that absolute independence may be guaranteed.

Mr. STIRLING: Was he appointed under a statute?

Mr. ILSLEY: Yes.

Mr. STIRLING: Was there an order in council citing a statute which placed him on the same basis as a supreme court judge?

Mr. ILSLEY: He was appointed by virtue of a provision that that should be the tenure upon which he should hold office.

We now come along to 1931. In that year the act was amended in such a way that the auditor general must retire from office at the age of seventy. Something like that was done with respect to the judges of the supreme court, in the year 1927, and it was followed in 1930 with an act in which this parliament recognized the extreme importance and the extreme gravity of interfering with that type of tenure. By that act the judges of the supreme court, although they were retired at seventy-five, not seventy years, were given a pension for life equivalent to their entire salary.

I myself intend to vote for this item. I assume that the administration will vote for it; I do not know about that; but I intend to vote for it on the ground that it is extremely important that this parliament should realize the seriousness of legislating a person out of his position when it is of this high nature, when it may be regarded as the corner-stone of our parliamentary control over governmental expenditure. I could not, occupying the position I do, take a light view of this issue.

That is the sole reason for the item. It does not go so far as the Supreme Court