

*Appropriation Act No. 8*

payroll list" were in the original vote and the words "including payroll list" were taken out.

In this regard, Mr. Chairman, if members of parliament and the committee on public accounts think that vote 15 should be changed or are questioning the use of vote 15, then they have every right to do this before the public accounts committee as it is presently constituted. Vote 15 is included in the public accounts which are being considered by the public accounts committee. That committee has the right to call whoever it would like to call regarding how vote 15 operates, and whether or not it is wise to continue vote 15 in its present form.

Because of the fact, Mr. Chairman, that I do not think we should have a committee of the house forming a judgment with regard to the legal opinion given by a senior law officer in the Department of Justice, I very much regret that I must refuse to have this legal opinion referred to any particular committee of this house. However, I should like again to reassure all members that I acted on the basis of the legal opinion which has been presented to the house.

Although I have been pleased to listen to this debate with regard to this legal opinion, whether the remarks have been made by laymen or lawyers in the house, I must reject the idea that the legal opinion, as such, must be referred to a committee as a basis for forming a judgment upon it.

**Mr. Knowles:** Would the hon. gentleman permit one question. Does the minister feel that it is correct to put on yesterday's request the interpretation which he now puts on it, namely, that we are asking for the legal opinion to be referred to the public accounts committee? Is it not rather that we are asking that the government's action in relation to this whole transaction be referred to the committee? After all, in his closing words the minister said that he takes responsibility for what was done. The government must often receive legal opinions which it does not act upon. But to put the blame for this action on the fact that the opinion approved the action is begging the question. What we are concerned with, is not the opinion which was given but the actual action taken by the government.

**Mr. Benson:** The actual accounting transactions will all be on the record of the house. Whether or not something was paid from a particular vote, is always subject to the Comptroller of the Treasury confirming that the funds are there. I trust that the Comptroller of the Treasury, who is not in my

[Mr. Benson.]

department but in the Department of Finance, can carry out his duties properly. The Auditor General has the right to check on whether he has carried out his duties properly. I think the accounting transactions as such have been carried out properly. They will be shown in the records of the House of Commons, in *Hansard*, and will be subject to review by the Auditor General.

I accept full responsibility for the government's action in this regard, and that action is supported by the fact that we did not misuse vote 15. The action was the subject of a legal opinion from a senior law officer of the crown, which opinion is now in *Hansard*. I, for one, believe that any reference to a committee would involve the committee in forming a judgment as to whether or not the legal opinion was correct, instead of considering basic accounting data, whether the cheque was written out properly and charged to the appropriate account.

This will all be in the records of the house, Mr. Chairman. I will be putting in each vote and the amount charged to it. The wording of the votes is available in the estimates. But I cannot agree that the legal opinion which was given should be open to question.

**Mr. Baldwin:** Mr. Chairman, I am most pleased that the minister has seen fit to accede to the very reasonable suggestion made on this side of the house. I have watched with interest and listened to the eloquent words of the hon. member for Winnipeg South Centre, and the fact that his pleas are able to move the government reinforces me in my belief that he is entitled to be heard. Under the circumstances, I think that we on this side of the house might do worse than to keep the hon. member more frequently in his seat. He is in his seat very frequently as it is, but if we keep him in his seat more frequently than he is at present, making further pleas, it may well be that this government might then be kept more on the path of rectitude and virtue than it has been in the past.

**Mr. Benson:** That would be rather difficult.

**Mr. Baldwin:** So far as the legal opinion is concerned, I do not think that this is an issue. I quite agree with the minister that neither the committee nor this house is the forum in which to effectually debate legal opinions. There is one place to do this, and that is in the courts of the land.

Because I do not think that this matter is an issue as far as we on this side of the house are