

*Financial Administration Act*

the attention of the Auditor General. I should like to refer in particular to sub-section (1) which provides:

It shall be the function of the Auditor General to act as Parliamentary Commissioner for Administration (hereinafter called the Commissioner) and in that capacity, it shall be his duty to investigate the administration, by a power or authority or officer of such power or authority, of any law of Canada whereby any person is aggrieved or, in the opinion of the Commissioner, may be aggrieved.

The wording of this subsection suggests that the powers of the Auditor General would extend to all laws of Canada, and presumably would include municipal bylaws as well as federal enactments.

**Mr. Thompson:** Federal laws only.

**Mr. Gillespie:** I appreciate the clarification. The hon. member has clarified the record by saying it refers only to federal laws, and presumably the wording could be changed to reflect that position. Subsection (2) provides:

The Commissioner shall act only at the instance of a member of the House of Commons, as the elective representative body in Parliament, and on a complaint of personal injustice suffered by a complainant.

I think the hon. member made a considerable point of this in his remarks this evening in that he said it was important to maintain the parliamentary process and the position of M.P.'s in that process. He went on to say that, by providing that such grievances must first be processed through a Member of Parliament, this would prevent a great flood of grievances going forward to the Auditor General. Presumably he was suggesting that through this mechanism Members of Parliament would screen grievances received from their constituents. Presumably he was implying that a Member of Parliament would make a preliminary investigation in respect of the grievance of his constituent and then would make a judgment.

• (5:30 p.m.)

I suggest to him that in fact, as he pointed out, Members of Parliament have limited time to make investigations of this kind and that it would become an automatic procedure. A grievance would be received by a Member of Parliament and would automatically go forward with his endorsement to the Auditor General. I cannot see that there would be any screening or any control point by providing that grievances be funnelled through Members of Parliament.

The bill provides as follows in proposed section 75A (3):

It shall be the duty and function of each Member of Parliament to decide whether the complaint appears to be one appropriate for reference to the commissioner.

I am assuming this would be an individual judgment, not a collective one of the House of Commons. We get into difficulty in the next proposed section where it refers to the powers that would be accorded to the Auditor General to refuse to investigate grievances which have been submitted to him by a Member of Parliament. The provision is as follows:

The commissioner, in his discretion, may refuse to investigate or may cease to investigate a grievance if

(a) a remedy already exists;

[Mr. Gillespie.]

(b) it is trivial, frivolous or vexatious; or

(c) upon a balance of convenience between the private interest of the person aggrieved and the public interest, the commissioner is of the opinion the grievance should not be investigated.

I suggest that this is precisely the kind of situation which would destroy the credibility of the office of Auditor General and it would perhaps ensure the discredit of his objectivity, impartiality and concern with seeking out facts because it would place him smack bang into the area of political judgment. I agree with the hon. member that it would be important under the plan he has put forward to provide a method whereby the Auditor General could refuse or reject a request to investigate. When he is put in the position of being asked to express an opinion or make a judgment as between the interest of the private individual and the public interest, surely he is being forced right into the political arena by being asked to make a political judgment rather than a statement of fact.

There is one other area in respect of which I would argue that the office of the Auditor General would be seriously affected by this bill. There is no provision for additional staff, perhaps quite rightly because it is a private bill. To suggest that the Auditor General could take on these duties and provide for investigation in addition to the whole spectrum of his present duties is surely to suggest the impossible, unless you are also prepared to accept the idea that he would be less effective in doing what Parliament has already charged him to do. Surely this is an intolerable suggestion to be made in this House.

I suggest there is one other reflection on the office of the Auditor General which should be put straight. The hon. member in his remarks hinted that efforts might have been made to curtail the powers of the Auditor General. In fact, I think he suggested there was evidence that the government wished to curtail the powers of the Auditor General. I think this is specious and false, and the hon. member has been misinformed or is unaware—

**The Acting Speaker (Mr. Laniel):** Order, please. I regret to interrupt the hon. member, but his allotted time has expired.

**Mr. Thompson:** Mr. Speaker, may I ask the hon. member a question?

**The Acting Speaker (Mr. Laniel):** This can only be done with unanimous consent of the House, in view of the fact that the hon. member's time has expired. Does the House agree to allow the hon. member for Red Deer (Mr. Thompson) to ask a question of the Parliamentary Secretary?

**Some hon. Members:** Agreed.

**Mr. Thompson:** The hon. member for Etobicoke (Mr. Gillespie) has agreed in most instances with the principles of this bill. He differs only in respect of the ways in which the duties should be carried out. Would he give his consent to the bill and pass the word along to other