

Mr. Deputy Speaker: Order. This point was dealt with by the Chair yesterday. I would have to say to the hon. member for Edmonton West that, in his contribution so far, the Minister of Justice has stayed within the rules of relevancy as they relate to debate in this chamber. Perhaps I should note for the record, since I noted for the record yesterday, the dilemma in which the Chair finds itself. This morning I checked over the contributions which were made yesterday and there was a reference by the sponsor of this bill to remarks made by the hon. member for Hastings in the committee. Those references might have been out of order and perhaps should not have been referred to in the House.

The Chair realizes that when matters are dealt with both in committee and in the House we do run into extraordinary problems, but I shall do my best to observe the rule of relevancy when I think that relevancy needs to be mentioned. However, so far I rule that the Minister of Justice has stayed within the relevancy rule in his contribution.

• (1540)

Mr. Andras: Mr. Speaker, I rise on a question of privilege, although I regret the necessity, to draw Your Honour's attention to the fact that in my comment on the remarks of the hon. member for Hastings (Mr. Ellis) I, in fact, indicated the page number and the date of *Hansard*, the record of debates in this Chamber and not in the standing committee.

Mr. Deputy Speaker: I thank the minister for drawing this omission to the attention of the Chair.

Mr. Lang: Thank you very much, Mr. Speaker. I have noted the discussion of yesterday, and I will certainly try to be sure that I do not refer to matters being studied elsewhere.

I was quite intrigued by the hon. member for Edmonton West (Mr. Lambert) rising to make his point of order at this particular point in time. He talks about the frustrations in this place or another place. Of course, it is quite frequently a key tactic on the part of members of his party to frustrate both places by rising on the same matter of nonsense in both places at the same time. I took particular note of the fact that he objects to me making reference to any part of this subject matter, yet we listened to his colleague from Peace River (Mr. Baldwin) rail and rant about it at some length in this House yesterday.

I was speaking about the clear words of the Financial Administration Act empowering the use of warrants where a public good is to be served and there is an urgent requirement when parliament is not in session. Hon. members know the history of the use of this section which has been the subject matter of debate during parliamentary history for many years. It has been the subject of comment by authorities, writers and auditors general, yet during that period it has been seen by members to be a fundamental requirement for the purposes of government in those circumstances when parliament is not available to deal with urgent matters.

The early history of the section, as was indicated in the House yesterday, shows that its use was fairly narrowly restricted to the repair of public buildings, the kind of

Unemployment Insurance Act

things that probably were the types of emergencies seen in days long ago. Since that time, with the growth of government and its complexity in serving the public in many different ways, a similar kind of requirement to meet public need was seen to be clear in this House of Commons over the years, and Section 23 as it now stands is the result of that understanding and that realization. Indeed, the House had occasion to look at the section from time to time, with these comments from writers and auditors general in mind, and in the course of these years left these words intact. In 1958, however, it was looked at specifically by the House and a provision was added, which is the reason or the main part of the reason, for Clause 2 of the bill before us. A provision was added which required that warrants which were issued pursuant to Section 23 should become part of a subsequent supplementary estimate so they would, in that fashion, be before the House for discussion and comment by members; and that is significant.

Mr. Nielsen: Would the minister permit a question? Is he saying that Clause 2 is there because of the 1958 amendment only?

Mr. Lang: Mr. Speaker, I said it has a part to play in it, and I will enlighten the hon. member further later on this afternoon.

The clear need, therefore, for this kind of power was recognized by the House of Commons and by governments, not only for the maintenance of the section but in the use of it. Its use has been very wide. The words themselves are wide and, therefore, they support that use, yet governments and members, conscious of the desirability for parliamentary control over spending, realized also that there was a need for governments to be in a position, when parliament was not available, to meet these urgent requirements for the public good. Therefore, this is a section which stands broad in its application, and the action taken is subject to examination by parliament in subsequent estimates. It is very broad, indeed, as a basis for action in those circumstances where parliament is not in session and where the basic words of the section are complied with, as was done in this case, about which there has been very little argument in this House.

There have been some suggestions in some quarters, and I must say not by lawyers and I am not even sure there has been this suggestion by the partisan, pettifoggers opposite who plead cases sometimes in this House, that in some fashion the word "payment" referred to in Section 23 of the Financial Administration Act requires payment to be made in relation to specific, direct debts rather than payment to a body which thereby will perform certain functions and carry out certain obligations imposed upon it for the public good. I know of no reason to think that is the case.

In the case before us the payment which was urgently required was a payment of funds to the Unemployment Insurance Commission so it could carry out its obligations under the Unemployment Insurance Act to meet the just and legal claims of persons who are entitled to benefits under that act. That is what the warrants did. The public good which was being served and the urgent requirement surely cannot be questioned by hon. members of this