

Appropriation Act No. 8

The Chairman: Before rising last evening the committee was discussing clause No. 1 of the bill as the final clause.

Mr. Benson: Mr. Chairman, yesterday the hon. member for Winnipeg South Centre asked me to consider a proposal whereby the matters involved in the payment of mid-month payrolls of civil servants be referred to the committee on public accounts. He said that it was unusual for him to plead with the government, and that the day on which he pleads with members of the government is a red letter day for him. I am very pleased that I said to him I would consider his request because I have since found that such a referral is not as simple as one might suppose it to be when such a proposal is made at five minutes to six.

First of all, I would like to point out that all the information for which I have been asked with regard to these particular transactions has been presented in the House of Commons and included in *Hansard*, except for a list of all the votes and the individual amounts used from them. I should like to give an undertaking to the house that later in the day I will bring this information forward, and will ask that it be included in *Hansard*. Thus, the house will have before it all the accounting data which was involved in the particular transactions referred to.

It seems to me that the real argument concerns the legal opinion. This is an opinion which the government obtained from the Acting Deputy Attorney General and tabled in the house at the request of the opposition. It was then agreed to print it in *Hansard*. I may point out that it is an unusual procedure to include such a legal opinion in *Hansard*, and I can recall times when the members of the opposition refused to do just that when they were in power. This legal opinion deals with the basis of the whole transaction because it covers all the steps which were taken by the government in this particular regard; it is, therefore, the basis of the argument.

Every member in the house has the right to question it once it is tabled and printed in *Hansard*. But I do not believe that a legal opinion which is presented to the government by a senior member of the Department of Justice, and on which the government has acted, can be referred to a committee for debate. In such a case, the committee would not be questioning the minister but would be examining the legal ability of a law officer of the Crown. I believe that this can only be done in the House of Commons, where the

debate can be two-sided, and not in a committee which would be obliged to report back to the house on whether or not the law officer of the Crown had given a valid legal opinion.

I must therefore reluctantly reject the request to refer the legal opinion, which is the basis of all the transactions, to the committee on public accounts. I would be prepared and pleased to table in the house all documents with respect to the transaction, and any other documents which might be requested including the cancelled salary cheques of the civil servants. Members of the House of Commons have every right to look at these documents and to ask questions regarding them but I cannot, as the minister who received the legal opinion and took the unusual step of tabling it in the house and having it printed in *Hansard*, agree to have it referred to a committee.

Mr. Chairman, before concluding I would like to raise one or two other points. The other day, owing to incorrect information which was given to me, I indicated that the Auditor General had requested \$53,000 to meet his mid-month payrolls. Subsequently, I corrected myself and said that what the Auditor General had asked for were funds from vote 15 to supplement his payroll owing to adjustments which had to be made after the original estimates were approved, and which covered the period from November 15 to November 30 of this year. I should like to make it quite clear to everyone that if I misled anybody in this regard in my initial statement I completely withdraw the statement. I would simply say that the Auditor General did ask, as I have said, for funds to supplement his payroll, and the figure of \$53,000 was determined through the Comptroller of the Treasury. Someone in the department of the Auditor General confirmed that this amount was needed—though that is not important—and the amount was transferred.

• (4:00 p.m.)

Another question which was raised concerned whether or not, through the present use being made of vote 15, parliament's rights were being taken away. In this regard, I should like to point out that vote 15 was changed in 1963 as a result of a recommendation of the Glassco commission, and that change was approved by the public accounts committee. The vote continued in substantially the same form until 1966, though there was a change made in two or three words which is not too important. As I recall it, I think the words "to supplement other votes including