

Government Organization Act, 1970

has been the subject of discussion in the last little while, by pointing out that we would be buying a pig in poke if we were to endorse a clause which says that the number of parliamentary secretaries can be the equal of the number of ministers who hold offices for which salaries are provided in section 4 of the Salaries Act. We do not know how many there will be. It could be quite large if that number increases. However, the point I wanted to raise is in the form of a question I would like to put to the President of the Treasury Board.

I should like to ask the President of the Treasury Board whether there has been any study—and I have in mind an academic, philosophical study, not just a legalistic approach—into the question of what this does to the concept of the independence of Parliament? As I am sure the President of the Treasury Board is aware, there are a number of sections in the Senate and House of Commons Act which have over them that title “Independence of Parliament.” The general theme of the sections that come under that heading is that persons cannot hold offices of emolument under the Crown and sit as members of the House of Commons, and there are parallel provisions for members of the Senate. We have amended the legislation a dozen times to meet this principle.

Once upon a time when a member was appointed to the cabinet following a general election, he had to resign his seat and go back and get elected again in the constituency that elected him on general election day. We abolished that by putting a specific section in the Senate and House of Commons Act which says that nothing in this act renders ineligible any persons who hold certain cabinet posts, and they are all listed. We have other provisions to make it legal for persons to be Ministers without Portfolio, or to be ministers of state, or to be parliamentary secretaries, despite the general rule that Members of Parliament should not be getting additional money by the holding of an office of emolument under the Crown. As I say, I would not even try to make a legalistic point. I would not try to raise a point of order and say that this cannot be done because it has been taken care of in so many ways. But surely there was some foundation for the original concept that led to this group of sections entitled “Independence of Parliament”. Surely, the idea was that people who sit in this house and have to make decisions and cast votes should not be influenced by the fact that some of them are getting additional money from the government.

I have had correspondence with one or two professors of political science who are quite worried about this. I will not name them publicly, although I would be glad to give the names to the minister. In this correspondence I have played the role of Devil’s Advocate. I have pointed out that so long as somewhere in the act there is a clause that says, notwithstanding the other provisions this is legal, that legalizes the situation. But back come letters from my professional friends saying that surely the whole idea of the independence of Parliament is that people should not be in a position where they are, in a sense, obligated to the government.

If you have a House of Commons in which there is a majority party of 150 or so—I believe that is the number

at the present time—and if up to 60 of them are on the extra payroll of the government, and if about 25 or 30 of them are there for a couple of years and another 25 or 30 take their place, aren’t we getting into a situation where the whole idea that members should not be influenced in a monetary way is somewhat shattered? I am not simply asking the minister did he check with the Department of Justice, is this legal, and have all the loopholes been plugged? I am asking whether there has been a philosophical or academic consideration of this question, bearing in mind what I am sure is the desire of the President of the Treasury Board, that there be no weakening of the independence of Parliament?

Mr. Drury: Mr. Chairman, to the best of my knowledge there has been no such specific study in depth although a number of people have thought about this particular problem from time to time, as the hon. member for Winnipeg North Centre indicates, some of them within the government as well as those he has knowledge of outside. However, if there has been a formal study I am unaware of it, but as a matter of interest might make inquiry.

I am rather at a loss to understand his suggestion that because a man gets paid for doing a job this in some way threatens his independence of judgment. Basically what I think the hon. gentleman is looking at is what is known as a conflict of interest, that is where the public interest which is supposed to be predominant and to pre-occupy Members of Parliament—and I am glad to say in most cases does—would be in conflict with the individual’s private interest, and he would be tempted at least to opt, when casting his vote, in favour of his private interest. However, Mr. Chairman, I cannot see how an arrangement to compensate members of the government side who are appointed as parliamentary secretaries, and consequently have increased duties, in any way will subvert their independence or give rise to a conflict of interest.

• (4:20 p.m.)

In the ordinary course of events a member of the party supporting the government will want to see that its views get the kind of support that they undoubtedly merit. Whether he is paid or not he will wish to provide that kind of support, and this particular influence is neither increased nor decreased by reward. I am not too sure what particular conflicts gave rise to this general provision, unless it was felt that Members of Parliament should not at the same time be public servants or what is known as civil servants, in effect directing themselves from a seat in the House of Commons. Perhaps there is also a disinclination to allow, as is provided by other sections, public servants of Canada to receive rewards from the Crown while at the same time passing judgment on the validity of its actions. We have severely restrictive clauses on the relationship of Members of Parliament to the general handling of contracts and I think this is because of a desire to avoid conflict of interest.

In this particular case, however, compensating Members of Parliament who undertake special duties no more falls afoul of the conflict of interest rule than, perhaps,