

CANADA

# House of Commons Debates

## OFFICIAL REPORT

Tuesday, March 28, 1933

The house met at three o'clock.

### UNEMPLOYMENT RELIEF

Hon. W. A. GORDON (Minister of Labour): I desire to lay upon the table of the house orders in council passed pursuant to the Relief Act.

### CRIMINAL CODE AMENDMENT

#### APPEAL TO PRIVY COUNCIL IN CRIMINAL CASES— LEGISLATIVE POWER UNDER STATUTE OF WESTMINSTER

Hon. ERNEST LAPOINTE (Quebec East) moved for leave to introduce Bill No. 57 to amend the Criminal Code (Appeals to privy council).

Some hon. MEMBERS: Explain.

Mr. LAPOINTE: Subsection 4, of section 1024, of the criminal code, formerly section 1025, abolishes appeals to the privy council in criminal matters. This section is still in the statutes and has been the law of Canada for the last four or five years. In 1926 a case known as the Nadan case originated in Alberta and upon its being brought to the privy council this particular section of the Criminal code was declared ultra vires of the Canadian parliament because it came in conflict with an old Imperial statute which granted leave to the subjects of His Majesty to appeal to the privy council. Under the Colonial Laws Validity Act of 1865 that law of the dominion parliament was declared ultra vires and also because of the fact that this parliament did not possess the right to give extraterritorial jurisdiction to its legislation. Under the Westminster statute these two legal incapacities were removed but the removal applied only to future legislation of the Dominion parliament. In order to give force and effect to this provision of our law it is necessary to re-enact

it and declare that it has full force and effect. This is the purpose of the bill.

Hon. HUGH GUTHRIE (Minister of Justice): Mr. Speaker, the question of the rights and powers of this parliament under the statute of Westminster which was adopted at the last session is now under consideration by the law officers of the Department of Justice with a view to introducing into this house at this session a bill which will deal with all questions that arise under the new authority given to this parliament by the statute of Westminster. This new legislation will cover not only the particular section of the criminal code mentioned by the hon. member for Quebec East (Mr. Lapointe) but also the extraterritorial effect to be given to all laws of the Dominion of Canada. It is hoped that a bill will be introduced during the present session to deal with all these matters rather than dealing with one at a time.

Mr. LAPOINTE: I am pleased that my hon. friend has made this statement. Perhaps he will allow the bill to be read a first time and remain upon the order paper until this legislation is brought down.

Mr. GUTHRIE: Certainly.

Motion agreed to and bill read the first time.

### CONSERVATION OF HERRING

On the orders of the day:

Hon. PETER J. VENIOT (Gloucester): I should like to inquire of the Minister of Fisheries (Mr. Duranleau) if any new regulations have been formulated in connection with the conservation of herring, and processes of salting, canning, etc. He may not have the information at hand at the moment, but perhaps he can obtain it for me.

Hon. ALFRED DURANLEAU (Minister of Marine): I shall take this as a notice of question, and shall answer it to-morrow.