

*Salaries Act*

of amazement to me; so as soon as I could I went back to the statutes of that year and looked up the item and I found that in Appropriation Act No. 5, 1931, there was an item, item No. 352, which reads:

To provide for payment annually from the consolidated revenue fund of the sum of \$2,000 to each minister of the crown charged with the administration of a department, the Solicitor General, and the Leader of the Opposition and the sum of \$1,000 each to the Speaker of the Senate and the Speaker of the House of Commons, in lieu of motor cars and their maintenance, including chauffeurs, the acceptance of such sums not to vacate their respective seats in parliament; and to authorize the governor in council to appoint any person now employed in the public service as a chauffeur of a passenger automobile at Ottawa, whose position is abolished, to a vacant position in the public service, provided such chauffeur has been continuously employed as such for at least two years and that the appointment will be made at no higher remuneration than he is now receiving, \$42,000.

The reason the figure of \$42,000 is at the end of that long item is that that was the amount that had to be paid in the year 1931 to cover the motor car allowances being provided by that item in the estimates of 1931. But, Mr. Speaker, because there was in the text of that item one little word, "annually", it has been ruled that that was just the same as if the matter had been decided by statute in the ordinary way. From that day down to this, \$2,000 has been added to the salary of each cabinet minister and it appears in the blue book of estimates with a capital "S" at the left, indicating that it is to be regarded as statutory.

We have before us today a bill to amend the Salaries Act. We know that the Salaries Act as it now reads specifies that the salary of each cabinet minister is \$10,000. If any hon. member will look at the blue book of estimates he will see that for each minister there is an item covering salary and motor car allowance, \$12,000. The two are lumped together and both are referred to as being statutory.

We can only assume from what the Prime Minister (Mr. St. Laurent) said at the resolution stage, and from what the Acting Prime Minister (Mr. Howe) said today, that if this bill goes through raising the salaries of cabinet ministers to \$15,000, when we get the blue book of estimates, opposite each cabinet post will be, not the figure of \$15,000 but the figure of \$17,000 and we will be told again by the capital letter "S" that the total amount is statutory.

I am not going to pose as a lawyer in any sense because I am not one, and neither am I going to launch into a long legalistic argument about this, but I do think that anyone who wants to look at this matter in a common-sense manner must realize that even

if it is legally correct it is hardly playing fair to contend that in the year 1954-1955 an item that was put in the estimates in 1931 justifies that amount still being paid and still being called statutory.

Just as a little aside, I find nothing in the original estimate that provided that the motor car allowance was to be tax free. I suppose that that did not matter so much in 1931. I do not yet know where the authority is to be found for that item to be tax free as it is today. That is another point which it seems to me, if I may use the phrase again, should be tidied up.

As I say, I am not going into a legalistic argument, probably because I have done it before and it is all on the record. However, in addition to the other arguments I have advanced in the past, when I claimed that this item should not be continued to be paid in that manner, I would now cite the Revised Statutes of Canada for 1952. Up until a couple of years ago it could have been argued that we were still operating under the statutes that had been passed annually from 1927 on down, but now we have the Revised Statutes of 1952. The statutes have been consolidated and brought up to date.

In volume VI of the Revised Statutes of Canada for 1952 the commissioners who had the job of revising the statutes set out for us a table showing what has happened to all of the statutes of Canada previous to 1952. I looked up to find out what happened to Appropriation Act No. 5 of 1931. This was the appropriation act which contained the item about the motor car allowances. At page 25 of volume VI we find details of the history and disposal of acts. In dealing with the statutes of 1931, I find this: "Chap. 61, Appropriation, No. 5, spent".

I suppose one could put two meanings on the word and say that the money had been spent. That is true, as the \$42,000 was spent in that year, but that is not the meaning which the commissioners had in mind. What they meant by using the word "spent" was that the force of the legislation has expired, it has gone, it is spent.

Despite the fact that that legislation is spent we still have in the blue book of estimates which is before us now this \$2,000 motor car allowance listed as statutory.

On the other occasions when I raised this matter I tried to confine myself to the procedure and the manner in which this was being done. I had in mind the fact that it was many years since cabinet ministers' salaries had been raised and I saw no point in discussing, on previous occasions, the question as to whether this money should be paid. I did not suggest on those occasions that it