

*Question of Privilege*

year after the receipt by the Governor General of a copy of the British Columbia act. Putting the matter another way, under section 90 of the British North America Act the executive may disallow the British Columbia act within one year, but there is no positive way by which the governor in council can indicate that it, or a successor governor in council, will not disallow the act. The governor in council can only approve the act by letting one year elapse without disallowing the act.

The matter is put neatly in the question of the member for Vancouver East and the reply of Mr. Speaker thereto in the course of the Speaker's decision already cited, as it appears in *Hansard* for March 16, 1960, volume II at page 2121:

Mr. Winch: That is the very point. Do I understand from what you have just said that the House of Commons cannot deal with this matter until the last minute of the period of authority of the cabinet to deal with the matter; and, if so, that we cannot even raise it then because by that time the time has expired and it is a fait accompli? Is that the case?

Mr. Speaker: That is precisely the situation—

Applying the principle of that ruling to this case, the ratification by this house of the treaty is not effective until the last minute of authority of the governor in council to deal with the matter. Under our constitution the ratification by this house is either valid or invalid depending upon:

(a) The elapse of one year from some time in the spring of 1964 without the governor in council disallowing the British Columbia hydro and power authority act, 1964; or

(b) the disallowance of the act by the governor in council within that year with the consequential nullification of the ratification by this house.

I therefore move, seconded by the hon. member for Nanaimo-Cowichan-The Islands (Mr. Cameron):

That the resolution of this house of the 5th June 1964 concerning the approval of the ratification of the Columbia river treaty, so called, in no way derogates from or impinges upon the powers and authorities conferred upon and entrusted to the governor general in council under section 90 of the British North America Act relating to the disallowance of an act entitled the British Columbia hydro and power authority act, 1964 as passed by the legislature of the province of British Columbia.

And therefore, to quieten doubts that have arisen or may arise as to the interpretation and effect of the said resolution, be it recorded in the *Journal* of this house that this house declares that the said resolution is subject to and dependant upon the powers and authorities so conferred upon and entrusted to his excellency the governor general in council.

[Mr. Herridge.]

**Mr. Speaker:** I have to decide whether or not there is a question of privilege here, and after listening very attentively to the remarks, the long preamble, of the hon. member I have not the slightest hesitation in reaching the conclusion that inasmuch as he is asking for a legal opinion from the Chair, the Chair has no authority to give that legal opinion. Therefore I must conclude that the question of privilege does not arise.

**Mr. Herridge:** With respect to your reply to my question of privilege, Mr. Speaker, with all due deference do you not give a legal opinion when you rule, while a member is speaking, whether a matter is within the jurisdiction of this parliament or that of a provincial legislature?

**Mr. Speaker:** The hon. member should not misinterpret my words. We discussed this matter rather extensively from 12 till 1 o'clock so neither of us is exactly taken by surprise. I still hold to the ruling I have given that there is no question of privilege.

## EDUCATION

STUDENT LOANS—ELIGIBILITY OF STUDENTS  
ATTENDING NEW BRUNSWICK TEACHERS  
COLLEGE

On the orders of the day:

**Mr. Thomas M. Bell (Saint John-Albert):** I have a question for the Minister of Finance relating to student loans, about which I have given him some notice. Have the New Brunswick appointees any authority to declare students at New Brunswick teachers college ineligible, although that institution is included among those listed in the brochure which was made available?

**Hon. Walter L. Gordon (Minister of Finance):** Mr. Speaker, the province of New Brunswick has specified that the teachers college at Fredericton should be one of the institutions whose students would be entitled to receive loans under the Canada Student Loans Act.

**Mr. Bell:** Mr. Speaker, will the minister investigate this matter if I give him the information? The story is that the institution has been declared ineligible and, further, it has been stated that in any event there is not enough money to go around.

**Mr. Gordon:** I am grateful to my hon. friend for having given me notice of this question, Mr. Speaker. I rather expect that the advice this particular student was given had to do with the province's own student