

Question of Privilege

that he has been looking at the wrong schedule. He said it was repealed by the statute of 1948. If he will look at the statute authorizing the revision of statutes—1948, chapter 67—he will find it provides in section 4 that there shall be appended to the revised statutes a schedule A, and section 7 goes on to provide that when the revised statutes go into force the acts listed in schedule A shall stand and be repealed.

Schedule A is to be found at the back of volume V of the revised statutes of Canada, 1952. The statutes for 1931 which were repealed are listed at page 5971. This list does not include chapter 61 of the statutes of 1931; that is to say, the list of statutes repealed by the revised statutes does not include the Appropriation Act of 1931 which is, therefore, not repealed. In fact none of the appropriation acts passed since the last revision of 1927—the last previous revision—were repealed by the revision of 1952.

The hon. member has been looking at the tables in volume VI of the revised statutes. These tables are not law; they constitute only an account of what the statute revision commission did. Table one of appendix I in volume VI on which the hon. member erroneously relied, is only a history and disposal of acts. The important document is schedule A itself—acts and parts of acts repealed, from the date of the coming into force of the revised statutes of Canada, 1952—printed at the end of volume V of the revised statutes; and, as I said, schedule A does not contain the Appropriation Act of 1931 which therefore continues in force unrepealed. It is only those statutes listed in schedule A of the revised statutes which are repealed. So the hon. member has looked at the wrong tables and misconstrued and misunderstood what he saw.

Mr. Howard: The hon. minister, with his delicate phraseology and his tendency to classify everything as erroneous, is himself in error and has misinterpreted to the house the effect of my comment. I said this particular act had been repealed by virtue of a proclamation of the governor in council, and not by virtue of the statute. So if the minister desires to be erroneous all the way through he might as well conclude by accepting that statement, too.

Mr. Speaker: The point raised is, of course, a point of law, one which involves an interpretation of the statutes and, as the hon. member for Skeena has indicated, one which could be brought before the courts for consideration in the course of an appropriate action. It seems to me that this would be the

[Mr. Fulton.]

proper way to test the question of law unless it does necessarily involve the privileges of the house.

My difficulty in finding that this question is one within the category of privilege is that, in effect, to accept it as such the house would have to assume that in making its decision to pay these allowances it was thereby acting in a breach of its own privileges. This seems to be a conclusion which leads to absurdity.

May I put it this way. The house has enacted both these statutes, one specifying what payments would disqualify an hon. member from holding a seat and another statute authorizing payments to be made to the same hon. members. In authorizing these payments to be made to certain hon. members, the house has come to a deliberate decision just as it did when it passed the Senate and House of Commons Act. Therefore we would be asking ourselves now to say that we may commit a breach of our own privileges by legislating because that legislation might appear to disqualify certain hon. members from sitting under the provisions of the other act.

That seems to me to answer the question as to whether this is in the class of matters which involve the privileges of the house. To my mind it is not the kind of question which can be raised as a breach of privilege because to do so would in effect be to question the former decision of the house itself. That does not decide the point of law involved, which would therefore have to be dealt with in some other manner.

Mr. Fulton: Mr. Speaker, on a point arising out of the remarks made by the hon. member for Skeena just a moment ago in which he accused me of inaccuracy, I should like to draw Your Honour's attention and that of the house to another inaccuracy committed by the hon. member. The hon. gentleman criticizes me for having said that his case was that the Appropriation Act of 1931 was repealed by virtue of the statute of 1948. He said that was not his case, and that he had said the Appropriation Act of 1931 was repealed by virtue of the proclamation.

I direct your attention, Mr. Speaker, as I say, to this further inaccuracy on the part of the hon. gentleman in recollecting even his own argument, because at page 998 of yesterday's *Hansard* he is reported as having said:

This statutory vote had effect only until the fifteenth day of September, 1953—

That is the vote under the Appropriation Act. He continued:

—and I should explain that this statutory protection no longer exists by virtue of chapter 67 of the 1948 statutes, being an act respecting the Revised Statutes of Canada—