

*British North America Act*

of any act present or future passed by a provincial legislature. But let us suppose that in two years from now, the federal government should decide to raise the taxes by 2 per cent and to increase by so much the pension paid out, that will not affect at all the present or future legislation, but nevertheless, the provincial government will have nothing to say.

Mr. Speaker, it is well known that when the federal government infringes upon a field of exclusive provincial jurisdiction, it goes all the way out, even if such jurisdiction is guaranteed by the constitution because there is no court to which an appeal could be made with respect to such interferences. There is no remedy to the situation and the record is there to prove it.

Consequently, Mr. Speaker, the province of Quebec had no need for this amendment to the constitution. It can and it is going to legislate on its own in the field of old age pensions.

Why has the Quebec government decided to join in with the other governments with respect to the amendment under consideration? It is merely to oblige the nine other provinces which prefer a federal pension scheme. Since the Quebec government has so graciously co-operated: why do we not give it in return the necessary guarantees so that, later on, the provinces will not regret having agreed to this amendment, as was so often the case in the past when they relied on the good faith of the central government. It may be that the present government deserves the confidence of the province but, in the future, in 20 years from now, another government may not be as worthy of their confidence or may not be as kind.

I say that the subamendment is constitutional and that it completes the other one because it bears no relation to the legislation which the government proposes to introduce this year concerning old age pensions.

It is a complementary amendment because it is connected with the future legislation that the federal government will wish to move as regards the Old age Pensions Act; it will also permit the government to legislate on the supplementary benefits, including survivors and disability benefits, irrespective of age.

We dread the results of the amendment to section 94A and that is why the subamendment moved by the hon. member for Ville-neuve is drafted in such a way that the legislation might not intensify the current disunion concerning the constitution.

I think there is enough of that already. The subamendment is constitutional and comprehensive. It is all the more constitutional, let us not forget it, because it stems from a privilege exclusive to the provinces, and since we are then giving to the federal government part of the rights and prerogatives which, under the British North America Act, belong to the provinces.

If the provinces agree to allow the federal government to legislate for the benefit of the other provinces, it does not mean that they want the federal government to obtain, under the constitution, all the rights and every latitude. I think the federal government should be satisfied with the permission it obtained this year from the provincial governments to legislate in those fields.

On the other hand, it should give the provinces the assurance that, in the future, federal government legislation will not encroach upon provincial fields. It is a privilege which belongs to the provinces, and Quebec has agreed to part with it out of kindness for the other nine provinces.

Mr. Speaker, I believe that to save a principle is far more important than all the arguments put forward by representatives of the four other parties. We must save the principle that, in such fields, in provincial fields, the federal government should never be able to take action without the consent or the agreement of the provinces, more particularly of the province of Quebec.

For those reasons, Mr. Speaker, I believe you should declare the amendment in order.

[Text]

**Mr. Knowles:** Would the hon. member permit a question? In view of the hon. member's statement that what section 94A is doing is giving something to the federal parliament—surely he agrees that that is what it does; it does not give anything to the provinces—

**Mr. Benidickson:** Not very much.

**Mr. Knowles:**—can he not see our problem in that his amendment does not seem to make any sense? It is not relevant in that it says that it does not apply to the provinces. Section 94A does not apply to the provinces either. This is an amendment giving the federal parliament power; and when an hon. member comes along with an amendment which says that it does not apply to the provinces unless that is asked for, our problem is that it does not seem to make any sense in English or in French.