

*British North America Act*

greatest thing which has ever been presented anywhere at any time. The hon. lady went on to point out that it had to be passed by parliament—"Either you pass this plan in the form in which I have presented it, or I will not continue as minister". It was not passed. It was not considered. And she still is minister.

Then there was the second plan which evolved out of other considerations into which I shall not inquire at the moment. This second plan was supposed to be better than the superlative plan number one which died even before birth. Number two, in turn, was one of those measures it was said which men would look back on in the years to come as a milestone in the field of social security legislation. We said of both of those plans, number one and number two: You cannot bring them in without a constitutional amendment. We asked for that almost a year ago. And the answer was that there was no necessity whatever for such an amendment.

We endeavoured ourselves, in January 1962 and earlier, to secure the consent of the provinces to bringing in legislation which would enable provision to be made for contributory pensions. In order that there may be no doubt about this, I wish to place on record a copy of a letter which was sent to all the premiers of Canada in this connection. This letter appears in *Hansard* of 1962 at page 76 and it reads, in part, as follows:

My colleagues and I in the federal government have come to the conclusion that the Canadian social security system should be improved by the addition of a plan for graduated old age pensions on a contributory basis in addition to the basic old age security pension, for all those who can reasonably afford additional provision for their old age and who have not already undertaken it under private pension plans or other contractual arrangements.

In other words, our plan was to operate in conjunction with existing plans; it was not intended to impose a new system over and above existing plans. The letter continues.

We believe that a plan of this kind, which would have some resemblance to the American social security laws and the recent British legislation, should also contain provisions for the payment of benefits under certain circumstances to the widows and children of contributors who die, and to former contributors who become permanently disabled.

I emphasize this because it shows clearly there is nothing new about what is being produced here today over and above the measure we endeavoured to bring in and in respect to which an amendment to the constitution was required. Then I went on to point out:

[Mr. Diefenbaker.]

The British North America Act was amended in 1951 by the addition of the following as section 94A—

This has now been set out by the Prime Minister in the course of his remarks, and I will therefore not repeat it. The letter continues:

The law officers of the crown advise me that this authority would permit parliament to enact a contributory, graduated old age pension plan—

That is the authority of the amendment of 1951—

—but would not permit the inclusion of benefits payable under certain circumstances to widows and children, nor to contributors who become disabled before they are old. To extend the law in this most desirable way, it would be necessary to replace the present section with one reading—

And I then set out the manner in which the amendment could be made.

Hon. gentlemen now sitting opposite on the treasury benches said this was nonsense. The present Secretary of State for External Affairs (Mr. Martin) who then was not only an authority on agriculture but an authority as well on health and welfare, said this was not necessary. He said there could not have been such an opinion received from the law officers of the crown. But there was. This government said, when it came to office, that such an amendment of the constitution would not be necessary. They have found out, after two experimental jumps, that finally, before making the effective jump, they now have to ask for something which they repudiated as being unnecessary for a period of years.

The section we suggested, and which we wanted to bring in, was this:

It is hereby declared that the parliament of Canada may from time to time make laws in relation to

(a) old age pensions, and  
(b) pensions and other benefits incidental to, or conducive to the better operation and administration of, a scheme of old age pensions, but no law made by the parliament of Canada under the authority of this section affects the operation of any law enacted by the legislature of a province in relation to any of the matters specified in paragraphs (a) and (b) of this section.

This is, in effect, what is being done today, after the delay on the part of this government of a year while telling us such action was not necessary. Now hon. members opposite recognize that it is. I went on to say:

My colleagues and I had hoped that agreement would have been reached by this time on a means of amending Canada's constitution in Canada and that this change in section 94A would have been one of the first amendments made under the new