

*Family Allowances*

cover circumstances such as the present. And what is more, the former distinguished minister of justice, the late Mr. Lapointe, speaking in the house on the 5th of April, 1937, used these words, as they appear at page 2597 of *Hansard*:

The government of my hon. friend did not wait for parties to institute action. They took the proper steps to refer those two acts to the Supreme Court of Canada.

He was referring to the aeronautics act and the radio act.

The suggestion that we raised a smoke-screen should arouse in us the same feeling of antagonism as that shown by the Prime Minister on the suggestion that this measure was attempted bribery. The suggestion that it was a smoke-screen means that we were endeavouring to do something indirectly that we did not wish to do directly. A similar argument was raised in 1935, and I intend to place on *Hansard* the statements made with regard thereto by the Prime Minister. At pages 32 and 33 of *Hansard* of January 21, 1935, the right hon. gentleman used these words:

On occasions in the past the Prime Minister has criticized me and hon. gentlemen on this side for having taken up a considerable amount of the time of the house in discussing constitutional questions. May I say that we have done so because we have looked upon the constitution of our country as the safeguard of its liberties and as the home of its freedom.

Then a little later on he said:

When I have seen steps taken which I have believed were gradually dismantling the constitution, gradually destroying the home of the freedom and liberties of the people, I have opposed them just as strongly as I possibly could, and I shall continue to do so no matter by what name measures of the kind may be designated. I shall continue to look with a great deal of care, not upon the alleged but upon the real purpose lying back of each and every measure as disclosed by some of its provisions.

I suggest to the Prime Minister that if he thought in 1935 and in 1931 that a hundred per cent system of federal old age pensions, could not be brought into effect without an amendment to the British North America Act, and if as he suggested to the government of Mr. Bennett that an amendment to the British North America Act should be secured at one and the same time to cover both unemployment insurance and old age pensions, why in 1940, when he secured the passage in this house of an amendment to the British North America Act to enable the bringing into effect of unemployment insurance, did he not carry out the admonition that he gave to the Bennett government in 1935?

[Mr. Diefenbaker.]

Then he goes on to say, as appears at pages 55 and 56 of *Hansard* of January 21, 1935:

As a means of expediting and hastening the consideration of these matters, I would ask the Prime Minister when he gets up to speak this evening, as I hope he will, to tell this house whether as leader of the government, knowing that a question will come up immediately as to the jurisdiction of this parliament and of the provincial legislatures in matters of social legislation, he has secured an opinion from the law officers of the crown or from the Supreme Court of Canada which will be a sufficient guarantee to this house to proceed with these measures as being without question within its jurisdiction.

I want to make it perfectly clear that I do not feel that a matter of jurisdiction should be allowed in the last analysis to stand in the way of anything in the nature of a national reform that may be generally recognized as necessary and urgent. If it be found that jurisdiction does interfere, that it is an obstacle, then I think the proper step should be taken to see that the British North America Act is so amended as to make possible the enactment of such legislation. In taking any step of this kind I think we should remember that perhaps the most serious subject with which parliament at any time can be called upon to deal is one which raises a question of the relationship between this dominion and the provinces, and in all such matters we must consider very carefully the views the provinces may hold in regard to what are their rights and the views which this dominion may hold in regard to what are its rights. For my part I believe that through conference and good will it will be possible to obtain by reason and consent—though not by coercion—whatever is needed by way of amendment to the British North America Act.

For weeks we have been expecting the convening of a dominion-provincial conference but for some reason it has been postponed, postponed, postponed. Only in the last few days we find that the hope many people had that Canada was to have a national health scheme is gone with the wind until after the conference. A house committee has been sitting for a period of almost two years on the matter; yet it is necessary that the question of the competence of parliament to institute health insurance is to be submitted to such a conference. Why not this legislation? Why were not the provinces consulted? Why rush this measure, in the dying days of the session?

Some outside the house may criticize the length of discussions which take place in this chamber, particularly in view of the fact that we have been sitting here for a matter of six or seven months. I have no apologies to offer to those who take that stand. In the last days of a session we are being asked to make provision for the expenditure of hundreds of millions of dollars, arising from new legislation which, because many hon. members wish to go home—fatigued, after a very long session—