

Canada Student Loans Act

pointed out by the member for Lotbinière (Mr. Choquette) the other day, when he suggested the establishment of a cultural division within the Secretary of State.

Mr. Prittie: You will find my argument in the official report for February 23.

Mr. Allard: Very well, I shall read *Hansard* for that date, after looking up the page, and then I hope to have the opportunity to comment on the remarks made by the hon. member at that time.

My position will perhaps be termed as over-simple or as anything else, but the responsibilities of the central and the provincial governments are clearly defined and specified in the Canadian constitution, and since it has always been refused to amend the constitution and even to establish a joint parliamentary committee during this session, so as to bring about constitutional reforms—which I favour—the central government must therefore restrict its responsibilities to the specific fields devolved upon it under sections 91 and following.

With regard to education, it is clear; education and teaching belong exclusively to the provinces. It is written in the constitution. The central government can intervene in only one case, and that is when a group in a province suffers some prejudice following a provincial decision, as long as it deals with a denominational matter. That is the whole substance of section 93. The central government does not have the right to interfere in the field of education, except in extraordinary cases, when a complaint is made, and by introducing and passing a compensating legislation here in this house, something no one ever objected to, to correct grievances and prejudices which arose in the past throughout the country.

But it is always the same centralizing method, always that spirit of the government, which is called the federal government, which interferes in all the fields of Canadian activity and which proves itself to be a centralizing government, a government which becomes more and more unitarian, the provinces becoming, by its own decisions and its own implications and interference in fields of activity, mere branches which are a little like the municipalities, to distribute cheques, do unimportant things.

Well, that is not the spirit of the confederative pact of 1867 and it is not the role which

Quebec wants to play in a Canadian federalism. That is why I say to all hon. members, who know it very well already, that the province of Quebec, not to show any separatist tendencies, not to quarrel with the rest of the country, does not participate in the unconstitutional, illegal, centralizing, anti-federalist legislative measures in the fields of federal loans to students, school allowances, scholarships which the government is getting ready to hand out. I wonder why hon. members from various parties do not take the floor—particularly those from the province of Quebec—to protest against such important legislative measures which go against the supposedly autonomist and federalist views of the people of Quebec. The cure would not be complicated: the central government which controls three quarters of the big fiscal cake need only give additional amounts to the provinces when equalization payments are made. Those are technical aspects and the provinces would assume their responsibilities in this respect, under the Canadian constitution.

• (4:20 p.m.)

Mr. Speaker, I think the federal government has no right to interfere in areas out of its jurisdiction as was done in many cases prior to 1949, when a final court of appeal existed to deal with constitutional matters. And the central government of that day was ill-advised to take such action, because certain decisions counteracted the centralizing steps it took. At that time, many Privy Council judgments indicated that, in a federal system, a government could not do indirectly what the constitution prohibited from doing directly. In 1964, some hon. members, and particularly the hon. member for Berthier-Maskinongé-Delanaudière, presented a basic and important argument in answer to three Liberal members from the province of Quebec who had been given the task of selling this intrusion by the federal government and who maintained that Ottawa was not interfering in education but was merely making loans through the banks. How hypocritical, Mr. Speaker. And it was alleged at that time that loans were made to farmers and fishermen. However, they neglected to say that under section 95 of the Canadian constitution, the federal government and the provinces have joint jurisdiction in the field of agriculture. Today, also the federal government has jurisdiction in the field of fisheries. But, according to section 93 of the constitution, only the provinces have exclusive jurisdiction in the field of education and teaching.