

Mr. MARTIN: Perhaps it would be better to leave it; there is a section later under which that comes up. I am prepared to deal with it now or at that time, but it is an involved discussion. I am prepared for it, but I think it comes more appropriately under section 28.

Mr. COLDWELL: As long as the minister does not overlook it at that point.

Mr. MARTIN: If I do I know I shall be reminded.

Mr. COLDWELL: We shall not forget it.

Section agreed to.

On Section 2—Interpretation.

Mr. FLEMING: I should like to ask the minister a question with regard to paragraph (g) at the top of page 2, which gives a definition to "country of the British commonwealth." I am concerned particularly with the possible extension of the list of countries included in the first schedule to the act. Paragraph (g) reads:

"country of the British commonwealth" means for the purposes of this act a country listed in the first schedule to this act or a country declared for the purposes of this act to be a country of the British commonwealth of nations by proclamation issued under this act, and includes, in the case of any such country, all colonies, dependencies or territories thereof.

I take it that if dominion status were accorded to India, for instance, the purpose of this section is to clothe the governor in council with power to include India within the number of countries embraced in the first schedule to the bill. There may be a question of draftsmanship raised here as well as the question of principle in regard to clothing the governor in council with very wide power to extend the list of member nations of the commonwealth set out in the first schedule. Is the Secretary of State satisfied that power has been clearly reserved in other sections of the bill to deal with this matter by proclamation? He will notice the words:

... or a country declared for the purposes of this act to be a country of the British commonwealth of nations by proclamation issued under this act ...

I wonder if the minister is satisfied, if the intention of this paragraph is to permit the inclusion of other countries which may acquire dominion status, that there is power elsewhere in the bill to accomplish that purpose by proclamation.

Mr. MARTIN: I can only say I am quite satisfied from discussions with the proper departments, External Affairs and Justice, that there is no doubt about our right under this section. My hon. friend will note that the

phrase "country of the British commonwealth" is a term that has been carried over. There was no item in the definition of the old act, but the first schedule was the same in principle as the one in this bill. The first schedule to the old act was drawn up in 1914 and never changed. It is now brought up to date to cover the countries of the commonwealth.

Mr. COLDWELL: What about India?

Mr. FLEMING: If my hon. friend will permit me I want to be quite clear on this question as a matter of draftsmanship, and I am not raising this question lightly. I should think there would have to be found elsewhere in the bill some definite provision clothing the governor in council with power to do by proclamation what is referred to here. At the moment apparently the only provision in the act for such inclusion by proclamation is in these definitions, which seem to me insufficient for the purpose, so that I raise that question.

Mr. MARTIN: The difficulty is that now we are anticipating the other sections, but section 39 provides:

The governor in council may make regulations generally for carrying into effect the purposes and provisions of this act ...

That is the enabling section.

Mr. FULTON: This is a specific power, and it does not appear there.

Mr. MARTIN: That is the section under which this will be done. With regard to the point made by the hon. member for Rosetown Biggar—

Mr. COLDWELL: What point?

Mr. MARTIN: In reference to India—I am glad he asked that question, because there has been some misapprehension in certain sections of the press on this very subject. A citizen of India or a resident in the colonies depends for his nationality status upon the common law of England and upon the United Kingdom British nationality and status of aliens act. The United Kingdom is one of the countries listed in the first schedule of this bill, and section 2 (g) states that when reference is made in the bill to a country of the British commonwealth it means a country listed in the schedule and includes, in the case of any such country, all colonies, dependencies or territories thereof. It is quite clear, therefore, that a person in the colonial empire or in India who is covered by the United Kingdom act and who is a British subject under that act will be recognized as a British subject under this bill. The hon. gentleman is likely

Mr. Coldwell.]