

APPENDIX

LETTER AND RESOLUTION FROM MANITOBA RESPECTING AMENDMENT OF B.N.A. ACT

Province of Manitoba
Office of the Premier
Winnipeg

November 27, 1962.

My dear Prime Minister:

I wish to refer to your letter of January 17, 1962, and to my interim reply of January 24 indicating that the request of the government of Canada for the concurrence of the province of Manitoba in a suggested amendment to section 94(a) of the British North America Act, to permit the inclusion in a contributory graduated old age pension plan of certain benefits, would be brought before the Manitoba legislature at its forthcoming session.

On July 27, 1962, His Honour the Lieutenant Governor of Manitoba forwarded to the under secretary of state of Canada a copy of the resolution adopted on March 28, 1962, by the Manitoba legislative assembly signifying concurrence in the request of the government of Canada for the proposed amendment. I am attaching a copy of this resolution for your information.

Yours sincerely,
Duff Roblin.

The Rt. Hon. John G. Diefenbaker, P.C.,
Q.C., M.P.,
Prime Minister of Canada,
East Block,
Ottawa 4, Ontario.

Certified copy of a resolution agreed to in the legislature of Manitoba on Wednesday, March 28, 1962, on motion of Hon. Mr. Christianson.

Whereas the government of Canada has advised the government of Manitoba that it is prepared to recommend to the parliament of Canada the enactment of legislation to improve the Canadian social security system by, *inter alia*, providing for

(a) graduated old age pensions on a contributory basis for those who can afford additional provision for their old age and who have not undertaken it under private plans, contractual or otherwise; and

(b) the payment of benefits under certain circumstances

(i) to the widows and children of contributors who die; and

(ii) to former contributors who became permanently disabled;

And whereas it appears that parliament cannot validly enact legislation for the purpose mentioned in clause (b) of the next preceding paragraph unless an appropriate amendment is made to the British North America Act, 1867;

And whereas it is desirable that the parliament of Canada should be enabled to enact legislation for the purposes aforesaid;

Therefore be it resolved:

That this house concurs in an address being made by the government of Canada to Her Majesty the Queen requesting the enactment by the parliament of the United Kingdom of legislation to repeal the present section 94A of the British North America Act, 1867 and to substitute therefor the following section:

94A. 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 any province in relation to any of the matters specified in paragraphs (a) and (b) of this section

And be it further resolved:

That in the opinion of this house, it is desirable that, failing the enactment of the amendment to the British North America Act, 1867 hereinbefore approved, the parliament of Canada should enact legislation to establish a plan for the payment of contributory old age pensions as mentioned in clause (a) of the first paragraph of this resolution.

Certified to be a true copy:

Charland Prud'homme,
Clerk of the Legislative
Assembly of Manitoba.