

Canada Student Loans Act

provincial and federal governments should be likened to a stream of clear water with the boundary running through its middle. But the government has so badly muddied the stream's waters through a series of federal provincial conferences and through indecisive wavering from one side of the stream to the other that it is very difficult at times to decide on what side of this constitutional barrier we are. For that reason I think it behooves us, after listening to what was said by the hon. member for Sherbrooke, to decide whether or not he has made a point which deserves consideration. I give full credit to his constitutional and scholastic learning.

This is my position, Mr. Speaker. As a centralist and one who believes in one nation with the requisite strength to carry out the responsibilities which a nation should undertake I want the central government to have all the powers it requires to make it a viable unit. I look at this bill in the light of what has been said by the hon. member for Sherbrooke and if this house undertakes, in breach of the constitution, to intrude itself into areas where it has no business then my position must be just as strong in defending the rights of the provinces as it is in defending the federal strength in areas where it lies. I am a centralist who believes in a strong central government for one nation.

On examining this measure and its parent act I wish to note that parliament has ample authority and full jurisdiction with regard to matters dealing with banks and banking. The Privy Council in a series of decisions, in particular one involving litigation carried to that body as a result of legislation passed in the province of Alberta, gave to the words "banks" and "banking" the fullest and widest meaning. I would suggest that an examination of the original act indicates that this legislation contains to a very substantial degree measures concerning banks and banking. It simply qualifies and defines the type of person who is entitled to receive the benefits of the legislation.

If my memory serves me correctly, the only case I was ever able to find in which the right of the federal government to enact what is called the family allowance legislation was challenged was one in Quebec. I believe it was a court in Quebec which held that family allowances fell squarely within the rights of the federal government whose responsibility it was to raise funds by means of taxation and to distribute those funds as it did in the scheme contained in the Family Allowances

[Mr. Baldwin.]

Act. I think there is some comparison between that case and the present legislation.

This is the second aspect of the legislation which we consider can be supported. Any doubts on this score can be dispelled by an examination of the interpretation section of the original act. In section 2, subsection (1) (e), it is provided that a "certificate of eligibility" means a certificate in prescribed form issued by a provincial government. In subsection 1(k) it is provided that a "specified educational institution" means an institution of learning prescribed by a provincial government. In other words, as I read the pertinent sections of the legislation it is only when the provincial government and the proper authorities of that government see fit to prescribe the type of institution which can be covered and to give a certificate of eligibility to the student that he can become eligible for a loan. While I listened with great respect to the hon. members for Sherbrooke and Villeneuve, under those conditions I must say that I can see no reason why this parliament should not deal with these amendments as it did with the original legislation in 1964.

I have felt it necessary to make these remarks because of my very strong feeling with regard to the need to ensure that this parliament retains the full right to deal with those matters which are completely essential to the proper government of this nation and that there should be no interference with and impairment of those rights by any provincial government. I think it is equally incumbent upon us to be the guardians of the rights of the provinces in all of those areas which are undoubtedly and unrestrictedly under provincial jurisdiction. However, I suggest with great deference that this is not one of those cases.

● (5:10 p.m.)

[Translation]

Mr. J.-A. Mongrain (Trois-Rivières): Mr. Speaker, whenever I have the opportunity to rise in the house to take part in the debate on a bill, whether Bill No. C-197 or any other, I always think of the French saying: "Criticism is easy, Art is difficult." This helps me to broach the question with moderation and matter-of-factness, and to criticize only in a constructive way, and not with overwhelming praise, in an effort possibly to improve the proposed legislation.

Mr. Speaker, I do not propose to speak at any length: Only some unconnected observations. I should like to endorse some statements previously made. I should also like to express

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