

*Dominion-Provincial Relations*

over the form and manner in which the government of a province assists its own universities out of money collected from its own taxpayers by a tax levied by the provincial legislature. If there could be a more obvious intervention in the provincial field it would be very hard to find any way of going about it.

Moreover, it seems to me it is clothing the minister with a power that the minister should not be clothed with and that is very different from giving to the minister a determination of certain things with respect to agreements with the provinces or with respect to payments to be made out of the treasury by virtue of the fiscal arrangements between the federal and provincial governments which have to do with the proper control by this parliament of the funds that are raised from the taxpayers of Canada.

I repeat again that we are seeking here to clothe the minister with the power to determine how the government of any prescribed province will assist its universities, the power to control the method or the order. It has got to be a scheme that suits him before the taxpayers can get this abatement. As long as there is an arrangement that pays the universities that amount of money it should not have to be satisfactory to the Minister of Finance. It is for that reason and because of our regard for the rights of the provinces that we have put forward this amendment.

**Some hon. Members:** Question.

Amendment negatived: Yeas, 28; nays, 44.

**Mr. Crestohl:** Mr. Chairman, I should like to address myself to another portion of this bill, clause 2. I hope that the minister who is an eminent lawyer will readily understand that in drafting legislation which appears rather complicated it is sometimes possible to unintentionally insert matters which he either does not intend or which other hon. members think they spot as being other than what was really intended by the legislation. I should like to draw to the attention of the minister the following words in subclause (ii), on page 2 of the bill, beginning at line 19:

—in accordance with and subject to terms and conditions not inconsistent with those contained in any agreement entered into under subsection (2)—

Subsection (2) follows further on. I address myself to those words immediately because I want to deal with them. In the first place, Quebec is a prescribed province, according to what we have been told. Second, Quebec does not form a part of the Canadian universities foundation. Clause 2 to which I have already referred begins with these words:

[Mr. Pickersgill.]

The minister, with the approval of the governor in council, may on behalf of the government of Canada enter into an agreement with the foundation, providing, for any fiscal year commencing on or after the first day of April, 1960—

—and so forth. The clause on to say that an agreement may be entered into with the province of Quebec. The clause does not contain those words but that is what it means. Subclause (ii), however, contains the following proviso, that it is:

—in accordance with and subject to terms and conditions not inconsistent with those contained in any agreement—

In other words, Quebec is being asked by this clause to be bound by a contract to which it is not a party. If that is the intention, I feel the province of Quebec is being dragged into a contract to which it is not directly a party. In my view, no damage would be done to the bill if the words were deleted as suggested; the same situation would exist, but all the authority would not be left with the minister. To accept the amendment would be to liberate the province from being pinned down by the conditions of a contract to which it was not a party. If the province of Quebec could be freed from these conditions the situation would, I believe, be acceptable to everyone, and I therefore move:

That the word "in" following the comma in line 19, page 2, and lines 20, 21 and 22, page 2, be struck out.

Under the amendment which I have just moved the province of Quebec would be free to make its own decisions with regard to university grants; it would not be bound by an agreement between two other parties. That, I believe, would leave the province of Quebec the freedom which it seeks; the province will be itself the judge of its own way of dealing with this question. I do not like to contemplate the province of Quebec being governed as it is governed in this clause. I think that constitutes an invasion of provincial autonomy—saying to that province: you will be bound by an agreement which I, the minister, will enter into with the Canadian universities foundation. I do not think it is good in law that a third party should be bound by an agreement to which it is not a party. Striking out the words as proposed would not injure the principle of the bill, but it would preserve for Quebec the autonomy for which the province has been fighting.

**Mr. Fleming (Eglinton):** The clause of this bill which the hon. member has sought to amend is a clause which defines a prescribed province. We are dealing here with definitions. The hon. member has advanced the proposition that the province of Quebec is somehow having its rights abridged, and