

*Interim Supply*

Then paragraph 6 says:

Notwithstanding anything in the constitution of Canada the parliament of Canada may exclusively make laws from time to time amending the constitution of Canada in relation to the executive government of Canada and the Senate and the House of Commons—

In case anyone has any illusions as to how much this means, he has only to turn to the British North America Act where it will be found that the executive government of Canada is covered by sections 9 to 16 of that act, and even there some seven—no, eight—limitations have been introduced to this exclusive right of jurisdiction, and they are in part those that were included previously in section 91(1).

I suppose this is the *quid pro quo*, but frankly we in the parliament of Canada under these proposals are ceding to the provinces far more extensive rights than they previously had. As I pointed out the other night in the debate on the redistribution bill this house had a right to determine its composition, but now we will have to seek the approval of the provinces if we are to change the proportionate representation of any province in this house. In other words, if it were necessary to cushion the effects of redistribution in any particular province, or if it were necessary to grant a province more seats than it would be entitled to under the application of the mathematical formula contained in section 51 of the B.N.A. Act, we would have to obtain the consent of two thirds of the provinces to do this.

If this is to be the case, then I can assure hon. members there will be a great deal of jockeying and horse trading at any dominion-provincial conference at which the question of the representation of a province in the House of Commons comes up for discussion and settlement. In many ways this may make mockery of the principles of redistribution if one is to follow the logic and principle of the act which is now before us.

Next we come to the delegation of legislative authority under the proposed section, 94(A). One would have thought there would have been a free exchange in this regard, but this is not the case; because the federal government will be able to legislate in four sectors of provincial jurisdiction, those covered in subsections 6, 10, 13 and 16 of section 92; subsection 6 covering the establishment and maintenance of public and reformatory prisons in and for the provinces, subsection 10 having to do with local works and undertakings, subsection 13 with property and civil

rights, and subsection 16 with generally all matters of a merely local or private nature in a province.

This right of the federal government to legislate in provincial sectors will come about only if the government of Canada has consulted with all provinces—

—and the enactment of the statute is of concern to fewer than four of the provinces and the provinces so declared by the parliament of Canada to be concerned have under the authority of their legislatures consented to the enactment of such a statute.

In addition to that, in other cases we must have the consent of at least four of the provinces to the operation of such a statute. Then we get the reverse side of the coin, and the provinces will now be able to legislate—

—in relation to any matter coming within the legislative jurisdiction of the parliament of Canada.

However, there is a provision that:

Prior to the enactment thereof the parliament of Canada has consented to the enactment of such a statute by the legislature of that province, and

A similar statute has under the authority of subsection (3) of this section been enacted by the legislatures of at least three other provinces.

In other words the consent of four provinces and of the federal government will entitle those four provinces to legislate in a federal field. As has been questioned by certain editorial writers, what stand would the federal government take if, say, the four most populous and wealthiest provinces decided they wanted to invade the fields of trade and commerce or customs or immigration? We have had attempts by some of the provinces in the past to do this. But if Ontario, Quebec, British Columbia and Alberta decided among themselves that they would make a certain demand on the federal government and wished to enter into the field of immigration, for example, how could the federal government resist this pressure? Up to the present time it has been clear that any such attempt could be resisted either across a bargaining table or in the courts, in that it is unconstitutional; but if these amendments go through, this argument goes by the board. Only then could the political strength of the federal government withstand such concerted pressure from four provinces.

I am pointing this out as one of the prices that we may be asked to pay. This house is going to be asked to accept this constitutional amendment; the people of Canada are going to be asked to accept it. But what is the price? Is the achievement to be merely the one that no longer will we have to go to Westminster to amend our constitution; that