

*British North America Act*

Now, the effect of the amendment moved by the hon. member for Villeneuve is to present the practical aspect of this amendment.

The hon. member for Villeneuve certainly wants to give the provinces the freedom to agree to such and such legislative plan which might subsequently be presented by the government, following the permission that the parliament of London will give to it of legislating in the particular matters mentioned in section 94A.

The effect of the amendment moved by the hon. member for Villeneuve is to place on the same footing the provinces and the federal government in this field of legislation, when the effect of the proposed amendment is to give complete jurisdiction to the federal government in this matter, even if from a practical viewpoint, nothing will stop the provinces from reaching agreements or legislating through special legislation, jointly with the federal government in order to find a field for the application of the powers which will be granted to the federal parliament following the passing of this resolution.

I think the hon. member for Villeneuve is to be commended for his desire to put into effect a legislation which may follow the passing of the amendment. But that amendment, in my humble opinion, is not constitutional, because it would give the provinces a power that belongs exclusively to the federal government.

Anyhow, I think that this amended clause would not be practical, since adding that phraseology would serve no useful purpose because it would not give more power to the federal parliament, and the London parliament would not give us more power. On the contrary, this might complicate even further the interpretation of the British North America Act which, since 1867, has lent itself to many difficult interpretations and whose application has sometimes given rise to bitter discussions.

For those reasons, Mr. Speaker, I respectfully submit that the amendment moved by the hon. member for Villeneuve is out of order.

[Text]

**Mr. Thompson:** I wish to ask one question. Could we have an English translation of the amendment? The wording of this amendment, as I have here, does not make a complete sentence. Therefore, it does not mean anything at all.

**Mr. Caouette:** We had sent copies.

**Mr. Thompson:** This is a copy—the one I am referring to. But it is an incomplete sentence and it does not make any sense.

**Mr. Deputy Speaker:** Perhaps I could read the English version of the amendment proposed by the hon. member for Villeneuve (Mr. Caouette):

That the following words be added to article 94A after the words "any such matter":

"but this amendment to the British North America Act, 1867, does apply only to those provinces who will ask for"

**Mr. Thompson:** For what?

**Mr. Knowles:** Mr. Speaker, I wonder if I may support the request of the hon. member for Red Deer (Mr. Thompson) and appeal to someone to help us out. I know I would be in the same position if I were trying to give a French translation of a motion I had drafted in English, but as I listened to the translation of the French text that I got through my earpiece, it was quite different from what was placed before us in English paper, I wonder if you, sir, could give us a hand in this connection and give an English translation of the French text that is before Your Honour.

**Mr. Deputy Speaker:** I will attempt to give a translation of the French text that is before the Chair:

I move, seconded by Mr. Gauthier, that the following words be added to article 94A after the words "any such matter":

"but this amendment to the British North America Act will apply only to such provinces as ask for it".

[Translation]

**Mr. Chapdelaine:** Mr. Speaker, I should like to make a few comments on the legal point of view. It is the custom that all provinces must agree before we address to the London parliament a request for the approval of an amendment to the constitution.

This means that before addressing itself to London, the government ascertain that all provinces are agreeable to such an amendment. In fact, we can take the example given to us by the Leader of the Opposition this afternoon, when he said that his pension plan had not been put into effect because the province of Quebec had not agreed to a request for an amendment to the London parliament.

All the provinces have now given their assent.