

*Interim Supply*

of the country to go ahead with the amendment. This situation still exists that the United Kingdom parliament still has custody and control of the constitution.

I suggest to you that if that were the case and the proposed amendment was a very necessary and imperative one, there is no doubt in my mind that even though the four small and least wealthy provinces vetoed the amendment, approaches could be made to the United Kingdom parliament, in spite of the amendment now proposed, to make the change which was considered essential and necessary. The United Kingdom parliament would be placed in a most embarrassing and difficult position by being asked by the Canadian government, which had the overwhelming endorsement and support of the country and of the governments and legislatures of the six largest provinces, to change the constitution, in the face of a veto made possible by the new proposed change.

Mr. Chairman, I should like at this point to deal briefly with the question of delegation. I shall do so as quickly as possible within the short period of time I have at my disposal. I see great dangers inherent in this situation. Let us look very briefly at what is given and what is taken.

Under the proposal, matters falling within clauses 6, 10, 13 and 16 of section 92, which is the section giving jurisdiction to the provinces, would be subject to a delegation of powers. What are those powers? Subsection 13 deals with property and civil rights. If the federal parliament today legislates in matters within its jurisdiction, but trespasses on property and civil rights, it is notorious that it has the right to do so. Very little is entailed in this concession, and the same thing applies to subsection 16 dealing with generally all matters of a merely local or private nature.

Subsections 6 and 10 of section 92 deal with the establishment of reformatory prisons in the provinces, and local works and undertakings. There is a very minor concession in this regard. On the other hand every matter referred to in section 91 may be the subject of the delegation of authority from the federal government to the provincial governments. But not only those subjects under section 9 are affected, but any matter at all of which the federal government is now seized of jurisdiction under the B.N.A. Act may be the subject of delegation. I think all we need do is turn to that part of the proposed amendment subclause 3 of the proposed new section 94A which says:

Notwithstanding anything in this or any other act, the legislature of a province may make laws in the province in relation to any matter coming within the legislative jurisdiction of the parliament of Canada.

Certainly there is no equality there. Any matter at all with which the federal government is now seized of jurisdiction may be the subject of delegation of authority. In exchange, the provinces have yielded up virtually nothing. This is a most inadequate, unfair and one-sided bargain.

It is my submission that while this might always not necessarily be dangerous, in a situation where we have a weak and indecisive federal government, such as we now have, which has showed itself prepared to concede and yield in almost every case to the provinces, there is a grave and dangerous situation likely to occur. We have been told this is all because of the desire of the federal government to co-operate. It may have been so in the beginning, but what once may have started out as a gentle zephyr of co-operation has now become a howling gale of appeasement and I see nothing to suggest it is going to be brought to a stop.

I have not got too much time but I do not want to leave that subject without pointing out this danger. In a country such as ours with wide disparities economically and geographically it is essential that we do what we can to hold people together, to try to keep within reasonable limits the social, cultural, economic and political levels of the people of all sections of this country. I know you cannot make them uniform, this is impossible. But you must have a situation where, when people move from Vancouver to Edmonton, to Winnipeg, to Toronto, to Montreal, to Halifax, to St. John's, there will be something of a sameness in those conditions which I have pointed out. The danger as I see it is in a weak federal government yielding consistently to pressure from the provinces and delegating authority to provinces to legislate in federal matters. I can see it might frequently happen that a situation could arise where the federal government might find itself in the position of having to make a decision that would be popular in some areas but would definitely be repugnant to other sections of the country, and the simplest and easiest political way to extricate oneself would be to say: We will delegate the authority to do this to the provinces that want it and we simply will not touch it in respect of the other provinces. You will get a situation where, with pyramiding of the use of delega-