

Old Age Security Act Amendment

cross-roads in our national, constitutional and administrative life and that is why it is high time to put up the markings which will enable our various governments to get their bearings for the future.

By the new 1951 amendment section 94a, the provinces, including Quebec, agreed on the proviso that they keep fully for the future their authority in that field. I want to point out, Mr. Speaker, that the 1951 amendment dealt only with old age pensions and not with old age assistance. As far as old age assistance is concerned, the then premier of Quebec, the late Maurice Duplessis, agreed on behalf of his province to co-operate with the government in Ottawa with regard to old age pensions. He said the amendment should be drafted in very clear terms. I would like to quote from the proceedings of the federal-provincial conference held from September 4 to 7, 1950. As reported at page 27, Hon. Maurice Duplessis said:

Quebec is in favour of granting the old age pension to people of 70 without means test. We are in favour of old age pensions starting from 65 up to 70 on a contributory basis. We are willing, indeed pleased, to co-operate with Ottawa. If any modification of the constitution is appropriate in the circumstances, well, we would be willing to consider in a most friendly way the possibilities of modifying the constitution in the matter of old age pensions. But we cannot, Mr. Chairman, and I think you will admit that, commit ourselves to an indefinite policy.

That is why section 94 (a), the 1951 amendment, must be considered and analysed in a restrictive manner. It must not be interpreted and extended as the Minister of National Health and Welfare (Mr. MacEachen) is doing, under the pretext that he has the responsibility and the authority to extend an old age pension plan to groups of older Canadians under the form of old age assistance, assistance to the needy, what is called a guaranteed income, or by any other name.

According to the statements made and the agreements entered into in 1951, and according to the then Quebec premier himself, this would not have been accepted without consultation.

This is unfortunately what is provided in the government legislation, that is a \$30 increase for the needy, without previous agreement with the provinces. It is a well-known fact that for several years, Ottawa has been contributing to old age assistance following consultations and in co-operation with the provinces. The federal government is now trying to interfere in the field of old age assistance, without the advice and consent of the provinces.

Mr. Speaker, this procedure is autocratic, unconstitutional and seriously impedes the balance within a federative system.

According to the letter and the spirit of section 94(a), should a province decide to legislate with regard to old age pensions, as has just been announced by the Quebec government, the federal legislation may apply to the other passive provinces but not to the active provinces, unless the latter agree to certain standards.

Ottawa must give way and grant that province an annual fiscal compensation, that is give back unconditionally to that province the amounts of money that the citizens involved would receive if the federal program continued to apply to their province. For Quebec, in 1967, that amount would reach approximately \$275 million.

The procedure for Ottawa's opting out and the settlement of fiscal compensation come within the ambit of political negotiation and must be discussed between the two levels of government. That is why any possible conflict in that respect between the central government and one or several provinces could not be referred to the Supreme Court, as has been suggested, because the latter has no authority in that regard and, also, because under a federative state, the supreme court is not a constitutional court.

Since January 18 last, several members of the various parties in the house, except government members, have asked the Prime Minister and other ministers to set up a joint parliamentary committee on constitutional and fiscal reform, so that the basis of the country's administration may be set, in 1967, in a legal, social and economic context, but the federal government remains adamant, while some provinces, such as Ontario and Quebec, have instituted such committees. The federal government has always refused, and is still refusing, to answer that question properly.

Again, with respect to that problem, we find that instead of providing the country with proper bodies to prevent conflicts and settle questions, it allows uneasiness to drag on and constitutional chaos to increase; in that connection, we will probably have further turmoil and discord which would be avoided if men of good faith, as are all Canadians from coast to coast and all members of this house, had the opportunity, once for all, to determine in a special committee the needs and responsibilities of the various levels of government.