

have to decide once and for all the question as to whether or not Canada as a nation, assuming international responsibilities, can discharge them by federal legislation to that end.

Now, we have gone far afield from what we set out to do today. You mentioned that we are going to have a steering committee, and I pointed out the circumstances. We have before us the recommendations. We are going to be in a strange position as a nation if we find ourselves in the position where the representatives of Canada at an international organization such as the United Nations are hamstrung in carrying out the responsibilities provided for under the charter. That is a matter to be dealt with later on.

Mr. HACKETT: I would like to suggest a word. My recollection is that much of the legislation introduced by the government led by Mr. Bennett as they came to the end of an eventful career was based upon an article in the British North America Act which gave the federal government some powers to carry out the treaty obligations, and my recollection is that much of that legislation was held to be *ultra vires*. I do not want my friend, Mr. Diefenbaker, to think that I am hostile to any project at this stage, but I would be very loath to see a question of this importance presented to any court in other form than a statute passed either by a provincial legislature or by the federal government. I think that the question is of too great importance to be passed upon in the rather thin ether of conjecture. We have got a document which sets forth in language which lacks the precision of a statute a declaration of rights, and I doubt if a court could pass upon it without exceeding its jurisdiction.

The CHAIRMAN: The only thought that occurs to me is that perhaps the covenant is a better document to submit to the court than the declaration, if we do not go as far as Mr. Hackett says and wait for a statute.

Mr. DIEFENBAKER: In answer to Mr. Hackett I point out this, that they did not require a statute to be passed by parliament in order to determine whether or not the parliament of Canada could abolish appeals to the Privy Council, and they did not require a statute either when it came to determining questions regarding one other matter.

Mr. HACKETT: That is why some of the provinces contend that when they want to go to the Privy Council they will go, and if the dominion does not like it, well—

Mr. DIEFENBAKER: I was answering Mr. Hackett when he said he doubted whether the court would consider a matter without a statute.

Mr. HACKETT: I did.

Mr. DIEFENBAKER: I said that they have.

The CHAIRMAN: I think since the labour decisions of the 30's, when we enter into international conventions on labour matters, we always do it with a rider that it is not within our jurisdiction to carry them out wholly and all we can do is bring them to the attention of the provinces; so that our signature is merely an indication that that is what our federal government is in favour of.

Mr. HACKETT: They would do it if they had the power.

The CHAIRMAN: Yes.

Mr. DIEFENBAKER: There is a provision in the declaration that was passed by the Commission on Human Rights that where the federal system exists the declaration shall operate in accordance with the views expressed by ourselves.

The CHAIRMAN: That is in the covenant.

Mr. HACKETT: Yes, that is in the covenant and not in the declaration.

Mr. DIEFENBAKER: Yes.

The CHAIRMAN: I think that we had better fix a date and time for our next meeting if we possibly can.