

between our situation and that of Australia. It does occur to me that whoever was dealing with this forgot that the distribution of legislative powers in Australia is entirely different from the distribution in this dominion. In 1929 the commonwealth was faced with difficulties and it became essential to utilize the collective credit of the people by guaranteeing the securities of the various states. Amendments to the constitution were sought in accordance with the provisions of the Australian constitution. It does occur to me, from looking at what was done there and at the language of this resolution, that it was thought that the action taken in the one instance should be taken in the other. I submit that such is not sound.

May I repeat what I have said already? The position of the provinces and their powers have been clearly defined by judicial decisions. No one will question the power of the dominion to guarantee securities or deal with any problem that lies within our legislative jurisdiction. I submit to the Minister of Justice in all sincerity that the legislation should be clarified so as to remove what I consider to be certain anomalies. I may be putting it too strongly, but I cannot help thinking that if the minister will give the wording of the resolution careful consideration he will realize that it leaves much to be desired. To put a section such as the proposed section 2A in a constitutional document is not in accordance with the best principles of draftsmanship as laid down by Lord Thring, who drafted the British North America Act, or by the draftsman to whom the Prime Minister referred the other day when we were dealing with the preamble of a bill—I believe it was to Sir Courtenay Ilbert.

Second, I believe it is undesirable to extend the taxing powers of the provinces by conferring upon them the right to raise revenue by indirect taxation on retail sales. Under the interpretation of their powers in the later decisions of the privy council, all the power that is necessary to enable them to impose sales taxes and other forms of taxation usual for domestic purposes has been established. Third, the retroactive provisions of the statute should disappear, for to ask the imperial parliament to give validity and legality to acts declared to be invalid and illegal is to dishonour to that extent our conception of what is right and just, especially when we realize that in most countries, notably the United States, they have a constitutional provision that prevents such legislation being enacted.

Four, that part of the resolution dealing with the financial arrangements between the

provinces and the dominion because (a) the dominion now possesses all the powers sought to be conferred upon it by imperial statute; (b) because the provinces now possess all the powers necessary to enable them to enter into any agreement or arrangement that may be thought desirable for the purpose of effecting the purposes indicated in the resolution; and (c) in any event the resolution, if it desires to deal with questions of doubt, should be in entirely different terms, even assuming, as the minister may, that there is some doubt with respect to the right to charge or otherwise deal with subsidy moneys payable to the provinces.

I repeat that I protest, so far as it is possible for me to protest as a member, against the assumption that this parliament does not possess all the powers necessary to enable it to deal with every phase of the matter mentioned in the resolution, or that the provinces do not possess all the powers necessary to enable them to deal with every matter sought to be dealt with by the resolution, with the possible exception of the subsidies payable under the provisions of section 118, and with respect to that, to contend that they have not the power to limit the right of the legislature to deal with the revenues of the province in any manner the legislature may so determine. The issue really is whether or not we should seek from the imperial parliament a fresh grant of powers when a grant has already been made as full and as ample as that parliament in the exercise of its plenary powers could grant or confer.

For these reasons I oppose the resolution. I realize, however, how futile it is to raise one's voice in opposition to it. It is one of the misfortunes, perhaps, of a new country that once having adopted a line of action, no government is prepared to admit that by any possibility it has made an error. That being so, it means that the government, with its majority, must impose this resolution upon this house and carry it through to the end. I can only say I believe that with respect to the first part it will not do other than bring many difficulties to the federal government, and with respect to the latter, it raises an issue which I prefer should not have been raised and which I believe in time will recoil against ourselves. For, possessing powers and not exercising them, and seeking a fresh grant of powers when all the powers the parliament at Westminster possesses have been granted, is but to admit a subservience which does not exist and a dominance which has never been exercised.