

*British North America Act*

seem to give to provincial legislatures the power in the future to veto, to declare null and void, decisions of the federal parliament. I am referring of course to the last few words which say:

—but no such law shall affect the operation of any law present or future of a provincial legislature in relation to any such matter.

I suppose this was a case of having to present to us what could be agreed on by all 11 governments, but I think it is unfortunate that when 94A was being revised this somewhat complicated phrase which has stood in the way of certain other negotiations was not amended.

Perhaps it might be useful to have on record somewhere in today's *Hansard* the two sections 94A alongside each other. The Prime Minister and the Leader of the Opposition both referred in their speeches to the old section and to the new section. Neither of them read the sections in full. I should like to do so. Section 94A as it now stands, reads as follows:

It is hereby declared that the parliament of Canada may from time to time make laws in relation to old age pensions in Canada, but no law made by the parliament of Canada in relation to old age pensions shall affect the operation of any law present or future of a provincial legislature in relation to old age pensions.

The new 94A as it will stand after this resolution is passed and the rest of the red tape has been completed will read as follows:

The parliament of Canada may make laws in relation to old age pensions and supplementary benefits, including survivors' and disability benefits irrespective of age, but no such law shall affect the operation of any law present or future of a provincial legislature in relation to any such matter.

I do not intend to take these phrases and dissect them word by word. I would merely point out there has been a slight change in the wording of the opening part and also a slight change at the end. The change might not be material in either case, though one never knows what may happen when questions such as this go before the courts in the course of the years. The substance of the change is, of course, in the middle part of the proposed new section where there has been added to old age pensions the reference to supplementary benefits, survivors' and disability benefits irrespective of age.

I find it somewhat unfortunate that it was not possible to include wider provisions such as may be necessary with respect to disability pensions and survivors' benefits and, possibly, to the operation of the Canada pension

plan as a whole. I think it is also unfortunate that this future veto power over federal legislation which seems to exist in the hands of the provinces under the wording of 94A, both as it now stands and as it will be after this resolution has passed, has been allowed to continue. Nevertheless, despite one's feeling that it should be better, it is good we should be taking this step; it is very good, in fact, that we are actually doing something about survivors' benefits and improving the position of people who are disabled during their working years. And I am glad to know that on the passing of this amendment to the British North America Act it will be possible to bring in the third version of the Canada pension plan which, despite the fact that it is still not all it should be, is an improvement over what we had in the two earlier versions.

So, I repeat, we welcome the substance of the amendment before us. We wish it were possible for us to do this piece of work—the amending of the B.N.A. Act—here in Canada as a grown-up nation. We hope we shall be able to attend to that matter very soon. In the meantime, once we do get this amendment through, let us get on with the job of placing this most important piece of legislation—I refer to the Canada pension plan—on the statute books of this country.

[*Translation*]

**Mr. Gérard Chapdelaine (Sherbrooke):** Mr. Speaker, I do not intend to speak very long and I do not pretend either to be an expert in constitutional matters. However, I would like just the same to express the views of our party about the proposed amendment under consideration.

First of all, I would like to say that we support that motion to amend the constitution because we have no choice in the matter; indeed at the present time, pensions which will be paid to widows, orphans, disabled people who have contributed to a pension plan could not be voted if we refused to approve that amendment to the constitution.

Nevertheless, may I make a few timely remarks in regard to the situation in which we are now faced with the problem of amending the constitution.

We already know that all provinces have agreed to that amendment, and we are glad to note that the province of Quebec has also given its assent. I believe that this province decided to agree following sensible negotiations.