

which I should like to ask the honourable leader of the government, namely, has this bill been referred to the Attorneys-General of the provinces?

Hon. Mr. Robertson: I do not know that I have the necessary information to enable me to answer that pertinent question, but I do know that there have been many conferences with the provinces with respect to this legislation.

In reply to a question as to why the bill was introduced into the House of Commons at such a late date, the Minister of Agriculture had this to say:

The reason the bill has not been brought in until late in the session is that all parties have been consulted continuously. As will be recalled, this matter was up at the dominion-provincial agricultural meeting last December, and on that occasion we were asked to submit it to the provinces and the dairy organizations right across Canada. That has been done, and the consent of those organizations has been given to this type of legislation.

In answer to an inquiry as to whether there was unanimous agreement among the producers, the minister said:

So far as I know, there have been no objections to the legislation. It is the only kind of legislation we can have under the circumstances. The legislation we had previously was entirely satisfactory to everyone in the dairy industry and to the various departments of agriculture across the country, but the court decision rendered that type of legislation of no effect.

I do not know that this specifically answers the inquiry as to whether this bill has been referred to the Attorneys-General of the provinces, but I have no further information on the point. My general impression is that the question of establishing national standards for dairy products, and regulating inter-provincial movements of these products, is a matter on which the provinces are in agreement. I cannot say that the Attorneys-General have definitely agreed to it, but that is a question which representatives of the Department of Justice and other departmental officials could answer in committee.

Hon. Mr. Peitten: I thank the honourable leader for his reply. There is nothing more that I have to say, except that in my opinion sections 5 and 6 of the bill are objectionable, and I could not possibly vote for a bill containing these sections.

Hon. A. Marcotte: Honourable senators, in studying this bill today we are suffering from the same sin that has been committed by the government every session in sending legislation to us at such a late date. We do not even have time to read these bills and ponder over them.

The honourable leader of the opposition (Hon. Mr. Haig) says that he is opposed to section 6 of the bill, but let me point out that

there is only one principal involved in the whole measure. The bill is divided into three parts, the first dealing with definitions and the third dealing with administration. The principle of the bill is contained in Part II, and each section of Part II has to do with interprovincial trade. I agree with the contention of the honourable senators from De Lorimier (Hon. Mr. Vien) and Toronto-Trinity (Hon. Mr. Roebuck), and if my honourable friend from Winnipeg (Hon. Mr. Haig) would read sections 4, 5 and 6 he would find that the government is trying to take upon itself a power to which it has no right.

My honourable friend from Grandville (Hon. Mr. Bouffard) said that the provinces of Quebec and Prince Edward Island have no power to punish anyone living elsewhere in Canada who ships margarine into those provinces. Well, that does not give the federal parliament the right to provide a penalty in such cases. You cannot correct one wrong by committing another.

This bill, or at least the portion of it we have been discussing, is absolutely contrary to section 121 of the British North America Act, which was cited by my honourable friend from De Lorimier (Hon. Mr. Vien). I am not in favour of margarine. As my honourable friend from Waterloo (Hon. Mr. Euler) knows, I have been opposed to it all along. I did not speak against his proposal of some three years ago for a reference to the courts on the question of the constitutional validity of part of the Dairy Industry Act, for, as I told him, I did not wish to interfere with his right to get a decision on the point. However, I repeat that I was then, as I am now, opposed to margarine. But that has nothing to do with the bill before us, which would give the federal government power to which it has no constitutional right. That is my view, and that is why I intend to support the amendment.

Hon. Vincent Dupuis: Honourable senators, I wish to make just a few remarks. I shall begin with the last suggestion made by my honourable friend from Ponteix (Hon. Mr. Marcotte) and others, that we should strike out clauses 4, 5 and 6 of the bill. Parts of sections 4, 5 and 6 deal with export from Canada and importation into Canada of products mentioned therein. Surely these matters are within federal jurisdiction; therefore it seems to me that the only contentious parts of these sections are the parts dealing with shipment or conveyance from one province to another.

Now, the question that confronts me is: What shall I, as a member of this judicial body, do about the bill? I use the expression