

*Dominion-Provincial Relations*

details of the bill which cannot be discussed on second reading. What my hon. friend from Laurier was seeking to do was to indicate, since this bill constitutes a scheme of things, to indicate all in one piece so that it will be comprehensible to hon. gentlemen opposite whom we are trying to persuade, that this course should be taken. This cannot be done if a new kind of restriction is to be put upon us, a restriction which was argued against so ably and convincingly, and so frequently, by the present Acting Prime Minister when he sat over here and which you yourself, sir, upheld only the other night.

**The Chairman:** I understand the practice generally is that on clause 1 of a bill discussion of a general nature can take place and some latitude should be given. However, may I point out to the hon. member for Laurier that going into too many details might bring about repetition when we come to clause 2. I think his views at this point should be more general and not relate to detail as to what his proposed amendment will try to correct; otherwise we would have repetition of debate. But I agree that on clause 1 general considerations may be given.

**Mr. Chevrier:** I thank you, Mr. Chairman, and I realize there is perhaps a point there. I will not discuss further at this time the amendment which I had intended to move. I will leave it for a later stage. However, I would like within the confines of this clause to recapitulate succinctly, the position so far as we are concerned and I think I can do it under three heads.

It seems to me that there are several objections to the proposed alternatives that the government has outlined in this bill. The first one was in the words which are underlined in the bill, "in the opinion of the minister." It seems to me they raise a serious constitutional doubt in the light of section 93 because they constitute a clear and direct interference with the sovereign right of the province in this field. Here is a field of legislation which is referred to in this bill. Here is a proposed federal statute. Here is a proposed federal law which in fact says directly to the province: "You shall make an arrangement with the universities of the province which shall be satisfactory to the federal Minister of Finance".

**Mr. Fleming (Eglinton):** Nonsense.

**Mr. Chevrier:** That is set out in the bill. Moreover, parliament is being asked to say that the arrangement to be made between the provincial government and the universities must be in accordance with and subject to terms and conditions not inconsistent with those contained in any agreement entered

[Mr. Pickersgill.]

into between the federal Minister of Finance and the Canadian universities foundation. In the face of that it seems to me that, in the matter of education, over which the province alone has jurisdiction, the provincial government will therefore be bound by these definitions and by this agreement to which it will not even be a party.

Then there is, of course, the very serious objection contained in the last part of the bill on page 3 that if more than \$1.50 per capita is derived from the provincial tax the federal government must claim the excess as a debt due to Canada. If this is not against the letter of the constitution, then it seems to me it is against the spirit of the constitution. In any event, if it is neither it is odious because the federal government under the terms of the bill will then be claiming the proceeds of a provincial tax collected for provincial purposes.

**Mr. Bell (Carleton):** Why did the hon. member vote for a bill so odious?

**Mr. Chevrier:** I put on *Hansard* the reasons for that a moment ago and I was interrupted by the Minister of Finance because I could not discuss it. Now my friend asks the same question.

Without offending the rules of the house I should like to move now to another aspect of this which I think is of considerable importance to us all and particularly to those hon. members who took part in the discussion. I should like to discuss for a moment the consideration of the obligations imposed on the provincial government with respect to its transactions with the universities in the province, in the agreement which is referred to in the bill as being made between the Minister of Finance and the Canadian universities foundation. Here, of course, I want to refer in an especial manner to what three hon. members speaking in this house had to say on the subject, but more particularly the hon. member for Bellechasse. On Friday, April 1, 1960, the hon. member for Bellechasse had this to say, and I quote from his words at page 2811 of *Hansard*:

(Translation):

First, under the 1952 legislation, institutions qualifying for grants—

(Text):

The hon. member was dealing with what was done by the former administration at that time.

(Translation):

—had to be recognized both by the federal government and by the provincial government in the province where they were operating. Moreover—and this is even more serious—the federal Minister of Finance was given the responsibility of defining