

THE SENATE

Tuesday, May 11, 1965

The Senate met at 8 p.m., the Speaker in the Chair.

Prayers.

DOCUMENT TABLED

Hon. John J. Connolly tabled:

Report of the Department of Transport for the fiscal year ended March 31, 1964, pursuant to section 34 of the Department of Transport Act, chapter 79, R.S.C., 1952. (English and French texts).

CENTRAL MORTGAGE AND HOUSING CORPORATION ACT

BILL TO AMEND—FIRST READING

Hon. John J. Connolly presented Bill S-8, to amend the Central Mortgage and Housing Corporation Act.

Bill read first time.

Hon. Mr. Connolly (Ottawa West) moved that the bill be placed on the Orders of the Day for second reading on Thursday next.

Motion agreed to.

EDUCATION

QUESTION OF JURISDICTION TO SIGN TREATIES

On the Orders of the Day:

Hon. Jean-François Pouliot: Honourable senators, before the Senate proceeds with the Orders of the Day I should like to say that I gave notice on Thursday last of the following inquiry:

Whereas, in virtue of the B.N.A. Act, the provinces have exclusive jurisdiction concerning education, does the Government of Canada have exclusive jurisdiction for signing treaties with foreign countries concerning education, and, if so, in virtue of what authority?

My answer would be that in spite of the fact that big books have been published on international relations, the Government of Canada has no authority to sign treaties with foreign countries with respect to education, for the simple reason that, in virtue of the B.N.A. Act, education is an exclusive juris-

diction of the provinces. Until better informed, I shall not press my question, although I am very anxious to know in virtue of what authority the Government of Canada could invade the exclusive provincial jurisdiction of education, and have the exclusive right of signing treaties with other nations concerning education. This is beyond me.

Hon. Mr. Connolly (Ottawa West): I assure the honourable senator that at the earliest opportunity I will get the answer to the question he has asked. It may require a few days to do so. I must observe, however, that he has answered it himself, perhaps to his own satisfaction, but I will provide some material just as soon as I can do so.

Hon. Mr. Cameron: Honourable senators, is it not a fact that none of the provinces, because they are not sovereign states, have the right to sign treaties of any kind? I am not a legal expert, but that would be my understanding. Certainly I would be very sorry to see the day come when any province for any reason was acting as a sovereign state. True, it does not interfere in any way with a province's right in the field of education.

The Hon. the Speaker: May I interrupt the honourable senator? If he wants to ask a question, I will allow it, but I cannot allow debate on a question.

Hon. Mr. Pouliot: I shall not insist, but I could have found some very nice things to say in reply to the honourable gentleman.

COMMONWEALTH RELATIONS

MOTION TO EMPOWER COMMITTEE TO MAKE INQUIRY—DEBATE CONTINUED

The Senate resumed from Thursday, May 6, the adjourned debate on the motion of Hon. Mr. Thorvaldson:

That the Standing Committee on External Relations be authorized to inquire into the question of Commonwealth relationships with particular reference to the position of Canada within the Commonwealth;

That the Committee have power to send for persons, papers and records, and to sit during sittings and adjournments of the Senate; and

That the Committee be instructed to report to the House from time to time.

Hon. Arthur W. Roebuck: Honourable senators, I have already paid a well-deserved