> the step that it has taken when it caused Bill C-69 to be introduced before Parliament. The thrust of the complaint is that the Cabinet, exercising its executive prerogative power, has advised the Governor General to submit Bill C-69 to Parliament which is in breach of British Columbia's private law rights under both the Plan and the Agreement.

At page 23, again in the judgment, Mr. Justice Toy says:

> The Attorney General of British Columbia does not seek to quash the decision to introduce the Bill into Parliament nor to prohibit the Government of Canada proceeding with the passage of the legislation through Parliament. Rather it seeks, in effect, a declaration in the answer to Question 2, that the Government of Canada has failed in its legal duty to act fairly towards British Columbia in connection with the Plan and the Agreement. The Attorney General of British Columbia considers that if the Government of Canada and Parliament are now made aware of the fact that the implementation—

as I am now making this house of Parliament aware—

> by the Cabinet of the decision of the Minister of Finance in his budget speech of February 20, 1990, constitutes not only a breach of the Agreement, but also a breach of law in failing to afford British Columbia an opportunity to be heard on the question of the proposed amendment prior to its introduction, then the Government of Canada and Parliament will, as was done following the decision in *Reference re Constitution Act of Canada (1981)*, 125 D.L.R. (3d) 1, respect the opinion of the court and not proceed further to enact the Bill into law.

• (1600)

Then, at page 25, he says:

> Canada says that it was well understood by British Columbia at all times, that Parliament could amend the Plan and because that power to amend was implicit in the Plan and the Agreement, British Columbia cannot now complain when Parliament proceeds to exercise the power. There is no question that Parliament enjoys that power.

There is then a citation from *Attorney General for British Columbia v. Esquimalt and Nanaimo Railway*. The judge then continues on the same page:

> In my opinion, however, that answer does not meet the complaint of the Attorney General for British Columbia. He did not contest that Parliament has at all times the power to amend the Plan. Rather he contended that the Government of Canada, i.e. the Cabinet, had a duty to not proceed—

Sorry for the split infinitive but, sic:

> —unilaterally but to continue to abide by the terms of the Plan and Agreement without alteration.

Finally, at page 27, Mr. Justice Toy says:

> In my opinion, upon the basis of the doctrine of legitimate expectations, the Government of Canada was required to obtain the consent of British Columbia under the existing circumstances.

So, honourable senators, as things stand legally now, the Court of Appeal of British Columbia has held that the part of the bill before us, which deals with the Canada Assistance Plan, ought not to have been introduced into Parliament. I feel that this bill, however, should go to committee. The committee can study many of the points and can consider many of the questions I have raised.

On the question of the legal challenge, we do not know, of course, whether the Government of Canada will appeal the decision of the B.C. Court of Appeal, but, as the judge says, I believe that we, as a house of Parliament, here and through our committees, should respect the opinion of the court on the matter if it remains unappealed. I raise these points because this bill would normally go to the Committee on National Finance, and I think it should go to that committee, despite the technical legal dimension I have raised. The committee can examine the serious legal difficulty raised by the opinion of the judgment of the Court of Appeal in British Columbia. It may be that the committee will wish to ask the Committee on Legal and Constitutional Affairs to consider that aspect.

Honourable senators, for the reasons I have outlined, I am opposed to this bill. However, I still believe the bill should go to committee, and I suggest to the sponsor that the National Finance Committee would probably be the appropriate committee. I should say that it may be that some others may wish to speak at third reading, but the Committee on National Finance can probably give the bill study that will help us at third reading.

Hon. Duff Roblin: Honourable senators—

The Hon. the Speaker: Honourable senators, I wish to inform the Senate that if the Honourable Senator Roblin speaks now, his speech will have the effect of closing debate at second reading of this bill.

Senator Roblin: I shall not detain the Senate long, honourable senators, because my arguments were mainly set out in the speech I made on the introduction of this bill. However, I do want to congratulate the previous speaker for having made an excellent opposition speech. He made quite a point of the fact that Mr. Wilson made good opposition speeches when he was in opposition. I want to tell my honourable friend that he himself is no slouch. He has made one of the best opposition speeches I have heard on this subject. Since it is the only one I have heard, it had better be the best. That is how I have come to that conclusion.

Senator Frith: I am not going to like this.

Senator Roblin: As to whether or not it is reasonable in the circumstances is another question altogether. My honourable friend starts off by getting his facts a little mixed up. He gave us, for example, in connection with the Established Programs Financing Act, as I understand it, a series of rather disturbing forecasts as to what the provinces would be forfeiting if this particular clause of the bill were put into practice. His problem was, however, that he forecast these horrendous figures on