

Old Age Security Act Amendment

all know the precise nature of the problem, if and when it does arise. However, I urge the government that the time has come when we, as a country, must face some of these problems and come to decisions. If this means a confrontation of ideas in this country, the longer we delay that confrontation the worse the situation will become. As we enter 1967, it seems to me the time is long overdue for us to make some definite decisions, so far as constitutional matters can ever be definite. We must make some definite decisions in these fields which concern the welfare and future of the whole of Canada and every section of our people.

[*Translation*]

Mr. Allard: Mr. Chairman, I cannot accept the general and diffuse interpretation given a while ago by the right hon. Prime Minister to section 94A of the Canadian constitution, thus bestowing steadily upon the central government a responsibility in the old age security field.

Section 94A is very clear, it is one of the sections of our constitution that lends itself the least to confusion and it is to the effect that the central government cannot hinder, neither now nor in the future, the provinces that decide to exercise such authority, such constitutional responsibility.

Besides, it is consistent with the spirit and the letter of the constitution. If we take the time to read the 1865 confederation debates, we will find out easily that the fathers of confederation, the politicians of that time in Canada, wanted to leave to the provinces the whole field of social security. And the 1951 constitutional amendment implies such priority, such precedence on the part of the provinces as regards social security.

I say that an active province, which Quebec is preparing to become in this matter as stated in its speech from the throne, and which decides to occupy the old age security field has a priority right. And when its legislation is passed, well it becomes an exclusive right on its territory.

Evidently, the central government can continue to legislate and operate in the old age security field for inactive provinces which prefer to let the central government look after the matter. This is the only meaning in my opinion, which can be given to section 94A. And this is why, in view of that crucial problem which will very soon arise, probably during the winter, in Quebec city, when a provincial legislation will be passed so that the

[*Mr. Lewis.*]

Quebec government will take possession, according to its constitutional and prior responsibility, of the old age security field, it should now be foreseen what the federal government will do, if it will merely legislate in the case of other provinces, but not for the province of Quebec.

To govern is to anticipate. It is a truism we learned in college. We have had few opportunities to see it put into practice in this house since last January 18. Yes, to govern is to anticipate. And in this case, the antecedents or the precedents are what matters. When hon. members ask for a fiscal compensation, their arguments rest on antecedents, on other federal legislation where a fiscal equivalent was granted. And to quote a few examples, we have the education grants in 1964, if my memory is correct, and payments to universities in 1962. Therefore, if that procedure has given satisfaction and has abolished dissension between Canadians, between the provinces or a province and the central government, I fail to see why the present government refuses to anticipate. It is its responsibility to govern, anticipate and include in the present legislation the fiscal compensation for the provinces which will want to assume that field of social security.

The basic principle of federalism is a matter of balance and a matter of social justice also. And to reach a balance under our legislative system, it is necessary to anticipate clauses which will not result in discrimination and injustice toward any province which will want to occupy the field of social security.

If the central government refuses to anticipate, in the right direction, one can imagine what conflicts and disagreements will ensue when a province occupies the field of social security. And all this, Mr. Chairman, would occur during our centennial year, in that very year when Quebec, for instance, is going to pass within a few months, in 1967, legislation to get into the field of old age security. And the present federal government is going to let dissension occur during the centennial, when finally Canadians from coast to coast, in a fine constructive spirit, must try to prepare and cultivate further national harmony and fraternity.

I hope the government, and therefore the Minister of National Health and Welfare, will agree to amend the bill if they want it to pass rapidly and if they really want it to be free of discrimination and injustice against a province or provinces wanting to occupy the field of old age security.