

*Interim Supply*

when, as the hon. gentleman himself admitted, the facts are not known. Certainly the authoritative interpretations he wanted are not known.

I do not think there is anybody in the government who would hesitate for one minute to ask all the legal and constitutional experts to examine this question as fully as they wish. Indeed, I am sure they will, because this is one of the most important matters which will ever come before the parliament of Canada—when it does come before the parliament of Canada.

But I intend to deal only with a simple question of fact. Before doing so, however, I should like to read part of part II of the document which I understand was tabled in the house while I was away and which is available to hon. members to read. It deals with the proposal to delegate to provincial legislatures the power to legislate with respect to certain matters which normally are under the exclusive legislative jurisdiction of parliament.

**Mr. Woolliams:** Can I ask the minister one question? Are you dealing with the residuary powers only when you refer to those exclusively under federal jurisdiction?

**Mr. Pickersgill:** Of course. All the powers that are in section 91.

**Mr. Woolliams:** Well.

**Mr. Pickersgill:** The hon. gentleman knows section 91, I hope. He is a member of the bar and I am only an unlearned layman, but I would assume he had read the constitution of Canada.

**Mr. Woolliams:** Don't be sarcastic.

**Mr. Pickersgill:** The hon. gentleman is so tempting that it is very hard not to be led astray, but I will try to resist his blandishments. As I say, there are two parts to this document, but I feel that far and away the more important part is the part which would enable provincial governments to delegate their powers to this parliament. I am sure most people would regard this as being the more important part. We all know there are certain provinces which would like to have parliament exercise powers and assume responsibilities which are given to them. And that part, the part providing for the delegation of power from a provincial legislature or legislatures to parliament, is only slightly altered from the Fulton formula, very slightly.

In so far as the words relating to the delegation of power from this parliament to the

provinces is concerned there has been no change whatsoever; not even one comma has been changed, as I understand it, though I have not examined the punctuation. In other words, as far as the delegation of powers of the federal parliament to the provincial legislatures is concerned—and that is what the hon. member was talking about—the document which the ten provinces agreed to recommend to their legislatures and which this government agreed to recommend to this parliament is precisely the document which Mr. Fulton submitted, and precisely the document which was recommended to all the provinces by the Diefenbaker government. There has not been one change. It is precisely the same in every particular. It requires, before this delegation of powers can operate, that four provincial legislatures shall have agreed and that the parliament of Canada shall have agreed. Before there can be any delegation there must be agreement by four provincial legislatures and the parliament of Canada.

That was what Mr. Fulton recommended and that was what the Diefenbaker government, after that conference, asked all the provinces to approve. We had rather expected that they would not deny the parentage of their own child, because we were generous enough, honest enough and fair enough to give them full credit for it.

**Mr. Woolliams:** That is what makes it so dangerous, when you do that.

**Mr. Pickersgill:** Now they are trying to suggest something else because they think they can get some kind of political advantage out of misrepresenting it. The right hon. gentleman said yesterday that it was not true, when any person who will take the trouble to read can see that the words are precisely the same; there is absolutely no difference whatever.

**Mr. Woolliams:** Would the minister permit a question now?

**Mr. Pickersgill:** Yes.

**Mr. Woolliams:** Would he mind answering a question at this point. I do not want to interrupt his speech, as mine was interrupted—

**An hon. Member:** Yes, you do. You wouldn't accept a question.

**Mr. Woolliams:** All I want to do—