

Old Age Security Act Amendment

his side of the house, specifically the hon. member for Peterborough, who have blamed the provincial governments for not entering into agreements with the federal government, that the provinces are not in fact to blame and that it is the government which should take responsibility for the delay in reaching these agreements?

Mr. MacEachen: It is true we have not promulgated the regulations. Officials of my department have had to travel to the ten provinces and consult with officials there with respect to them. But I hope to get them before the cabinet and secure the agreements soon. It is still possible for provinces to seek sharing arrangements retroactive to April. I am not making any complaint about the provinces with respect to the regulations and the agreements, because it has been a big job.

Mr. Fane: Would the minister answer the question I asked concerning the collection of overpayments? Can he assure me that provincial governments will not be able to make collections from the amounts pensioners will get by way of this extra money?

Mr. MacEachen: I will be glad to deal with that question when we come to a later clause which deals with this aspect of the bill.

[Translation]

Mr. Asselin (Charlevoix): Mr. Chairman, I should like to put a question to the minister.

The hon. member for Brome-Missisquoi (Mr. Grafftey) pointed out tonight, of course, that there may be friction between the provinces concerning jurisdiction over old age security. I believe the provinces have the right, under section 94a, to exercise their option and claim full jurisdiction over old age security, if they wish to do so.

Could the minister tell us, should any province wish to claim such jurisdiction under the constitution, whether he would be prepared to recommend that the federal government pay the fiscal compensation to that province?

[English]

Mr. MacEachen: Our approach is that we have the constitutional authority to operate in this field both with respect to the Old Age Security Act and the current amendments. There is nothing in our bill which would prevent a province from setting up its own program of old age security. No consideration has been given to the question of financial compensation.

[Mr. Chatterton.]

Mr. Baldwin: Would the minister not agree that the problem here is precisely the same as that which engaged the attention of this committee some time ago and the committee in which we were considering the Pension Act? I asked a similar question of his predecessor and referred to a statement made before the committee in 1964 by a legal adviser to the department who suggested there might be difficulty if a pension scheme in one of the provinces were comparable to the pension scheme of the federal government. In such a situation it might be necessary to refer to the Supreme Court for a decision on the question of comparability, because there is a constitutional point involved. This is the same principle.

I submit this is a serious matter. It was considered by the committee and there was doubt in the minds of the legal advisers of the government of that time a doubt which must attach to this particular piece of legislation. If a province did enact legislation of a type similar to the legislation here, it might well be argued that the operation of the federal legislation affected the operation of the provincial scheme. This was seriously considered in 1964.

[Translation]

Mr. Knowles: Ten o'clock.

[English]

Mr. MacEachen: I appreciate the complexity of this constitutional question but at this point I can only repeat that the federal government is satisfied that it is proceeding with propriety, that it has no doubt about the propriety of the Old Age Security Act or the amendments which are proposed in this amending bill. I am afraid I would be transgressing upon the rules if I attempted to meet either the hypothetical question put forward, or to give a legal opinion, which is really what the hon. member is inviting me to do.

● (10:00 p.m.)

Mr. Knowles: Ten o'clock.

Mr. Webb: Has the department planned any action for the protection of the aged when they get this increase? I refer in particular to landlords who are renting homes to the aged and also to people operating homes for the aged. In the past, immediately an increase was announced these people raised their rents or increased their charges with the result that the old people did not benefit. They only got \$1 or \$2 a month for cigarettes, tobacco, candy, and so on. On two occasions in the past I pointed out to the former minister that I