

request from the other ten partners in confederation, the provinces, that the territory be formally recognized as the property of the provinces by the sea.

What makes this question particularly galling for maritimers is that the federal government intends to ask parliamentary approval, which it has now done, for constitutional change which it deems necessary to redress the grievances of one part of Canada. Toward one of the most manifest examples of injustice in Canada's history, however, Ottawa over the years has demonstrated no concern whatever.

The editorial writer referred to the big giveaway of land in the first half of the century to Ontario and the western provinces, and the big take-away of land in the second half of the century. He referred to legislation like this bill which, in effect, expropriates the offshore lands and mineral rights which are contained therein from the eastern coast provinces and particularly from the maritimes. The writer went on to say that he believed that the maritime members of parliament have an obligation to insist that the national government abandon its negative attitude toward the offshore claim and recognize the merits of the case which, as I have said, is supported by all the provincial governments.

In trying to detail and document this land-grab by the federal government I will review very briefly some of the modern legislation which has been passed by this House with respect to offshore interests. In 1964 the Parliament of Canada enacted the Territorial Sea and Fishing Zones Act of Canada. That act was very modest in its intent. It simply established an offshore zone that ran to three miles for certain purposes, and to 12 miles for other purposes. It caused no great concern to anybody.

Later in 1968 Parliament enacted the Oil and Gas Production and Conservation Act. That act applied to the oil and gas in the Yukon Territory and the Northwest Territories. Clearly these lands of Canada were under the control of the federal Government of Canada. It again caused no concern. But subsequently the Parliament of Canada, acting, of course, under the authority and carrying out the intentions of the Government of Canada, amended the Oil and Gas Production and Conservation Act and said that the act applied in respect of oil and gas to any of the areas which it then described as those submarine areas adjacent to the coast of Canada to a water depth of 200 metres or beyond that limit to where that depth of the super-adjacent waters admits the exploitation of natural resources of the seabed and subsoil thereof.

That was the beginning of the federal land grab, the extension of the provision of the Oil and Gas Production and Conservation Act, which formally applied simply to the Yukon Territory and the Northwest Territories, to the submarine lands off the coast of the maritime provinces and the province of British Columbia.

That provision was prompted by a ruling of the Supreme Court of Canada on a case between the federal government and the government of British Columbia involving offshore mineral rights. The case was decided in favour of the Govern-

ment of Canada and that, I assume, was what prompted that legislation.

Now the federal government is asking the Parliament of Canada to enact quite a different provision in Bill C-48 as part of the new Canada oil and gas act. That piece of legislation not only applies the provisions of the act to the offshore and submarine lands, but it claims that those lands are the property of Canada. That is where the expression "Canada lands" assumes much more significance than in the past. If the Parliament of Canada enacts Bill C-48, it will be saying that those lands off the coast of the province of Nova Scotia, historically claimed by the province of Nova Scotia, will be and are the property of Canada. That is a matter of grave and great dispute and one which will not be let go very simply by the passage of a bill by this Parliament, when Nova Scotia has traditionally laid claim to those lands for years.

I would like to cite an experience I once had. It stems from my employment in the department of the attorney general of the province of Nova Scotia back in 1957. I can recall very vividly in 1958 being asked, as a legislative draftsman, to prepare a statute which involved the exploitation of the seabed adjoining the southwestern shore of Nova Scotia for the purpose of extracting seaweeds, including Irish moss and kelp. I had occasion at that time to correspond with the Department of Justice of the Government of Canada with respect to its attitude to Nova Scotia enacting legislation to control these submarine seaweeds.

At that point in time there was absolutely no objection from the law officers of the Crown to Nova Scotia enacting such legislation to control the harvesting of seaweeds off the coast of Nova Scotia. In fact in 1958 legislation was passed to institute the sea plants harvesting act, which claimed for Nova Scotia the right to deal with those seaweeds off the coast of the province on the basis that the province owned the land and had authority to deal with matter growing on the land.

This attitude on the part of Nova Scotia extends from traditional involvement in the coal mines which run under the submarine lands off the coast of Cape Breton. For years Nova Scotia had, by legislation, controlled the operation of the coal mines, which in some cases extend six or more miles out under the seabed and, with the development of new mines recently, may now extend even further. To my knowledge the Government of Canada has never challenged Nova Scotia's right to legislate in that area, and that legislation is based upon the claim of ownership.

Clearly, under the British North America Act, Nova Scotia has no other claim to enact legislation of that kind apart from its claim to ownership. Let me review very briefly Nova Scotia's claim to ownership of offshore lands. Nova Scotia has always been a seaward-looking province. Fishing, shipbuilding, and ocean trading were the province's lifeblood from the start. More recently the province has become a centre for ocean-related manufacturing and technology. Now there are strong indications that offshore resources will make Nova Scotia an oil and gas producing province as well.

Canada Oil and Gas Act