

*Canada Oil and Gas Act*

if they are owned by Newfoundland, Nova Scotia, New Brunswick and P.E.I. they do not belong to the people of Canada. In other words, Alberta should not have owned its resources in the first place, nor Saskatchewan, British Columbia, Ontario or any province, because if they owned those resources they do not belong to the people of Canada as a whole. That is a whole new concept. The minister said they have to belong to the people of Canada as a whole but can only if this government owns them; that is, the Government of Canada.

He then said: We will give a proper share to the provinces. Does this government not see that we do not want it to give us a proper share. We say we are entitled to it. We say it is our right. We are not coming up here like lap dogs with our paws out looking for gifts from the great Liberal governing party of Canada. That is not acceptable to us. We do not accept it. It is ours by right. It should be ours not to be given to us by the great Liberal hegemonists of central Canada who think the rest of the country has to bow to them as long as they can continue getting the majority in the ways they have in the past. We do not want this minister giving us one thing. We are not going to put ourselves at his mercy down in Newfoundland, having him or the Prime Minister (Mr. Trudeau) give us something. We do not want to be given anything; but we want what we say we are entitled to. We want what we say we have the right to. We are not going to plead with the Liberal Government of Canada for anything.

Let us consider the legal position. I do not care what the Supreme Court of Canada would decide on legal grounds is the position with reference to offshore resources. I do not care if the Supreme Court of Canada would say for technical, legal reasons it is legally owned by the Government of Canada. I would say: So what! Our party would say: So what! That might be the technical, legal position, but it is not the right moral position. It is not the right equitable position. It is not the right confederation position. It is not the right spirit of confederation position. So we do not care what the Supreme Court of Canada would say in Newfoundland; it will not satisfy us because we do not see any reason why we should be treated differently from the other provinces of Canada.

● (1640)

**Mr. Cullen:** The Conservatives do not care what the Supreme Court says.

**Mr. Crosbie:** Perhaps you cannot understand that. Let me say it again. The technical, legal position which might or might not confirm the federal government as being the technical, legal owner is irrelevant to the whole situation, completely irrelevant.

I refer to a document from the Parliamentary Library, "Offshore Mineral Resources: Legal Aspects". It says this at page 2:

At Confederation, Nova Scotia, New Brunswick, Quebec and Ontario retained ownership of the "Lands, Mines, Minerals and Royalties" and all "Public property" then belonging to them; this was embodied respectively in Sections 109, and 117 of the British North America Act. This proviso was also

made applicable to Prince Edward Island and British Columbia when they joined Canada.

In the western provinces, the situation differed initially, as the natural resources were reserved to the federal government when Alberta, Saskatchewan and Manitoba were carved out of Rupert's Land. However, the BNA Act of 1930 subsequently transferred the same rights to those provinces.

Do you understand, Mr. Speaker, that Alberta, Saskatchewan and Manitoba had no legal right to their resources until 1930 and that they were in fact technically, legally owned by the Government of Canada? That is why I say I do not give a fig what the Supreme Court of Canada says is a technical, legal position on the offshore resources. They should receive the same treatment as the resources in Alberta, Saskatchewan and Manitoba received in 1930.

What happened in 1930? The British North America Act of 1930 subsequently transferred the same rights to those provinces. When Newfoundland became part of Canada in 1949 it was put in a similar position by term 37 of the Terms of Union. Thus, there is historical and legal justification for provincial resource ownership.

Then, of course, there is a dispute about the offshore resources. It is a technical dispute. Are they within the boundaries of the provinces? And so on and so forth. The Supreme Court of Canada made a decision with reference to British Columbia in 1967 which is persuasive but not conclusive as regards the other provinces because the technical, legal aspects with reference to Newfoundland have to be decided with respect to the law of 1949 and not the law of the nineteenth century and so on.

So our party takes a fundamentally different view. We take the same view that the Parliament of Canada took in 1930 with reference to Alberta, Saskatchewan and Manitoba, that resources belong to the provinces, and just because they are under the salt water off the physical shores of the province makes not one whit of difference to that principle, that equitable principle, that principle of confederation, that fair principle, that just principle on which Canada was set up in the beginning and under which Newfoundland entered confederation in 1949. That was the understanding we had of the situation.

Up to 1971 we had a government in Newfoundland which did not care about the offshore. It did not defend Newfoundland's position. It did not put forward a case. I refer to the Smallwood Liberal government. It surrendered to the federal government. It was prepared to cast off the offshore resources. As a matter of fact, it is a lucky thing it did not go any further because it had given a whole series of permits to Mr. John Shaheen and to Mr. John C. Doyle of Canadian Javelin and the like. All it ever did with the offshore was give concessions to these favourites of the then Premier.

In 1971 that situation was changed. A new government took over in Newfoundland and adopted a different attitude to the offshore and has dealt with it in a much more serious and convincing fashion. It has set up an administration and a regime and a department that can administer it, that has people involved in that department just as good in every way as the people involved in the civil service of Canada or of Alberta,