

Financial Assistance to Newfoundland

Mr. Patterson: Unfortunately we do not have before us at the moment the Terms of Union of Newfoundland with Canada. We are not therefore in a position to make any statement with regard to this particular point that has been raised. However, we are concerned about the nature of this provision which, as has been pointed out, is going to be in perpetuity. This is something that raises a real reservation in our minds. I do not think there is any question but that the provinces of Canada are prepared to share in programs to assist the less favoured areas of this great nation of ours. However, I question very much whether the other provinces of Canada would be prepared to state that forever and a day we are going to be prepared to support a measure to contribute to this particular part of Canada the sum of \$8 million, in addition to the other types of grants that are made under our fiscal arrangements.

It seems to me therefore, Mr. Chairman, that unless it is definitely a provision of the Terms of Union that this must be the situation, then I suggest there should be an expiry date established. I do not care what it is, whether it is 10 years or even 20 years. I do not believe it is a very satisfactory arrangement to say that this payment is going to be made forever. I doubt if that will be satisfactory so far as the rest of Canada is concerned.

We will look forward—I suppose this resolution is going to pass—to the bill when it is introduced. It may be short, but we will want to ascertain just exactly what the bill does contain. At the moment, in so far as the resolution is concerned, I would say there are serious reservations about whether or not this is a desirable arrangement.

Mr. Pugh: Mr. Chairman, I feel that the hon. member for Winnipeg North Centre has made a very valid point. He pointed out that this will be a statute of the parliament of Canada. The minister pointed out in his opening remarks that the statute would remain until such time as both governments felt it was no longer necessary. Now, there is no question of a unilateral decision here today. It is for this reason I feel the point raised by the hon. member for Winnipeg North Centre is valid. If we put this measure through in this fashion, all we are doing is multiplying the constitutional difficulties which may arise in the future. I hope that when the minister replies he will attempt to answer this particular point.

[Mr. Starr]

Mr. Pickersgill: Mr. Chairman, I have a great deal of sympathy with the view taken by the hon. member for Carleton. I think perhaps I would be even happier if we did have an amendment to the British North America Act to carry out this purpose. I believe all hon. members will realize that an amendment purporting to be an amendment to the British North America Act passed by the parliament of Canada would be ultra vires because it would go beyond the scope of the amendment to the British North America Act made in 1949 which permitted this parliament to make amendments respecting exclusively federal matters. The only way we could make an amendment to the British North America Act which would be valid in a matter which obviously concerns a province, would be to go to Westminster. As I say, there might be some argument for doing that.

● (9:50 p.m.)

I also think that what the hon. member for Winnipeg North Centre said is quite important to consider, namely that this will be a statute of the parliament of Canada. Under any strict interpretation of the constitution it will be amendable or repealable by the parliament of Canada without the consent of the legislature of Newfoundland, just as the British North America Act is amendable or repealable by the British parliament without the consent of the parliament of Canada, in strict legal theory.

However, it is my opinion as a constitutional historian, that if a future parliament thought we had done something wrong, and was going to disregard utterly the feelings of one part of the country, that this might be perfectly legal according to the present view of the constitution, and the act might be repealed by another parliament.

I do not believe that it ever would be repealed. I do not believe, once parliament has made the declaration that we are going to ask the house to make if this resolution is adopted, and put it into the laws of Canada, that it would ever be changed. This does not, of course, mean to say that this would be in perpetuity. The bill is going to say that it would be the arrangement until the two governments agreed that it was no longer necessary.

I would point out that when I was young—

An hon. Member: When was that?

Mr. Pickersgill: In the 1920's—we had a long agitation in the three prairie provinces where