

Financial Assistance to Newfoundland

to me that what he ought to do and what he ought to be seeking in the house tonight is an opportunity to put it in the British North America Act—to consult the other provinces, and get it into that statute so that the people of Newfoundland would know the word of the people of Canada had been put behind this. He knows that a statute of this kind is subject to amendment at a future date. If it is subject to amendment, he has not achieved the purpose which he has in mind. Why does he not go the full distance? Why does he not do what he ought to do, make it an amendment to the British North America Act and put the word of all the people of all the provinces of Canada behind it?

Mr. Starr: Because he is only playing politics with it.

Mr. Bell (Carleton): Is the minister not going to answer?

The Deputy Chairman: The hon. member for Winnipeg North Centre.

Mr. Knowles: Mr. Chairman, I do not propose to get into an argument over the interpretation of term 29 of the Terms of Union of Newfoundland with Canada. I may say that I have term 29 before me. I have read it once again to refresh my memory. Although a royal commission had to come into the picture, I think there was an element of irrevocability in the wording of term 29 as it was drafted. In case there is any doubt I, for one, would be prepared to give Newfoundland the benefit of that doubt.

I confess nevertheless, Mr. Chairman, that I was concerned, and perhaps I am expressing the same concern that has been just voiced by the hon. member for Carleton, when the Minister of Transport says that the bill to be based on this resolution will contain a section which would make it impossible for that legislation to be amended except by consent of the legislature of Newfoundland.

An hon. Member: Mutual consent.

Mr. Knowles: The consent of Newfoundland and the federal parliament. This takes the legislation out of the category of ordinary statutes. Most of the statutes of the parliament of Canada are the property of the parliament of Canada and can be amended from time to time. I know we have departed from this principle on occasion. We did it in the Canada Pension Plan, but I objected to the special constitutional formula put into the Canada Pension Plan. It seems to me that is

what the Minister of Transport says we are going to do on this occasion. We are going to have an ordinary statute of parliament and we are going to say in that statute, this money shall be paid in perpetuity. I am not objecting to that because, as I say, I think there is an element of irrevocability in term 29, no matter how one reads it. The minister says that act, once it has been passed, cannot be altered except by consent of Newfoundland and Canada.

It seems to me if we do that we will have arrived at one more stage in the development of a formula for amending our constitution. We have a constitution now, parts of which can be amended only by going to Westminster, parts of which can be amended by the parliament of Canada. Then, we did have around here for a year or two what was known as the Fulton-Favreau formula, under which amendments could be achieved in various other ways. Here we will be establishing that with respect to term 29 the basic constitution of Canada can be amended by the consent of one province and the parliament of Canada.

Now, if that is the case, would it not be neater to do something along the lines suggested by the hon. member for Carleton, namely to amend one of our basic constitutional statutes? As I say, I do not want the Minister of Transport or any other Newfoundlander to misinterpret my remarks. I am not quarrelling with the way in which Joey seems to have won his point. I go along with the liberal interpretation of term 29, but I still think there is cause for concern in the statement the minister made that this statute of this parliament of Canada, which we will freely pass, will have in it what amounts to a constitutional provision that it cannot be altered unless there is consent by one province.

Mr. Churchill: Will the hon. member permit a question?

Mr. Knowles: Certainly.

Mr. Churchill: I was wondering if the hon. member could indicate to the Minister of Transport whether or not he is speaking on behalf of his party?

Mr. Knowles: All the members of my party who are here tonight are saying to me, "Yes, you are".

Mr. Macdonald (Rosedale): Why couldn't the member for Edmonton West say that?

Mr. Starr: Why couldn't the Minister of Transport say that?