

Adjournment Debate

● (1822)

The Progressive Conservative policy is to recognize the provinces as being the owners of those resources. We will recognize Newfoundland, Prince Edward Island, Nova Scotia, New Brunswick, Quebec and British Columbia as provinces owning the resources off their shores when the Conservative party takes office in 1978.

This is the biggest land grab since the Yukon gold rush. It is a frenzied example of Kung Fu federalism: the great government in Ottawa must have all the control and all the power. It is greedy-guts centralization of all the power and revenue. Those who have the most will have even more. It is an example of creeping colonialism because the federal land grabbers, epitomized by the present Minister of Energy, Mines and Resources, treat us as a colony. I am glad to see that minister is going to be bounced by the Prime Minister (Mr. Trudeau), according to the *Ottawa Journal* of November 23. That is because of his unwillingness to make firm decisions about anything and because of his refusal to be brief by indicating that he does not know the answer to the question posed.

The Minister of Energy, Mines and Resources is firm about one thing: that Newfoundland will be crushed and its offshore resources will be taken by Ottawa. In the unlikely event that the Liberal government stays in power after the next election, then this is a matter which will have to go to the Supreme Court of Canada. Newfoundland will not surrender. The Liberal government wants to take it all.

Newfoundland will go to the Supreme Court of Canada on two conditions: first, that this government permit the 30-year rule to be set aside in order for Newfoundland to have access to all the documents surrounding the 1949 period. If we go back 30 years from 1977, we arrive at 1947; and if we go back from 1978, we will arrive at 1948. Newfoundland must have access to those documents in order to support its case. The 30-year rule has to be set aside to permit that. Second, the government must agree that Newfoundland and Ottawa agree on the questions which go to the Supreme Court of Canada. There can be no loaded question set up by Ottawa to favour Ottawa. That is what happened in the case of British Columbia. That was one of the reasons for the court deciding in favour of British Columbia in the 1967 reference: Canada unilaterally decided the form and the wording of the question. Newfoundland will not accept that. No unilaterally decided question will go to the Supreme Court of Canada as far as that province is concerned. If necessary, other methods can be taken.

I ask the minister: does Canada agree that Newfoundland will have access to all the documents, despite the 30-year rule? I am referring to documents in Canada, the United Kingdom and the United States. These documents will prove what the law was on March 31, 1949, that Newfoundland came into Confederation owning its resources, and therefore under the British North America Act still owns them. Does Ottawa agree that the questions are to be decided by both sides? Does Ottawa agree that it will be a bilateral reference and both will

[Mr. Crosbie.]

agree on the exact wording of the question on which the court will be asked to adjudicate?

The minister's answer shows that he must be removed by the Prime Minister. He said, "As far as I know, there was a favourable decision taken in principle on these matters some months ago". That is not correct. Also he said, "I do not understand why the Newfoundland government has not been able to move more expeditiously." That is nonsense. It has nothing to do with Newfoundland moving more expeditiously. For five years Newfoundland has prepared its case. If the Conservative party does not win the election next year, Newfoundland wants the assurance that the Liberal government will agree to waive the 30 year rule and will agree to a joint wording of the questions on which the Supreme Court of Canada will be asked to rule. The simple answer is either yes or no.

At the present time there are two sets of regulations: there are the oil and gas regulations of Newfoundland, which Newfoundland indicates are valid; and there are the oil and gas regulations of Canada, which Canada indicates are valid. Newfoundland wants exploration to continue in these areas while this dispute is being settled. The minister from Newfoundland, Mr. Brian Peckford, has suggested an interim offshore management committee in order for the two governments to have a forum to deal with the oil companies jointly while this matter is sub judice. They should receive some reassurance that they will go on exploring in that area while this matter goes to court. The minister said it was an interesting and constructive suggestion, and I hope that when he meets the Newfoundland minister in December this can be agreed to so that exploration may continue next year.

● (1827)

Mr. Ross Milne (Parliamentary Secretary to Minister of Indian Affairs and Northern Development): Mr. Speaker, I am pleased, on behalf of the Minister of Energy, Mines and Resources (Mr. Gillespie), to reply to the statement made by the hon. member for St. John's West (Mr. Crosbie).

With respect to the Newfoundland situation, discussions are continuing between the Department of Justice and Newfoundland officials respecting the agreed upon reference to the Supreme Court on mineral resource ownership and jurisdiction in areas offshore that province.

There was a meeting of federal and Newfoundland officials on March 16 of this year to discuss the memorandum of understanding signed by the Prime Minister (Mr. Trudeau) and the premiers of Nova Scotia, New Brunswick and Prince Edward Island on February 1, to explore the possibilities for a similar political settlement of the offshore Newfoundland situation. As a follow-up to this meeting, the Newfoundland minister of mines and energy sent up a list of questions, some 58 in all, ostensibly relating to a possible federal-Newfoundland arrangement along the lines of the proposed federal-Maritime provinces arrangement. A comprehensive reply to this Newfoundland questionnaire was sent on June 21, but no response has been made by Newfoundland authorities.