

had been introduced by a third party, the Seafarers' International Union.

What has happened since then? This case was completed on March 5. Even before it was concluded, the government of Newfoundland, which had said for many months that it wanted a negotiated settlement, put a reference to the Newfoundland Supreme Court on, I believe, February 12 of this year. In that reference it asked the court to adjudicate and give its determination on the question of offshore generally as it relates to the seabed off the shores of Newfoundland and Labrador.

In its wisdom, the Newfoundland government took the initiative and first put the question of offshore ownership before the Supreme Court. It is the right of the government of Newfoundland to take whatever steps it considers necessary to have the issue resolved once and for all.

If you accept that it was the SIU and not the Government of Canada or the government of Newfoundland which first put the issue before the courts, albeit somewhat by the back door, and if you accept the government of Newfoundland next put it before the courts in February of this year, it obviously follows that the federal government was neither first nor second in putting the matter before the courts. It was not until Wednesday of last week, the middle of May, that the Government of Canada took the issue to the Supreme Court of Canada.

We have two parties in a very important dispute, the government of Newfoundland and the Government of Canada. If one of the parties, the government of Newfoundland, takes a reasonable action and puts before a court of the land the question of ownership, is it any less reasonable if four months later the other party to the dispute does the same? Are there two sets of rules? Is not what is sauce for the goose also sauce for the gander? If one party in the dispute does one thing, is it entirely shameful that the other party does the same?

Earlier in my comments I referred to a very few people in Newfoundland, a very few, a scattered few, a minuscule minority, a handful, who do not live in the real world. I submit that it is that scattered few, a couple of whom have the ear of the Premier of Newfoundland, who are introducing confusion into the debate, an important debate that ought to be settled on its logical merits and its emotional merits. It has to be settled on both. It is that scattered few, unfortunately, who have elected to confuse the debate by introducing half-truths, by pointing the finger, by looking for scapegoats, by every means possible, because they have a real fear. They have reason to have fear, because they know the good sense of the overwhelming majority of Newfoundlanders, whatever they think in political or partisan terms about the Government of Canada, about the opposition parties in this House, or about the government of Newfoundland or the opposition party of the Newfoundland house. They happen to know, Mr. Speaker—

• (1650)

**The Acting Speaker (Mr. Ethier):** Order. The hon. member for Bow River (Mr. Taylor) is rising on a point of order.

### *Taxation*

**Mr. Taylor:** I am sorry to interrupt the hon. member, but I would hate to see him get into difficulty. Is this matter not before the courts now and consequently should not be discussed in the House?

**The Acting Speaker (Mr. Ethier):** The hon. member for Burin-St. George's.

**Mr. Simmons:** On the point of order raised by my friend from Alberta, it is, of course, in the courts. Everyone knows that and that is clearly acknowledged. But that has not prevented members of his own party from asking questions and expecting responses on the issue, so I take that as adequate proof that his party does not think there is anything wrong with discussing it.

But there is another reason why there is nothing wrong with discussing it while it is before the courts. The hon. member, before putting his question, should make a distinction between an adversary proceeding before the courts, which would be sub judice in this particular House, and a question before the courts which is put there for the purpose of seeking the court's opinion. This is not an adversary proceeding. There are adversary connotations in so far as another court proceeding is concerned; but in so far as it being put before the Supreme Court, it is put as a reference, not as an adversary proceeding where you have a defence and a prosecution. That is not the nature of the proceeding and I do not think the point applies at all to this particular case, Mr. Speaker.

**The Acting Speaker (Mr. Ethier):** I think the hon. member is quite right. Furthermore, what has been discussed so far is not the subject matter that is before the courts but how it got to the courts; that is what we are listening to now.

**Mr. Simmons:** Mr. Speaker, I was talking about a number of misconceptions. The one that seems to be paramount in the minds of many people is one that I have dealt with, that it was the federal government who first put this issue before the court. I think I have given to the House sufficient evidence to demonstrate that the federal government did not put it first or second but put it third before the court, and in so doing exercised the self-same right that the other party in the dispute had already exercised four months prior. So I really fail to see any particular need for concern on that particular issue.

I was saying before the point of order was put by my hon. friend for Bow River (Mr. Taylor) that the overwhelming good sense of Newfoundlanders as a whole, regardless of what they think in terms of party partisanship, will have these few people I referred to see that there is nothing wrong, nothing unfair, nothing sneaky, nothing under the table, about asking the highest court in this land to adjudicate upon such an important issue.

On the same general subject, Mr. Speaker, in the last week or so we have heard the Premier of Newfoundland say the action of the Government of Canada in putting this issue before the Supreme Court of Canada will mean—and these are his words last Wednesday—"continued subservience".