

The second clause reads:

And whereas it is in accord with the established constitutional position that no law hereafter made by the parliament of the United Kingdom shall extend to any of the dominions as part of the law of that dominion otherwise than at the request and with the consent of that dominion.

This is based, according to the report of the Imperial conference of 1930, on paragraph 54 of the report of the conference of 1929. The succeeding clause, with regard to the Colonial Laws Validity Act, is based—paragraph 1 and 2—on the recommendation of paragraph 53 of the report of the conference on dominion legislation of 1929.

The next paragraph, with regard to extra-territorial operation of our legislation, is in accordance with the recommendation of paragraph 43 of the report of the conference on the operation of dominion legislation, as indicated at page 19 of the report of the conference.

The next clause is based on paragraph 55 of the report of the conference of 1929, as shown on page 20 of the report of the Imperial conference of 1930. The provisions concerning the Merchant Shipping Act and the Colonial Courts of Admiralty Act are based upon the recommendation of paragraph 123 of the report of the conference on dominion legislation of 1929, as shown at page 20 of the report of the Imperial conference of 1930.

Then there is the provision with regard to the British North America Act:

Nothing in this act shall be deemed to apply to the repeal, amendment or alteration of the British North America Acts, 1867 to 1930, or any order, rule or regulation made thereunder.

On page 23 of the report of the conference on the operation of dominion legislation of 1929, it will be seen that a clause had been suggested and accepted by that special conference, varying as to the wording from the present one, but in which there was a special reservation that the British North America Act should not be altered by reason of that statute of Westminster which was then proposed. Here is the clause which was then suggested and which is part of the report of the conference of 1929:

(1) Nothing in this act shall be deemed to confer any power to repeal or alter the Constitution Acts of the Dominion of Canada, the Commonwealth of Australia, and the Dominion of New Zealand, otherwise than in accordance with the law and constitutional usage and practice heretofore existing.

(2) Nothing in this act shall be deemed to authorize the parliaments of the Dominion of Canada and the Commonwealth of Australia to make laws on any matter at present within the authority of the provinces of Canada or the

states of Australia, as the case may be, not being a matter within the authority of the parliaments or governments of the Dominion of Canada and of the Commonwealth of Australia, respectively.

May I say, without wishing to be in any way disagreeable or offensive, that our present High Commissioner in London was unduly afraid of his province losing any right or privilege as a result of the work of the conference of 1929. If my good friend, Mr. Ferguson, does not interfere more with the affairs of other parts of the empire than that conference interfered with his own province, we shall all be safe and happy in every respect.

There is a change, which I commend, as a result of the conference which was called by my right hon. friend the Prime Minister between the provinces and the Dominion, and which change is contained in section 3 of the paragraph concerning the constitution of Canada and the provinces. Therein it is stated that the provisions of the section of that act repealing the Colonial Laws Validity Act, with regard to the legislation of this Dominion, shall extend to laws made by any of the provinces of Canada and to the powers of the legislatures of such provinces. This is an extension which I commend. Of course, the special conference of 1929 could not make any such recommendation because we had no mandate from the provinces to ask for such a change. And it was then recognized that that extension could be made if the provinces saw fit to ask for it, in order that this statute might affect their legislation as well as the legislation of the Dominion. This is a beneficial result of the conference which my right hon. friend held with the provinces and at which they themselves agreed that this statute of Westminster, as far as the Colonial Laws Validity Act is concerned, should also apply to the legislation of the provinces.

Mr. WOODSWORTH: Before the hon. member passes to another point, I should like to ask him whether the fact that the provinces were consulted with regard to this statute and the consent of all the provinces was obtained, would seem to imply that in the future any amendments to the British North America Act must be contingent upon the consent of all the provinces.

Mr. LAPOINTE: I shall refer briefly in a few minutes to that phase of the question, and if my hon. friend will permit me, I shall say what I want to say just prior to that. As a result of what I have stated I am indeed gratified that this resolution should be placed before the house, and I heartily support it.