

Resources (Mr. Lalonde) for 18 months, I do not think he is under any illusion as to what he is doing through this bill and what he is doing to the people of Newfoundland, which parallels what he is doing to the people of Saskatchewan and Alberta. Along with the Prime Minister (Mr. Trudeau), he intends to take from the provinces the very control of those resources which under the BNA Act, and under documents which were prepared before Newfoundland entered Confederation, they had the right to control.

**Some hon. Members:** Hear, hear!

**Mr. Gustafson:** There is no question in my mind that the minister could reach a pricing agreement in one day if it were not for the fact that the provinces of Newfoundland, and the other provinces, are concerned with the issue of the control of resources offshore.

In closing my remarks I say that if Canada is to remain a strong chain, if it is to remain with its links binding the country together, then let us address ourselves to Bill C-48 and take a long clear look at what the Liberal government is bringing upon the people of Canada by trying to nationalize the oil industry.

**Some hon. Members:** Hear, hear!

**Mr. Paul E. McRae (Thunder Bay-Atikokan):** Mr. Speaker, I am very pleased to have 20 minutes to speak on motion No. 3. I believe it is the key motion which is before us. More than that, I think it is what differentiates this government from the opposition, the Tory Party in particular, and surprisingly enough from the New Democratic Party.

What we are really talking about on this side of the House is a bill which defines what is a nation. What is being talked about on the opposite side of the House is the whittling away of a nation so that there is nothing left.

Let us look at the motion which is before us, since it is a very interesting one. The Chair has just read the gist of the motion. It would remove Sable Island from the definition of Canada lands. That is the first thing it does. Let us consider Sable Island for a moment. The first time I saw mention of Sable Island was in Article 91.9 of the British North America Act, where the island is included under the powers of the Parliament of Canada. What we are trying to do is to amend the British North America Act. We are taking something in the British North America Act and saying that it is no longer there; it is not part of Canada lands.

● (2130)

I am not a lawyer and I do not want to spend a lot of time on this side of the situation, Mr. Speaker, but in the British Columbia case which dealt with who owns the territorial waters and the continental shelf, the province of British Columbia or the federal government, the most obvious reason that the British Columbia claim did not hold up was that the matter was not covered in Section 92 of the British North America Act.

### *Canada Oil and Gas Act*

As I recall my history, when the Fathers of Confederation were setting up this country, they had an image of what was across the border that scared them. One of the reasons this country was put together was the possibility of attack from across the border. When they wrote the British North America Act, which was later passed by the government of Great Britain, they were interested in setting up something which was much stronger. Unfortunately, members of the Tory party today forget that it was our first prime minister, Sir John A. Macdonald, who wanted a very strong nation.

One of the things that the Fathers of Confederation did was to leave in the hands of Parliament those things that were not enumerated.

In many ways, we are trying to take away from the British North America Act something which I think all of us believe only the British Parliament can do. I will grant, Mr. Speaker, that there is a considerable difference in the case of Newfoundland. There is no question about that. In the case of British Columbia and the other territorial waters off, Newfoundland, New Brunswick, Prince Edward Island, jurisdiction was just to the edge of the ocean. Anything east of the Pacific Ocean was in the province of British Columbia, up to the border of British Columbia. It was the same with the other provinces. In the case of Newfoundland we are dealing with quite a different concept and I will not go into it now. I certainly will not get into the question of international waters.

Since I have the floor, Mr. Speaker, I would appreciate it if I could carry on a monologue.

I should like to make the point that we have the Geneva agreement and we have treaties. We are talking about the 200-mile continental shelf which permits only the state, that is, Canada, to exploit land in that continental shelf or beyond the 12-mile limit of what is known as the territorial ocean.

How, as a self-respecting nation which belongs to the summit group and which is hosting a meeting of the most powerful non-communist states in the world next week, can we say that we are no longer in control of that area but that the provinces have control of it? I do not understand this.

I do not understand how the two opposition parties can put themselves in the position where they want to change the British North America Act right in this House. They do not even want to ask Britain to do it. After all the fuss the Tories made about going to Britain or even going to the courts to find out whether we could do it, we are saying that Sable island is no longer part of the Canada land. But there it is, in Section 91(9), Sable Island. Section 92 does not mention the offshore or territorial waters, so clearly under the British North America Act it is within the realm of the Parliament of Canada. Are we to accomplish this by just changing one act?

There is nothing to stop us from doing it, Mr. Speaker. But there is a very serious question about whether it would have any relevance. We can always make laws that contravene the British North America Act, but of course the courts would not sustain them.