

*Canada Oil and Gas Act*

resources, whether they be marine resources or natural resources in the form of minerals or petroleum. But we do not have title. Thus, when members opposite raise the issue of provincial ownership of the offshore, at the very most they can be talking about the first 12 miles and no more because there is no way that they, nor we, can own beyond 12 miles. When we look at the speeches which have been delivered with regard to this bill, we find a singular lack of understanding of what the state of the law is, not only in Canada but in the world, with regard to resource ownership offshore, and the nature of Canada's rights in that respect.

Additionally, the amendment goes on to strike out all reference to the offshore. Effectively it is then saying that Canada has negotiated under the law of the sea for the right to exploit resources beyond 12 miles for naught. With regard to the resources which are defined in Bill C-48, neither Canada nor the provinces would have the right to go beyond 12 miles. In other words, if this amendment were accepted, then Canada's stake, Canada's ability to say that we have the right to manage not only the east and west coasts but especially the Arctic, could be lost.

Canada has been working extremely hard against pressure from the United States, for example, with regard to its claim over Arctic waters. If Canada were to withdraw and say that Canada lands include the Northwest Territories and the Yukon Territory, without saying anything about offshore, in a way we would be saying that we are giving up our claim. We would be saying that we are not staking our claim to the Arctic waters. That would be the height of folly, after Canada has worked so hard to obtain title, in a sense to obtain the right to exploit the resources in these areas, as well as the east and west coasts, offshore and the fishery. Then, to state in a bill which deals with Canada lands and the right of the Government of Canada, the people of Canada to exploit those resources—

**Mr. Munro (Esquimalt-Saanich):** Mr. Speaker, I rise on a point of order. I wonder if the parliamentary secretary would permit a question at this point.

**Mr. Evans:** If there is time at the end of my speech, Mr. Speaker, I would be glad to entertain a question.

I will try and go through the speeches of members opposite to document as clearly as possible where I think they have been off base, not only irrelevant in many of their speeches, and not dealing with the amendment which has to do with the definition of Canada lands and the exclusion of the offshore from that definition, but harbouring, a misconception of what is involved and what the government is trying to do. We have heard from the hon. member for St. John's East, the hon. member for Capilano (Mr. Huntington), and most recently from the hon. member for Richmond-South Delta (Mr. Sidon)—I used to live not far from his riding. Last night the hon. member for St. John's West (Mr. Crosbie) accused the government of trying to grab provincial resources. If we just talk about the east coast, there are no resources to speak of that we know of within 12 miles of the coasts of Newfound-

land, Prince Edward Island, Nova Scotia or New Brunswick. The resources are much farther offshore. If what I have said is correct, and if what I have been told by legal advisers to whom I have spoken recently in order to come to grips with this issue being raised by members opposite is correct, we do not have title to that territory and, therefore, if there are resources, they cannot be provincial ones. As a result, how can that be a grab of provincial resources?

The ownership question is one which is crucial in this debate. We have heard about socialism and we have heard about it not being equitable. I will speak to the question of equity in a moment. We have heard that this bill is a rape of provincial rights. Again I ask you, Mr. Speaker, what provincial rights? If the provinces had rights over the offshore, why is it that the province of Newfoundland, for example, could not control the fishery of its coast with regard to foreign fishing fleets coming in and taking the fish stocks? It was not until after Canada negotiated the continental shelf agreement that we were able to manage our own fish stocks off the east coast. The accusation that this bill is a rape of provincial rights is simply a red herring, so to speak.

I would like to go on and look at the issues raised by the mover of this motion, the hon. member for St. John's East. As reported at page 11464 of *Hansard* he said:

Notwithstanding the stated position of the federal government within this policy paper—

A policy paper which was put forward on offshore resources. —on the floor of this House and during the course of committee hearings, that it would like to have this matter of jurisdiction between Newfoundland and Canada and Nova Scotia and Canada, the offshore question, resolved by the Supreme Court of Canada, we are presented with a bill—which in essence is a fait accompli—which defines "Canada lands" as the very areas the federal government feels are under dispute and which it feels should be adjudicated by the Supreme Court of Canada.

● (2020)

That is absolutely false. What does the bill say, Mr. Speaker? I refer you to my comments with regard to the definition of Canada lands. The bill referred to "those submarine areas, not within a province". "Not within a province" means that if the Supreme Court rules that a province has title over that to which it has some claim to jurisdiction, it will go out 12 miles. That will be "within a province" under this definition.

What about the rest of the territory going from 12 miles to the continental shelf? There is no claim to ownership of that. The Supreme Court is not going to rule that Canada owns that or that the provinces own that. Under international law there can be no ownership. There can be the right to exploit the resources. There can be no question that the bill is carefully and properly drafted to take into consideration precisely the concern being raised by the hon. member for St. John's East.

The hon. member for St. John's East went on to say that this question of ownership, meaning within 12 miles, has to be resolved by negotiation. The Prime Minister (Mr. Trudeau) has said on more than one occasion that the federal government is perfectly willing to sit down and negotiate management. If you do not own something but have the right to