

*Statute of Westminster*

I communicated with the various provincial governments, and on the 23rd of February, 1931, I invited them to attend a conference in this city for the purpose of dealing with the matter referred to. I think it perhaps as well that I should read to the house, although it does take a little time, the invitation that was sent out for that purpose:

Ottawa, February 23, 1931.

Sir,

I have the honour to invite the government of the province of—

Naming each province.

—to be represented at a conference which it is desired to hold with the governments of the provinces of Canada, at Ottawa, commencing on Tuesday, the 7th day of April of this year. The holding of the conference before the opening of the parliament of Canada was considered, but it was felt to be advisable to defer it in order to meet the requirements of the legislative programs of the majority of the provinces concerned. Further delay would defeat the purpose of the conference, namely, of affording the provinces an opportunity of presenting any views they might desire to express with reference to the changes that are involved in the proposed statute of Westminster, which the government of the United Kingdom has undertaken to bring before parliament during the current year.

At the Imperial conference, in 1926, consideration was given to certain questions relating to the operation of dominion legislation. These matters are referred to in the summary of proceedings at pages 14 and 15, under heading (c) "Operation of dominion legislation" and at page 16, under the heading (d) "Merchant shipping legislation." By the action of the Imperial conference in 1926, the questions regarding the operation of dominion legislation were referred to an expert committee, and certain merchant shipping questions were referred to a sub-conference on merchant shipping legislation.

With the consent of all the governments, the expert committee and sub-conference were combined in the conference on the operation of dominion legislation and the merchant shipping legislation, which was held in the autumn of 1929, and submitted a report. Your attention is invited particularly to part V of the report dealing with the Colonial Laws Validity Act.

I then quote from the report, which I have already read, and concluded as follows:

You will observe that it was contemplated that the statute of Westminster would be enacted so as to become operative on the 1st December, 1931, and that it is necessary that its application to Canada should be determined so as to enable resolutions to be passed by both houses of the dominion parliament in time to be forwarded to the United Kingdom, if possible by the 1st July, 1931, and in any case not later than the 1st August, 1931.

It is my purpose to introduce resolutions in order to ascertain the views of both houses of the parliament of Canada, in order that they may be presented to His Majesty, if possible by the 1st July, 1931, and, in any case, not later than the 1st August, 1931. It is in order

[Mr. Bennett.]

to enable the provinces to present their views in this matter that the present conference is being arranged.

On account of the necessity of action being taken promptly, it is not intended to consider any other matters at the proposed conference.

I am forwarding herewith copies of the report of the Imperial conferences of 1926 and 1930, and of the 1929 conference on the operation of dominion legislation.

Yours sincerely,

R. B. Bennett.

The conference met in this city and a draft was prepared of the statute of Westminster from the proceedings of the Imperial conference of 1926 and 1930, and we were fortunate in being able, without much delay, to arrive at a conclusion. I think it will be a matter of satisfaction to the house to know that the representatives of the provinces and the Dominion unanimously agreed that we should insert as a section of the statute of Westminster the section which is now before the house. I may make some slight explanation with respect to the language of the statute of Westminster. You will observe from the notice of motion standing in my name before the orders of the day that you have there the bill in draft form that will be submitted to the Imperial parliament. The recitals are not stated at length; there may be other recitals as well by the draftsmen. When you get down to the essential features you will observe by turning to page 5 that you have the statute in the general form in which it will appear. I thought it undesirable to put numbers before the paragraphs, because the draftsmen might place other numbers than those we used to designate those paragraphs. I therefore had the printer put a small line between each of the paragraphs so that the house might understand that on pages 5 and 6 there appear what will be, we believe, the statute of Westminster. You will observe first—I am numbering the paragraphs—as I read:

1. The Colonial Laws Validity Act, 1865, shall not apply to any law made after the commencement of this act by the parliament of a dominion.

2. No law and no provision of any law made after the commencement of this act by the parliament of a dominion shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of any existing or future act of parliament of the United Kingdom, or to any order, rule or regulation made under any such act, and the powers of the parliament of a dominion shall include the power to repeal or amend any such act, order, rule or regulation, in so far as the same is part of the law of the dominion.

3. It is hereby declared and enacted that the parliament of a dominion has full power to make laws having extraterritorial operation.