

Government Organization

me a bit to see statements that at some time in the future we will have one or more provinces in the north, because there are some Canadians who do not look favourably on the idea of having an additional province in an area of small population, with a complete provincial assembly and all the trappings and expense that go with it in order to administer the affairs of a small group of people.

We seem to have set our minds so firmly on the concept of Canada continuing to proliferate in provinces that we have ignored, until it is almost too late to do anything else, the possibility of other arrangements such as expanding existing provinces and thus negating the necessity of setting up others that will be a material drain on the rest of Canada.

I am concerned that this particular aspect of government reorganization has been introduced at this time and that we are engaging in setting up a department of energy at a time when the question of the territorial shelf and offshore mineral rights has been placed before the Supreme Court of Canada by the federal government. The Prime Minister stated:

The minister of energy, mines and resources, on the other hand, will be exercising responsibilities that are essentially, if I may use that word, national in their character.

If they are essentially national in character I do not think the whole question would have had to be referred to the Supreme Court of Canada. If that were the case the situation would have been adjusted automatically. The Prime Minister went on to say:

This is purely a constitutional question and it has been referred to the Supreme Court of Canada for an opinion.

I submit that it is not purely a constitutional question but is a political question. The confederation of British Columbia with the rest of Canada was at that time a political settlement which of course had a constitutional arrangement, but there are many other factors involved than simply the constitution as such. I would recommend to hon. members an article in the winter 1966 edition of *Queen's Quarterly* by Edwin R. Black, titled "Oil Off shore Troubles the Waters." In it he sets out some of the arguments for the federal case and one of them is:

—extending Canada's sovereign boundaries westward into the Pacific ocean beyond those boundaries which British Columbia brought with it when it joined the federation in 1871.

When it gets around to tackling this issue the supreme court is going to have an

extremely difficult time sorting out the constitutional implications from the political. I am convinced it will not find it a purely constitutional question and that its decision is just as likely, if not more so, to come down on the side of B.C. as on the side of the federal government. The rather pathetic suggestion that if it does we can then make the necessary readjustments, but at the moment we will go ahead and set up the machinery, anticipating the decision of the supreme court, is something which we should criticize most strenuously as a sort of *fait accompli* being presented by the government and, if anything, it is being assisted by the amendment presented by the hon. member for Kamloops.

I do not know if that was the hon. member's original intention but as the amendment is worded it is going to apply to a great deal more than offshore Arctic waters. It is going to concern the offshore waters of B.C. and I would remind hon. members that B.C. is the only province which has a Pacific coast. There are some aspects of the problem that are quite unique to the province and—

Mr. Fulton: May I ask the hon. member a question?

Mr. Johnston: Yes.

Mr. Fulton: From the words he has just used are we to infer that he believes that Canada does not have a Pacific coast?

Mr. Johnston: That is not quite the interpretation I would put on it. I would suggest that B.C. brought its Pacific coast to Canada in confederation and that they are identical. Therefore the development that was going on at that time must be considered rather than any changing of the picture. I think in a way that this part of the bill is out of order. I do not have any legal training. I cannot say that the question is sub judice or use such legal terms, but it does seem a bit improper for this house today to proceed to divide authority over part of Canada when we are awaiting a supreme court decision whether or not we have the power to do that.

Mr. Dinsdale: Mr. Chairman, the minister in charge of northern development has intimated that former ministers of northern affairs would not be quite in sympathy with the amendments that have been put forward by the hon. member for Kamloops. I shall speak only briefly because we are anxious to get on with this legislation but I want to indicate without any equivocation whatsoever