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VERBATIM REPORT

WEDNESDAY, MARCH 5, 1975

SPEAKER: THE HONOURABLE M. JAMES RUSSELL

The House met at 3:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER: Order, please!

It is a pleasure for me to welcome to the galleries today, from the Woodland Elementary School at Dildo, sixty-one Grade V students, with their teachers, Mr. Boone, Mr. Cranford and Mrs. Sheppard.

On behalf of all honourable members, I certainly welcome you to the galleries today, and I trust that your visit is most interesting.

HON. E. M. ROBERTS (Leader of the Opposition): Mr. Speaker, before we begin the laid down orders, statements by ministers, I wonder if I could ask leave, either seconded by the Premier or moved by the Premier and seconded by me, that the House send a letter of congratulations to the man who was selected as St. John's Citizen of the Year last night, Wally Millman, or Mr. Walter Stanley Millman, to use his full title, but Wally Millman, the name by which he is known, and all of us who regularly listen to the 7:45 A.M. news, and begin our day with Paul Bradbury and Wally Millman, I think we are delighted at the fact that his public services are recognized. I think it would be appropriate if the House were to ask Your Honour to send a message of recognition of commendation to Mr. Millman, and if it is in order, I would be prepared either to move it or to second it, whichever is the correct way.

HON. F. D. MOORES (Premier): Mr. Speaker, it gives me great pleasure certainly to move that congratulations go forward from this House. I already have written Wally to tell him of my personal feelings on the matter. I have known him for a long while. He is a credit to the broadcasting community and to the citizenry as a whole, a man who is a human being, a man who has applied his good nature in a very difficult, I would think it was a very difficult situation. Any man who applies his good nature continuously in early morning traffic and late evening traffic,

has to be commended by, I would think, anyone who drives a motor car, not the least of which is ourselves.

Certainly, it gives me great pleasure to move congratulations to Wally Millman on this particular occasion, and certainly I know I am speaking for all members on this side of the House, and as the Hon. Leader of the Opposition has just said, to make it unanimous from the House.

STATEMENTS BY MINISTERS:

HON. L. BARRY (Minister of Mines and Energy): Mr. Speaker, I guess this is the appropriate time to file a couple of reports -

MR. SPEAKER: Order, please!

MR. BARRY: Is it too early?

MR. SPEAKER: Order, please!

If the honourable minister is tabling some reports, there is an appropriate time for that.

REPORTS OF STANDING AND SPECIAL COMMITTEES:

MR. BARRY: Mr. Speaker, these are a couple of reports that have been done by the officials of the Department of Mines and Energy. I am tabling them specifically because of the interest expressed in the last session by the Hon. Member for Bell Island. One deals with the investigation of peat moss potential of the province and the other deals with the investigations that have been carried out with respect to limestone and dolomite in the province. Mr. Speaker, I have three copies here. There are other copies available from the department. Perhaps one of these could be tabled, one of them given to the Hon. Member for Bell Island and one given to the press. If the press need any additional copies, they can get them from the department.

HON. A. J. MURPHY (Minister of Social Services): Mr. Speaker, I have much pleasure in tabling the Report of the Department of Social Services for the year ended, March 31, 1974, and copies will be distributed shortly to all the members of the House.

AN HON. MEMBER: (Inaudible).

MR. MURPHY: It might do you some good.

MR. SPEAKER: The Hon. Minister of Finance.

HON. H. R. V. EARLE (Minister of Finance): Mr. Speaker, I wish to table the Public Accounts of the Province of Newfoundland for the year ended, March 31, 1974, together with the Report of the Auditor General on these accounts. In so doing, I am very happy to say that the Auditor General's Report for that particular year is much less critical, from a bookkeeping standpoint, than it has been for any year heretofore. In many sections of the report, he notes the improvements which have been made in our accounting system.

SOME HON. MEMBERS: Hear! Hear!

NOTICE OF MOTIONS:

MR. SPEAKER: The honourable Minister of Justice.

HON. T.A. HICKMAN: Mr. Speaker, on behalf of the honourable Minister of Tourism, I give notice that I will on tomorrow ask leave to introduce a bill, "An Act Respecting Public Libraries and Boards to Operate."

ANSWERS TO QUESTIONS FOR WHICH NOTICE HAS BEEN GIVEN:

MR. NEARY: Mr. Speaker, may I remind the Minister of Rehabilitation and Recreation that he promised to get me the figures on the government commitment to the summer games and the Minister of Health, Sir, that he was going to get me the -

MR. SPEAKER: Order, please! Order, please!

MR. NEARY: He was going to get me some information on St. Lawrence.

MR. SPEAKER: Order, please! It is not really procedurally correct for a member to be given an opportunity to remind a minister of a question that he has taken notice of.

MR. NEARY: Inaudible.

MR. SPEAKER: Order, please!

ORAL QUESTIONS:

MR. SPEAKER: The honourable Member for Bell Island.

MR. NEARY: Mr. Speaker, I would like to direct a question to the honourable the Premier, Sir. Would the honourable the Premier indicate to the House, and this is a very urgent matter, what steps his government have taken to cope with record unemployment in this Province at the present time?

MR. SPEAKER: The honourable the Premier.

HON. F.D. MOORES: Mr. Speaker, that question has been asked by the honourable Member from Bell Island for this last week and the answer remains the same.

MR. NEARY: Mr. Speaker, I am dissatisfied with the Premier's answer and I wish to debate the matter under the standing rules of this House at the late show tomorrow afternoon, Sir.

Mr. Speaker, I would like to ask the honourable the Premier, Sir, in the absence of the Minister of Manpower and Industrial Relations if the government have received any complaints from the trawlermen concerning the refusal of the fish merchants to issue vacation pay to the trawlermen in accordance with the terms and conditions of their old contracts which

are binding and in full force until a new agreement has reached? If so, what action has the government taken on these requests?

PREMIER MOORES: Not to my knowledge, Mr. Speaker, but I certainly will take it up with the Minister of Manpower and Industrial Relations when he returns tomorrow.

MR. SPEAKER: The honourable Member for Fogo.

CAPTAIN WINSOR: Mr. Speaker, may I direct a question to the honourable the Minister of Social Services. There seemed to be some misunderstanding regarding his statement yesterday re the closing of the boys home, United Church Boys Home. Now, is it correct that, I think it was the Member for St. John's South who said on an open line programme this morning, that the government's offer was to operate the home indefinitely without any strings attached. Is that a correct statement?

MR. MURPHY: Well, I am not responsible for any statements by the Member for St. John's South, Sir, quite frankly, or the other four hundred people or whoever avail of open line programmes. I have made my statement. Possibly your own pastor down there, Reverend B.B. Snow might tell you all about it. You are very close to him. He is Chairman of the Home. That is an actual fact. It is a private institution.

MR. NEARY: The minister withdrew his assistance, his financial assistance.

MR. SPEAKER: Order, please!

MR. WINSOR: A supplementary, Mr. Speaker: Can the minister state now whether the government did withdraw their offer of assistance? Did they or did they not?

MR. MURPHY: Mr. Speaker, if I may. This question of the United Church Home, I think, has been settled. Satisfaction of both the directors at the Home and the government, we have sat down, a statement was ironed out between the two satisfactorily -

MR. NEARY: Not so.

MR. MURPHY: There are mischievous people, Sir, and I would include in that the CBC for going into a home and interviewing wards of our department, children six, seven, eight years old.

MR. NEARY: They are not criminals, you know.

MR. SPEAKER: Order, please!

AN HONOURABLE MEMBER: Mr. Speaker, they were interviewed -

MR. MURPHY: I beg your pardon?

MR. NEARY: They are not criminals, these kids, you know. They are allowed to be interviewed.

MR. SPEAKER: Order, please!

MR. MURPHY: If I may, Sir, to interview these children, I think, was a very, very mischievous act and I deeply resent it, as also those people who are trying to create some trouble for the United Church Orphanage people. Actually it is not government. We only have our own assistant. We have arranged our meetings. Sir, the statement has been made and as far as my department is concerned, the incident is closed as of this moment.

MR. NEARY: That is what you think.

MR. SPEAKER: The honourable Member for Hermitage.

MR. SIMMONS: A supplementary - I have a supplementary question for the Minister of Social Services on the same subject. Would the minister confirm or deny that he had a representation from the Chairman of the Board administering the Home, a representation with a view to having the home kept open beyond the March 31 date.

MR. MURPHY: I have spoken,

MR. SIMMONS: Mr. Speaker, a supplementary. Could the minister confirm or deny that he has had -

AN HON. MEMBER: Inaudible.

MR. SPEAKER: Order, please!

MR. HICKMAN: We have a supplementary question to a question that has not been answered. I submit that the honourable gentleman for Hermitage is totally and absolutely out of order.

MR. ROBERTS: Mr. Speaker, to that point of order. The rules of this House - and it is obvious why the Assistant House Leader is, only the Assistant House Leader, and not the House Leader - the rules of this House provide that one may ask questions, and supplementaries thereto. It then goes on to say that, of course, no minister is under an obligation to answer a question. A supplementary is quite in order, I submit. If it is in order under the normal rules governing supplementary questions, it is in order whether or not a question is answered. The fact that a question is not answered is indicative of nothing more nor less than the arrogance of the minister, or the refusal to give the information requested.

HON. MEMBERS: Hear! Hear!

AN HON. MEMBER: Inaudible.

MR. SPEAKER: Order, please!

The Hon. Member for Hermitage rose on a supplementary question, and the Hon. Minister of Social Services made some comment which I did not quite get. The Hon. Member for Hermitage then rose on another supplementary. I am inclined to agree with the Hon. Minister of Justice. It is difficult to ask a supplementary question to a question which the minister has not really answered.

MR. SIMMONS: Mr. Speaker, I have a question for the Minister of Social Services. Would he agree to table the correspondence he has had with the board administering the home, in connection with the closing of the Childrens' Home? Would he agree to table the correspondence?

MR. MURPHY: Mr. Speaker, the honourable member is not serious that-

MR. SIMMONS: Yes, quite serious.

MR. SPEAKER: Order, please!

MR. MURPHY: Dealings between a private institution should be tabled and made public.

AN HON. MEMBER: Yes.

MR. SIMMONS: Sure we are.

MR. MURPHY: playing with the one you have, you would be a-half wit.

MR. NEARY: It is a public matter.

MR. SIMMONS: You are not hiding this one, boy.

MR. NEARY: Mr. Speaker, I wonder if the Hon. the Premier would care to make a statement concerning the labour trouble at Churchill Falls?

MR. MOORES: Mr. Speaker, the last I heard was that the wild-cat strike that was taking place there that it had been overcome. I have not heard anything since then. Certainly I can check into it and advise the member later on this afternoon.

MR. SPEAKER: The Hon. Member for Hermitage.

MR. SIMMONS: Of course, the same problem today, Mr. Speaker, I cannot seem to get the Minister of Rural Development in the House long enough to ask him a question. I have a question nevertheless for the Minister of Finance. I wonder would the Minister of Finance indicate to the House what the revenue, and perhaps more important, what the profits have been on the sale of the Silver Anniversary Medal which was struck in connection with the Twenty-Fifth Anniversary of Confederation?

MR. SPEAKER: That question could be placed on the Order Paper.

MR. NEARY: Mr. Speaker, a question for the Hon. the Premier, or the Minister of Industrial Development, I am not sure which, either one can answer, Sir. Is it true or false that a crisis is developing at the shipyards in Marystown because of the trawlermen's strike because of the lack of work at the shipyards in Marystown - lack of contracts to build new draggers and trawlers? Could the Premier answer it?

MR. SPEAKER: The Hon. the Premier.

MR. MOORES: Yes. False, Mr. Speaker.

MR. NEARY: Good! Glad to hear it.

MR. SPEAKER: The Hon. Member for Bonavista North.

MR. P. S. THOMS: Mr. Speaker, I would like to direct a question to the Minister of Health. Could the minister inform this honourable House if his department, or his government are going to take any action during this coming session of the House to legalize denturists in the province?

MR. SPEAKER: The Hon. Minister of Health.

DR. A. ROWE (MINISTER OF HEALTH): Mr. Speaker, the whole question of the drafting of regulations regarding legalization of denturists is now the subject of study by a special committee. But the honourable member will remember that government have accepted the report of the select committee, and has agreed that legislation will in due course take place. But it will not be ready for this session to my knowledge.

MR. SPEAKER: The Hon. Member for Bell Island.

MR. NEARY: Mr. Speaker, could the Hon. the Premier bring us up-to-date now on the expansion to the oil refinery at Come By Chance? What is happening in connection with this project, if anything?

MR. MOORES: Mr. Speaker, I think, with all the respect to the honourable Member for Bell Island, that will be tabled in the House in the form of a bill when the details have been finalized. I think it would be very wrong to discuss what progress has been made.

AN HON. MEMBER: Inaudible.

MR. MOORES: Yes. But it would be very wrong to discuss what progress has been made at this particular time.

MR. NEARY: A supplementary, Mr. Speaker. Does the Premier expect the project to get off the ground this year?

MR. MOORES: I certainly hope so, Mr. Speaker. Yes.

MR. NEARY: Mr. Speaker, I wonder if the Hon. the Premier could inform the House if his government have registered any protests to the

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Iron Ore Company of Canada for recruiting workers for Labrador
City in Europe and other parts of the world?

MR. MOORES:

The answer is, Mr. Speaker, that I know for a fact the various government departments are continuously in contact with the Iron Ore Company of Canada to ensure that as many Newfoundlanders in all opportunities where we have qualified people are given first preference at I.O.C. If they are recruiting in Europe or anywhere else, I would assume it is because either that particular vocation is not available here or the people have not applied for the job, but certainly there is a continuous liaison to ensure that Newfoundlanders are given first priority on that project.

MR. SIMMONS: Mr. Speaker, a question for the Minister of Education. With reference to the announced youth conferences in the Throne Speech, I am presuming that will come under the aegis of the minister, the youth conferences.

HON. G. OTTENHEIMER (MINISTER OF EDUCATION): No. It does not strictly speaking come under the jurisdiction of the Department of Education. I have an involvement in it. Mr. Sullivan and I keep in touch on it. If there is any question that I can answer, I am certainly pleased to do so.

MR. SIMMONS: Mr. Speaker, to the Minister of Education, then, a question on the youth conferences. Would he indicate how the planning is going and when the conferences are going to be held and who is going to be involved in the planning, who is going to be invited, what the purpose of the conferences will be?

MR. MOORES: Mr. Speaker, I would like to answer that because I have spent some time with Mr. Sullivan on the organization of the conference itself. The Memorial University section of the conference will probably be sometime late this month or early next month. The other sixty-two conferences around the province which will be held, one in each electoral district and all the vocational schools making up a total of sixty-two, will also be carried out hopefully on April 26. I think that is the deadline he is heading for now, with the fall conference, with representatives from each of these to set up the advisory council and to have their final windup session here in St. John's, probably in October. The situation is on

these conferences that I think it is very important that the youth of today have an opportunity, not just to liaison with government and so on but also to have an input in many ways as to what they are satisfied or dissatisfied with in society, which way they would like to see it go and what help they are prepared to give to make that possible.

The only thing I have suggested, Mr. Speaker, to Mr. Sullivan who is organizing it, is that he keep it as nonpolitical as possible, and to ensure that I suggested that no M.H.A.'s from either side be asked to the panels, but they be done to have a meaningful input rather than any political connotation.

MR. NEARY: Mr. Speaker, I wonder if the Minister of Social Services would inform the House as to when the free food that is being donated to this province by McCains will be distributed to welfare recipients and where the distribution points are going to be in the province where the welfare recipients will have to go to pick up this food.

MR. MURPHY: Mr. Speaker, I am sorry, I have not got details quite frankly but I believe there was one due on the West Coast over last weekend. I think there was something like twenty-five tractor loads. I can get the information. I might get it for this afternoon and pass it along, just what the arrangement will be on the thing. It has been rather complicated to try to do the thing in a proper way without having a throw-away like Mr. Hearst had as we saw on television, you know, where he stands in the back of a truck and throws it away.

MR. NEARY: Mr. Speaker, a supplementary. Would the minister indicate to the House, Sir, on what basis the food is going to be distributed to welfare recipients? Will it be based on the number of dependants on their income or just what ground rules has the minister laid down for distributing this food?

MR. MURPHY: Really, there is a directive, Sir. I was away for a week when all this took place, and it originated, of course, through the Premier's office asking my department to do it and make the arrangements. There is a complete document on it down there and I think I can get it during the afternoon and perhaps pass the

information along if necessary on the thing.

MR. GILLET: I have a question for the honourable the Minister of Municipal Affairs and Housing, Mr. Speaker. I wonder if the minister would indicate what the policy of his department is concerning the deep wells in areas where no other drinking water is available. Have they discontinued the drilling of these wells? Is it their policy to discontinue it or what is actually the policy?

HON. B. PECKFORD (MINISTER OF MUNICIPAL AFFAIRS AND HOUSING): Mr. Speaker,

First of all, we have a division of the department called the Water Services Division which tries to allocate money to various water committees in communities where there are no councils. The majority of the money in that division is spent on artesian wells, because they are the most appropriate means to try to acquire water in a lot of the settlements that are not incorporated. Any community that is incorporated can still get into that field, not through that division but through the normal processes of the department. The policy of the department right now is to continue in the programme of artesian wells, both through the Water Services Division and through the normal departmental divisions which deal with incorporated areas in this coming year. There has been no slackening nor has there been any elimination of that policy. It will continue as it has in the past and, hopefully, it will increase in this coming year.

MR. GILLETT: A supplementary question, Mr. Speaker, if I may, Will these deep wells be equipped with hand pumps as they have been in the past? Has that policy changed?

MR. PECKFORD: We are trying to change that policy, Mr. Speaker, to try to make it possible in areas where the topography is suitable and where the cost can be kept at a reasonable level, to get away from the pump situation on the well, and to get into a distribution system with pressure tanks and this kind of thing, and the individuals in the community, if it is unincorporated, will be responsible for the connection. We would provide the pump, the tank and this kind of thing and the material, and they would supply the labour for the distribution system. We have been moving away from pumps, and I think the Department of Health have discouraged any further use of hand pumps on artesian wells.

MR. SPEAKER: The Hon. Member for Bell Island.

MR. NEARY: Mr. Speaker, I wonder if the Hon. Minister of Mines and Energy, Sir, would mind telling the House whether or not his department or whether the cabinet itself, approved of an increase by the Newfoundland

Power Commission to ask the Newfoundland Light and Power Company for an increase of fifteen per cent in their electricity rate? Was this approved by cabinet? Was it approved by the minister's department? Were there any prior discussions with the minister's department or the cabinet or the government before the Newfoundland Light and Power Company were notified that there would be an increase in the rates?

MR. BARRY: Mr. Speaker, I will get that information for the honourable member if it is placed on the Order Paper.

MR. EVANS: (Inaudible).

MR. SPEAKER: The Hon. Member for Hermitage.

MR. SIMMONS: Mr. Speaker, I had a question for the Minister of Rural Development for some days. In his absence, which is fairly continual, I would like to direct a question to the Premier. Has there been any decision taken to change the policy of the Department of Rural Development with respect to making available information concerning loans? I understood that it was public information. Has there been a policy change?

MR. MOORES: Not to my knowledge, Mr. Speaker, no.

MR. SIMMONS: A supplementary, Mr. Speaker. Would the Hon. Premier undertake to have me supplied with a list, an up-to-date list, of loans granted by the Rural Development Authority?

MR. MOORES: Mr. Speaker, I strongly recommend that the Member for Hermitage get enough energy to go to the department and get it himself. It is available.

AN HON. MEMBER: It is available in the department?

AN HON. MEMBER: Yes, it is.

MR. SIMMONS: Mr. Speaker, we have made repeated requests to the minister. In view of that, would the Premier undertake and instruct the minister to follow the rules of the department and give me a list?

MR. MOORES: Very shortly - inaudible.

AN HON. MEMBER: (Inaudible).

MR. SPEAKER The Hon. Member for Bell Island.

MR. NEARY: Mr. Speaker, I wonder if the Minister of Municipal Affairs, Sir, could inform the House if he met with a delegation from the town council of Wabana this morning? If so, would the minister indicate the outcome of his discussions with the officials of the town of Wabana?

MR. PECKFORD: Mr. Speaker, yes I can inform the Hon. Member for Bell Island that I met with a delegation from the Wabana Town Council this morning, and as a matter of fact, Mr. Speaker, I asked the council if I could relay to the honourable member information and discussions emanating from that meeting. As you are aware - you might have the agenda in front of you from the meeting this morning - there are eight items, I think, the last one was a stadium, was it, that there would be an arena over there, number eight?

MR. NEARY: (Inaudible).

MR. PECKFORD: Right. The whole question of the municipal problems of Wabana, and there are problems, are presently being assessed by the department in view of a recent investigation done by H.R. Doane, accountants.

MR. NEARY: The Doane Report.

MR. PECKFORD: Right, the Doane Report that is in. What we are trying to do, Mr. Speaker, rather than ad hoc procedures being taken to subsidize or to eliminate some of the financial problems on Bell Island, we are looking at the total picture over there, and so within the next two or three weeks, there should be some major decisions made concerning the present deficit position of the town council in relation to its accumulated deficits over the years, in relation to internal services, the water and sewer, in relation to the planning of the whole town, in relation to the expansion of boundaries, because right now all of the island is not included in the town council boundaries, and so the whole question of the municipal servicing of boundaries, of financing and all, are being looked at very closely by the

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department in light of the Doane Report, and within two or ~~three~~ weeks we should have a decision for the town council as to the action the government intend to take to eliminate these problems.

MR. NEARY: Mr. Speaker, I wonder if the Minister of Social Services, Sir, could inform the House whether he has found the alleged mischief maker who is leaking plans for reclassifying welfare officers out to the media? The minister made reference to it in the House the other day. Has he found the mischief maker?

MR. SPEAKER: This question is not one that requires an urgent answer and could be placed on the Order Paper.

MR. NEARY: Okay, Sir. Mr. Speaker, in view of the fact that the House and the people of Newfoundland and the Reverend B.B. Snow are unable to get satisfactory answers from the minister, Sir, I wonder if the head of the government, the honourable the Premier, would care to comment on a statement by the Reverend B.B. Snow, Chairman of the United Church Board, that they would like to continue to run the Children's Home but said the board has been unable to get a commitment from the government, Would the Premier care to comment on that? So far we have been unable to get the answer.

MR. SPEAKER: The honourable the Premier.

HON. F. D. MOORES, PREMIER: Mr. Speaker, I have been in contact with the Minister of Social Services on this and his officials, no later than this morning, The fact is that it was a mutual decision of the board and the department, a mutual decision -

MR. NEARY: No, that is incorrect.

MR. MOORES: To close the institution. And that is not an incorrect statement, Mr. Speaker, and certainly I will be glad, as will the minister, to meet with Reverend Snow anytime to see if a satisfactory arrangement can be worked out. But as I understand it, satisfactory arrangement has been concluded between the two groups.

MR. NEARY: Mr. Speaker, a supplementary -

AN HON. MEMBER: Inaudible.

MR. SPEAKER: Order, please!

MR. NEARY: This is supplementary to the honourable the Premier, Sir,

and I must -

AN HON. MEMBER: It is in the paper today.

MR. MORGAN: What are you quoting the papers for?

MR. NEARY: Is the honourable the Premier aware-

AN HON. MEMBER: Inaudible.

MR. SPEAKER: Order, please!

MR. NEARY: Supplementary, Sir; is the honourable the Premier aware that the Reverend B.B. Snow in a public statement said that it was due to the government's withdrawal of its financial assistance that forced the home to close? Is the Premier aware of that?

MR. MOORES: Mr. Speaker, I am not aware of it and I certainly, if that is an accurate statement, will check further on it.

MR. SPEAKER: The honourable Leader of the Opposition.

MR. ROBERTS: A further supplementary, if I might; has the Premier spoken himself with any of the officials of the United Church Conference, the Reverend Mr. Snow or some spokesman for the Conference because you know the matter seems to revolve around this. The minister says that it is a mutual decision. The Premier, relying on the information given by the minister says it is so and yet every other indication is that it is not so, the home is closing because the government have decided to withdraw their assistance and the United Church feel they cannot carry on without financial support.

MR. MOORES: Mr. Speaker, I have not spoken to any of the board themselves, I have spoken to the minister and his senior officials on this matter and certainly what they advised me I have every reason to believe, I have every reason to think that they are responsible and there is no reason why they would tell me otherwise and I have every confidence in them.

They will follow through on this and I certainly will personally, to ensure that this misunderstanding, if it is one, that it is mutually corrected.

MR. ROBERTS: A further supplementary, Mr. Speaker, will the Premier undertake to try to get in touch with the Reverend Mr. Snow -

MR. MOORES: I already have.

MR. ROBERTS: Already have been or already have undertaken.

MR. MOORES: Already have undertaken.

MR. ROBERTS: Well, I just wanted it to be clear because the words were somewhat ambiguous but I am grateful because this -

MR. MURPHY: Inaudible.

MR. SPEAKER: Order, please!

MR. ROBERTS: Mr. Speaker, if the Minister of Social Services will allow me, I thank the Premier because I think this might be the way to resolve the issue and it is obvious that it is the minister's maladroite administration that has caused whatever difficulty there is.

MR. MOORES: Mr. Speaker, I would like to make, if that was a question, I would like to make an answer. If it was not it was a statement and I would like to reply to it. So we will call it a question as it is this time of day.

The fact is, Mr. Speaker, to intimate that the minister or his senior officials have been at fault here in bringing about the closing of that home, now I have every confidence that that is absolutely not the case, that it was a joint agreement to do it by the board recommendation as well as the department, that alternate proposals would be brought up as to which was the best way to carry on and that position will be clarified. But in the meantime the minister and his officials, in my opinion, are being degraded here, absolutely unnecessarily, I am not sure if it is for political gain or if it is just for publicity, show for motion sake, but the fact is I think this thing, Sir, is being misinterpreted and I think the facts, if they are not known, I think the minister will look after making sure that they are detailed and known.

SOME HON. MEMBERS: Inaudible.

MR. SPEAKER: Order, please!

MR. SPEAKER: The honourable member for Hermitage.

MR. SIMMONS: Supplementary question, Mr. Speaker, to the Premier concerning the home, in due of the lateness of time it is only now -

MR. MURPHY: (Inaudible) it should be discontinued.

MR. SPEAKER: Order, please!

MR. SIMMONS: Yes. Sure. Shut it up. Keep it quiet, I suppose. That is what you would like to do.

AN HON. MEMBER: Inaudible.

MR. SPEAKER: Order, please!

MR. SIMMONS: You would love to keep it all quiet. Hush it up. Hush it up like you want it.

Mr. Speaker, I have a supplementary for the honourable the Premier, it is nearing the middle of March now and the notice of the closing of the home at the end of March does not give much time, particularly in view of the controversy, would the Premier undertake to allow a stay of execution, if you like, to allow a later closing until the thing is reviewed and a proper conclusion is come to.

MR. SPEAKER: I shall permit the honourable Premier to answer this supplementary and I think the debate has gone on long enough on this particular topic.

MR. MOORES: Mr. Speaker, I have already said that the minister and his officials are following through on this to make sure that both sides indeed will give a detailed position and until that is done I think it would be wrong to undertake any commitment until that has been done.

MR. NEARY: Mr. Speaker, I have a question for the honourable the Premier, would the honourable the Premier care to indicate to the House, Sir, if he has received any telegrams or correspondence in connection with the trawlermen's strike from Bishop Penney, Reverend John Maddigan and the Reverend Father Desmond McGrath?

MR. MOORES: Mr. Speaker, I have not received -

MR. NEARY: Do not be so ignorant.

MR. MOORES: any telegrams from these distinguished gentlemen. I have read in "The Telegram," Bishop Penney's remarks and Father McGrath's. I received a letter from Father Maddigan which I had read two days previously in "The Telegram", and that is about the extent of the correspondence to date.

AN HON. MEMBER: Inaudible.

MR. SPEAKER: Order, please!

MR. NEARY: Supplementary, Sir, do I understand the honourable the Premier correctly when he says he did not receive a telegram from the Reverend Desmond McGrath, the Parish Priest of Port au Choix?

MR. SPEAKER: I am sorry, Mr. Speaker, I think I did probably at the beginning. I am not sure. I really am not sure of that, but certainly I did get the full message of the context and the imputation of it.

MR. NEARY: Mr. Speaker, a supplementary; would the honourable the Premier then indicate what action, if any, his government intends to take on these suggestions and recommendations that have been made by these three gentlemen of the cloth in this province?

MR. MOORES: Mr. Speaker, the government of this province is very concerned with this particular problem as is well known by the member as well as other people. The fact is that as long as the bargaining process is going on it would be absolutely wrong for the government to get involved as much as our personal emotions, I suppose, would want us to. The fact is that the bargaining process that has been set up over the years is not something to be negated just because a lot of individuals, and possibly even myself, might feel that that is the case. I think, Sir, at this time, as long as negotiations are still going on, it would be equally wrong for me or for any members of this government to make comments that would interfere with those negotiations.

MR. NEARY: Mr. Speaker, I wonder if the Premier could indicate if negotiations have yet resumed this week. They were recessed.

March 5, 1975

Tape No. 179

NM - 6

Have they resumed yet? If not, when will negotiations commence again?

MR. MOORES:

As I understand it, Mr. Speaker, the Deputy Minister of Labour has been in touch with both sides. I think that is correct. Certainly, I know he has been in touch with the company side—yes, both sides—and they have not sat down together as yet but the Deputy Minister is talking to both groups with an objective of getting them together, hopefully the latter part of this week. Monday has been decided, I know, between them to be the deadline when they get back together.

MR. NEARY: Mr. Speaker, will the meetings be in St. John's, in Newfoundland or on the mainland, in Ottawa, as they were previously?

PREMIER MOORES: It is a question I do not have the answer for, Mr. Speaker.

MR. SPEAKER: Order, please! The thirty minutes for the question period have expired. This is private members' day. We shall commence with the first private member's motion on the Order Paper which is number two moved by the honourable Leader of the Opposition.

MR. ROBERTS: Mr. Speaker, as you just said, Sir, this is the first non-government motion to stand on the Order Paper. I think it is entirely appropriate that the first motion to be called before the House on this session should be one on this particular subject, the subject matter of this motion, which is a declaration of the feelings of this House, and I believe of the people of this Province, with respect to the questions which are to be debated, and it is hopefully decided at Geneva in the conference which resumes, the one that is called LOS(3), the third Law of the Sea Conference which will resume at Geneva about ten days from now on the seventeenth of March.

Now, Mr. Speaker, this resolution and the subject matter it covers are of crucial importance to every single Newfoundlander. We discuss any number of important topics in this House from time to time. We discuss some unimportant ones as well from time to time. They may be necessary even though they are relatively unimportant, but I do not think that I can conceive of any subject that matters more to the future of this Province and the people of this Province than the subject matter of this resolution. I think the fact that there are standing on the Order Paper, Sir, no less

than three separate resolutions dealing essentially with the same matter - I am not attempting to prejudge the question at this point as to whether or not they do deal with the same matter, but dealing with it essentially in the same matter, one standing in my name, the one we are now debating, one standing in the name of the gentleman from Bonavista South and one standing in the name of the Minister of Mines and Energy - I think that in itself is conclusive proof of the importance of this subject.

Now, Mr. Speaker, I would suggest that although this matter is of crucial importance, both as it affects our fisheries and as it affects our ownership rights, our ownership of the resources of the seabed off our coasts, I would suggest it will not be a terribly controversial resolution. I expect and I hope and I believe that this resolution will commend the unanimous support of the House.

Now, Sir, there is some urgency on this matter. The resolution, and the other two similar resolutions which stand on the Order Paper, all make reference to the Law of the Sea Conference with the third LOS(3) which will reconvene, as I said, on the seventeenth day of this month, which is less than a fortnight away. In view of the urgency and in view of what I believe to be the very substantial degree of unanimity amongst the members of the House and I think amongst the people of this Province, perhaps we should do something unusual, Sir. We are entitled to debate this resolution. It is properly before the House and I am entitled to speak for ninety minutes in introducing it and other honourable gentlemen are entitled -

AN HONOURABLE MEMBER: Inaudible.

MR. ROBERTS: Mr. Speaker, the Leader of the Opposition when he speaks in this House, under the rules of this House, has ninety minutes to speak. If the gentleman from Bonavista South is not aware of the rules, he had better speak to his tentative master, the Assistant House Leader. The Premier under the rules, has ninety minutes to speak. Ordinary members other than those two, speak for forty-five minutes with the exception of a minister

moving a government bill and the member speaking in reply thereto, or alternately, a member moving a motion of no confidence in the government and the minister speaking in reply thereto. I do not have the exact number of the rule before me but -

AN HONOURABLE MEMBER: Forty-nine.

MR. ROBERTS: Forty-nine. I think I have stated it accurately and concisely. I have had ample opportunities, Your Honour will appreciate, ample opportunity to consider the rule and to act under it. As I was saying, I am entitled to speak for ninety minutes in sponsoring this motion. The subject is well worthy of a ninety minute speech. Other honourable gentlemen are entitled to speak for forty-five minutes each, with the exception of the Premier who may speak for ninety minutes. I think it is well worth a speech from each member of the House, or certainly a wide variety of members of the House.

In addition, Mr. Speaker, I think it is very clear from the parliamentary authorities that until this question is resolved, the motion which I am now moving, there can be no other discussion of any similar matter. Now, again this may raise a point in parliamentary precedent and I do not want to anticipate Your Honour's ruling, but I did a little research on this. The question is not entirely one that could not be anticipated. I find in the *Beauchesne* that, you know, the reference authority that nothing in our rules that seems to be in point. I have not been able to locate anything in our precedent, in our practice, but I find *Beauchesne* on page 167 has a reference which seems to be very apt. It is citation 200 and it is section (2) of that citation. It makes a rule that not more than one question should be before the House at the same time. Then there is a quotation in quotation marks, "When a motion has been made, that matter must receive a determination by a question or be laid aside by the general sense of the House before another be entertained", end quotes. That is a restatement of an old rule of 28th of June, 1604. It indicates the possibility of the withdrawal of a motion by leave of the House. Subsection three of that citation reads as follows: "A motion

dealing with the same subject-matter as a Bill standing on the Order Paper for second reading cannot be considered."

Now, without getting into a procedural argument, the point I am trying to make is that this motion must be disposed of before we can consider any others. Now, what I would suggest, and I am prepared and my colleagues on this side are prepared, Sir, to act quickly on this which I think is important. I think if we are going to influence the Canadian Government's position, the sense of the House should be declared quickly. The meeting is to be held, it is to begin on the seventeenth day of March and if we are to have any influence I think it is important that our vote be recorded and it be forwarded in the normal and appropriate fashion to the Government at Ottawa, to the Secretary of State for External Affairs, Mr. MacEachen, and to the appropriate members of the government at Ottawa and to whoever else should have it.

Accordingly, I am going to suggest, Sir, that we put this motion now without a great deal of debate, without, in fact, any debate. For my part, I am prepared to have the matter dealt with on that basis. I am not trying to stifle debate. I am quite prepared to debate it. I have my notes prepared and my thoughts, I hope, well organized. Other honourable gentlemen, I know, wish to enter into the debate, but I think in view of the urgency we might put it now and if it is agreed, if it is in order, if all concerned feel that the matter be put, that it be put without further debate, I believe that it will get unanimous support. I believe that it will get unanimous support from every member of the House who votes and then we can go on with other business of the House. There are a number of other motions which can be dealt with and which will be debated in the normal way.

Now, there may be some difference between the motion I am now moving, Mr. Speaker, and the motion which stands in the name of the Minister of Mines and Energy. I am not precisely sure just how important that difference may be. I have read

both motions with care, and with thought, a number of times, and I am unable to see a substantial difference. If, however, there was some point made by the minister in his motion that is not suitably put in the motion which I have made I would be quite prepared to have the minister, or by agreement to move the amendment to sweep it up, and get the matter done, and have it put, and carried.

I think it is important. If it is in order, I mean I make the suggestion - I do not know whether to look to the minister - I will yield for a second if the minister could speak on the point.

MR. BARRY: Mr. Speaker, I was going to make a similar suggestion when I spoke after the Leader of the Opposition, but not to the effect that we pass the resolution submitted by the Hon. Leader of the Opposition. Because there are two serious defects, quite serious defects in the resolution which would, in effect, weaken our case at the Law of the Sea Conference. It would, in effect, we would be urging Canada to take a position less than what they are taking right now.

I referred to the fact that the Hon. Leader of the Opposition's resolution refers to "This House declares that (for instance) Canada must gain control both of the resources of the seabed, and the delivery resources of the sea in an area extending from the edge of the Continental Shelf." First of all that should be Continental Margin. It is a very significant thing because it is an enormous area to which accepted international law would consider Canada as having acquired rights already, as a matter of fact, an area probably twice the landmass of Newfoundland and Labrador combined outside the Continental Shelf.

AN HON. MEMBER: Inaudible.

MR. BARRY: To the end of the margin.

The other thing - the reference in brackets - (It is the opinion of the opposition that the Continental Shelf ends the 200 metre line). This again is a serious -

AN HON. MEMBER: Inaudible.

MR. BARRY: No, it is not.

AN HON. MEMBER: Inaudible.

MR. BARRY: Okay, if I could make a suggestion where the Hon. Leader of the Opposition was probably misled. The 200 metre line was one criterion used for setting the edge of the Continental Margin at the Law of the Sea Conference in 1958. The second criterion used, and the one that has been applied, and the one that gives Canada good claim in some cases out to over 600 miles of the tail of the Grand Banks, is the criterion of the limit of exploitability. In other words the international law says, "The edge of the Continental Margin is either a depth of 200 metres, or the limit of exploitability, or whichever is greater." So these are two fundamental things which, and I would submit, Mr. Speaker, that if the Hon. Leader of the Opposition would agree that we can debate either his motion as is, and we can get into briefly more elaboration on the points I just made, or the motion that is on the Order Paper, as the government motion, I think sets out the position that I believe the Leader of the Opposition would want asserted to the Law of the Sea Conference. The government would be more than prepared to permit the Leader of the Opposition to have that motion substituted, have that debated, and hopefully with a view of getting it submitted to the Department of External Affairs prior to the beginning of the Geneva Conference.

MR. ROBERTS: Mr. Speaker, I am quite prepared if it is in order to amend - as the minister said there are two definitions in the LOS, two in the -

AN HON. MEMBER: Inaudible.

MR. ROBERTS: No. The limit of exploitability is a very different concept. You know, in view of the fact that Howard Hughes is about to start exploiting the 10,000 feet deep in the middle of the Pacific Ocean, thousands of miles from sea, I mean that is a different concept.

AN HON. MEMBER: Inaudible.

MR. ROBERTS: Well I am not arguing in favour of the 200 metre line, that is, 600 feet. What I am prepared to do, you know, I take the minister's point as being one of substance, and appreciate it. If it is in order, let us say that the edge of the Continental Margin, and strike the words in bracket.

MR. BARRY: The resolution, the whereas policy, the points leading up to it do not set out in detail the concerns of the province.

MR. ROBERTS: Well there I must differ. I think that the preamble to the clauses, the whereas clauses are a better statement of the case and that obviously is a matter of opinion. I am quite prepared to, you know, ask leave to amend the motion so that we can have common ground, and that we put in the words "Edge of the Continental Margin" and strike "The 200 metre line" the brackets there, and then debate the motion, and put it to a vote. Indeed, I think, we should do it by debate, or if not we should agree on the limits of debate because if not, Mr. Speaker, this debate could easily go on for several weeks, because Wednesday is Private Members' Day, and there is this Wednesday, and next Wednesday, and you know - are the minister and I on common grounds?

MR. BARRY: Let us just for a moment. Not on common ground Mr. Speaker. It is not necessarily at an impasse either. I think,

MR. ROBERTS: Do we want a ten minute recess to try and work it out?

MR. BARRY: Well that could be useful, but I would also submit to the Hon. Leader of the Opposition that this subject is worthy of debate purely as an educational process to a certain extent, to make people aware just what is at stake out here. Because I believe that the public is not aware just what stakes are being played for at this conference.

MR. ROBERTS: That is why I put the motion down, and I guess that is why yours is down.

MR. BARRY: Well, you know, unfortunately I submit that there is some confusion that is going to arise. Maybe a recess.

March 5, 1975

Tape 181 (Afternoon)

PK - 4

MR. ROBERTS: Let us have it, Mr. Speaker, a ten minute recess.

MR. SPEAKER (STAGG): Order, please! The Chair has no objection to a recess. This particular Chairman has been recessed for a couple of days now. We will recess for ten minutes.

MR. SPEAKER (MR. STAGG): Order, please!

The honourable the Leader of the Opposition.

MR. ROBERTS: Mr. Speaker, if the page could perhaps relieve me of a cup of tea which I am obviously not going to get to drink. Mr. Speaker, the Minister of Mines and Energy and myself have consulted during the recess and we have arrived at what amounts to a marriage of the motion standing in my name and the motion standing in his name. The procedure which we would suggest to Your Honour and to the House, Sir, is that the honourable member now move an amendment and that not count as his speech. We would ask leave that that not be his speech on the motion, that the amendment then be put and hopefully will get unanimous consent that it be put without any debate. Then we shall carry on and debate the amended motion and I will make a speech and the Minister of Mines will make a speech and then any honourable member who wished to make a speech will make a speech, etc. That is what we suggest if it is in order. The honourable member has the details.

MR. BARRY: Mr. Speaker, we appreciate the indulgence of the Chair in this matter, but obviously the resolution we are attempting to put together is something that goes beyond the bounds of political differences. It is crucial to the welfare of the province and indeed, we submit, of Canada. Therefore, I am glad to see that we were able to work out a resolution which I am sure that both sides of this honourable House will be able to support.

Mr. Speaker, what I am doing is moving amendments to the motion as put by the honourable the Leader of the Opposition to incorporate the government motion which is on the Order Paper but which there is no point in debating since we have permitted the private members motion to come up first. We did not bring the government motion on previously. So, it will be useful if we can combine the two. I think the best way for me to do it is if I read out the entire motion. Then I will submit it in writing to the Chair so that it will be there for the records.

The motion will now read, Mr. Speaker:

WHEREAS the fisheries and mineral resources of the submarine area adjacent to Newfoundland and Labrador have been and will continue to be vital to the economic and social welfare of the province;

AND WHEREAS Canada has been invited to attend an International Law of the Sea Conference at Geneva commencing on March 17, 1975 at which it is proposed that the current state of the international law of the sea be reviewed and modified and a new comprehensive Law of the Sea Convention entered into;

AND WHEREAS Canada proposes to enter into a comprehensive multilateral Law of the Sea Convention which may substantially affect the rights of Canada and the Province of Newfoundland and Labrador to the fisheries and mineral resources upon which the Province's future is so dependant;

AND WHEREAS it has been proposed in many quarters that a Law of the Sea Conference approve a multilateral convention under which a coastal state's rights to the fisheries and mineral resources of its adjacent submarine areas would be limited to a zone of 200 miles measured from the inner limit of its territorial sea;

AND WHEREAS the continental shelf and margin adjacent to Newfoundland and Labrador extend beyond 200 miles and the Province has a pre-Confederation legal claim to the mineral resources thereof;

AND WHEREAS such resources still belong to the Province of Newfoundland and Labrador;

AND WHEREAS that portion of the continental shelf and margin beyond 200 miles contains valuable mineral deposits, contributes from 15 to 20 per cent of the Newfoundland deep sea fishery and has further valuable fish stocks not yet fully exploited;

AND WHEREAS this House views with extreme concern the depletion of the living resources of the seas which surround our coast;

AND WHEREAS this House believes that it is absolutely essential in the interests of the people of Canada and in particular the people of Newfoundland and Labrador that these resources be controlled and managed in such a way as to ensure the best possible return therefrom;

AND WHEREAS the most effectual way to secure such management and control is for such management and control to be vested in Canada, the coastal state;

AND WHEREAS it is essential to the future welfare of the Province that these resources be within Canadian control; - We finally get to the meat of the matter, Mr. Speaker, which is -

BE IT THEREFORE RESOLVED by the House of Assembly in legislative session convened as follows:

- that this Honourable House insists that at the forthcoming Law of the Sea Conference the Federal Government seek to extend Canada's jurisdiction over fisheries to the limit of the continental margin and that it maintain Canada's existing rights and jurisdiction over the minerals of the seabed and subsoil thereof to the limit of the continental margin and not merely out to a limit of 200 miles.

AND BE IT FURTHER RESOLVED that this House declares that Canada should by proclamation take such jurisdiction in the event that the Law of the Sea Conference which will reconvene at Geneva in the month of March, 1975 does not so constitute and declare an international regime by December 31, 1975.

I believe I have it all there, Mr. Speaker. I will attempt to write it up and submit a written copy.

MR. SPEAKER (MR. STAGG): Does the House wish the amendment to be put now?

On motion amendment carried.

MR. HICKMAN: Everyone is in favour, Mr. Speaker. What I am wondering is if, as the debate goes on this afternoon, if it is possible for someone to let us have a copy of the resolution we are now debating.

MR. ROBERTS: We will get hold of a stenographer in a secretarial sense and we will dictate or give her the motion and have it typed up. I would suggest then that we use one of the photostating machines around and use instant duplication of fifty or sixty copies

for all concerned. In a sense, for the benefit of the Minister of Justice, it is a union of the two motions. I think we managed between us, the Minister of Mines and Energy and myself, to get everything in there. One clause was dropped. It happened to be one that I had drafted but it was covered and more than covered by a clause the honourable gentleman has drafted.

AN HONOURABLE MEMBER: Inaudible.

MR. ROBERTS: No, Sir, this is not to be taken as being an indication of things yet to come. The only indication of things yet to come is that the Minister of Mines and Energy had a very covetous look at the luxurious digs which I inhabit over here on a temporary basis, and he has marked out his spot in the years ahead, Sir.

Mr. Speaker, I, in theory at least, have been on my feet for forty minutes according to the time running. I do not intend to speak for ninety minutes, but I wonder if we could get some understanding as to what sort of time I have left.

MR. ROBERTS: I have spoken for ten minutes and I have eighty left. Okay, well I do not propose to take that long, although we will see.

Mr. Speaker, I shall put aside - in the light of the new era of nonpartisanship and I think if ever there was a subject that was worthy of bypartisanship it was this resolution - I shall put aside for use at another time my notes scoring the government on the conduct of this matter, and the Minister of Mines and Energy can doubtless put aside for use at another time, the gentleman from Bonavista South who was prepared to make a speech along those lines.

Mr. Speaker, the significant points in the resolution before the House, and Sir, I do not think I am in the least bit guilty of hyperbole when I say that this is one of the most important matters to come before this Chamber. It may not have been as important as the decision of 1934 to suspend Responsible Government, that was a matter of great moment when in 1933 the House voted itself into abeyance. It may not have been as important as some of the debates which went on in the late nineteenth century when the French shore question was debated and discussed at length in this House, or the Labouchere Dispatch of the 1860's which established our right to be self governing. But, Sir, I -

AN HON. MEMBER: What about Confederation?

MR. ROBERTS: Confederation was never debated in the House. It was debated in the National Assembly. It was never debated in the House of Assembly as such. The House of Assembly went on vacation or went in recess early in February, 1934, in a ceremony held down in what is now the dining room of the Newfoundland Hotel, at that stage it was the ballroom of the hotel, and when it woke up again in June of 1949, following that first provincial election that we were a province.

Mr. Speaker, this I say without hyperbole and without undue exaggeration is the most important resolution that has come before this House in the ten or twelve years that I have been following public affairs in this province, and I venture to suggest, Sir, that we will not see too many more of any greater importance during whatever time any of us serves in this Chamber.

Now, Sir, there are, as I see it, four cardinal points which this motion makes, and I may say I thank the honourable gentleman, the Minister of Mines and Energy, for his attitude on it because I think the amended motion is a great deal better than either of the separate motions would have been, two heads are better than one and I think that by combining them we may not have produced the most elegantly phrased language, Sir, but we have produced a better statement of this province's position or what we believe this province's position should be.

There are, I submit Mr. Speaker, four main points in the motion. The first is a rejection, a complete and an utter rejection of the concept of a 200 mile economic zone, the so called 200 mile limit. But I think it is worthy of note, worthy if this is to be as much as anything a debate to educate ourselves and to indicate to the province the issues as we, the Legislature see them, it should be stressed that nobody has ever talked of a 200 mile territorial zone, not in the serious sense, but they are talking of the LOS Three Conference, is a 188 mile economic zone on top of the twelve mile territorial sea which Canada now enforces and which is generally, I believe, coming to be widely accepted throughout the International Law.

That is the first point, Sir. It rejects that concept. It says it is of no value at all to Newfoundland, that indeed it would be injurious and inimical to this province if the 200 mile economic zone concept were to be adopted as the regime in Canadian Law.

It then goes on, Sir, and advocates that the position which we must take, which Canada must take, which Newfoundland as part of Canada must take, is the Continental Shelf and Margin theory that our jurisdiction, our right of control and in respect of the sea bed our ownership and I would think too our ownership of the fishes, of the fishery resources, the so called living resources of the sea, the boundary line for that is not twelve miles or 188 miles, or 200 miles, but rather is the edge of the Continental Margin, the outer edge - does the Minister of Justice have a question? -

MR. HICKMAN: No. No.

MR. ROBERTS: Okay. The edge of the Continental Margin, Mr. Speaker, in some cases that is a very great distance from shore. I do not have a map in front of me but I understand that in parts of the Grand Bank, Sir, that is 400 or more miles offshore, that you could take a direct line from the nearest point of land to the furthest point of the margin of that Shelf, and it is 400 miles.

The Margin, I am told, is not all that wide. It is an important point and I am glad the minister included it and it is in the amended resolution. The Continental Shelf drops off quite precipitously from the generally 200 metre depth, the 600 foot depth, the 100 fathom line which is generally considered to be a measure of determining the edge of the Continental Shelf as such, that it drops off quite steeply to the depths of the ocean which on the Atlantic can go 6,000 or 7,000 or 8,000 feet deep.

But the Margin is important, because as a number of people have stressed recently, and the most recent public statement I have seen on it is by Mr. Brian Fleming, a lawyer in Halifax who is very knowledgeable in International Law, teaches the subject at the Law School at Dalhousie University and will shortly, I hope, take his place in the Parliament of Canada and lend his voice there.

AN HON. MEMBER: He tried already.

MR. ROBERTS: He has tried already and he did not succeed in beating Mr. Stanfield but he certainly reduced his majority. Mr. Stanfield of

course is in his last term as a member of the House of Commons, so Mr. Fleming hopefully will take his place there.

In any event, the Continental Margin, I think it is agreed, is the repository of much of the mineral resources. In fact we have not apparently found very much of anything worthwhile in the hydro carbon line on the Grand Banks to the south and east of Newfoundland, as opposed to the Labrador Shelf, the area off the coast of Newfoundland, but if the hydro carbons are there I think it is generally agreed now by informed opinion that they are in the Margin. So it is important we have control of the Shelf and the Margin. That is the second point, Sir, a rejection of the 200 mile concept, the advocacy of the Continental Margin concept.

The third point, Mr. Speaker, is a reaffirmation, a reassertion of the fact that the resources of the sea bed belong to the coastal state, Canada in this case and that in the case of domestic law, I use domestic as opposed to international, a case of who owns them within the Canadian Confederation, that they belong to this province, to the people of this province and that they are subject to the Legislature of this province.

The fourth point, Mr. Speaker, is equally important, and it is an assertion that Canada must act unilaterally should the LOS Three Conference fail to come to agreement. That is not an empty threat, Mr. Speaker. The best advice which I can get, the learned journals, the men who studied this question, say that it is highly unlikely that we will get at the LOS Three Conference, the Geneva Conference which is a continuation of the Caracas Conference, that we will get agreement on any significantly new international regime.

A very interesting paper has just been done by Douglas Johnston of the Faculty of Law, Dalhousie on that point. It was published January 2, 1975. It is, as far as I know, the latest word available on the thinking of the academic community, and the

academic community are unusually important in this question of international law, because Mr. Speaker, you and I and the other members who toil and moil at the Bar, tend to deal in more mundane questions on a day to day basis, putting out widows, dispossessing tenants, mortgages and other great events that mark the life of the average member at the Bar.

AN HON. MEMBER: Judicial milestones.

MR. ROBERTS: Judicial milestones - well I am being nonpartisan.

I shall not say what I think about the Minister of Industrial Development and judicial milestones except express the hope that he too in due course will feature in some.

MR. DOODY: The files will be there when I leave.

MR. SPEAKER (STAGG): Order, please!

MR. ROBERTS: Mr. Speaker, the unilateral position is very important because I think it is certainly conceivable and quite likely possible, and I am prepared to say probable, that the Conference at Geneva will not succeed in the sense that it will not write a new international regime. It may be a success even without that, because this conference is an unusual one. We have had two previous Law of the Sea Conferences, Mr. Speaker, they both met at Geneva. One was in 1958. The second was in 1960. Each of them

achieved a large measure of agreement. Conventions were formulated, published, they were held under the sponsorship of the United Nations. The conventions have been fairly widely adopted. Canada has not adopted the conventions as I recall it, but has adopted many of the measures advocated in the convention including now a twelve mile territorial sea. At the time the conventions were put forward Canada had a three mile territorial sea, and no contiguous fishing zone. We moved from there, as Your Honour is aware, to a contiguous fishing zone of nine miles atop the three mile sea, adopted the headland to headland principle which is very important in the case of Newfoundland, and then went a step beyond that now and have a twelve mile territorial sea on a headland to headland basis.

AN HON. MEMBER: Inaudible.

MR. ROBERTS: I am sorry.

AN HON. MEMBER: Inaudible.

MR. ROBERTS: We never ratified the conventions.

AN HON. MEMBER: Inaudible.

MR. ROBERTS: Yes it was. The Canadian Government at that stage was the Tory Government. Mr. Diefenbaker was Premier. They advocated a twelve mile territorial. I forget who was the Secretary of State for External Affairs. But the Canadian position was widely supported but did not get the two-thirds majority necessary, and it lost by one vote.

AN HON. MEMBER: The Hon. George Drew, I think.

MR. ROBERTS: I think the minister is correct. It was the Hon. George Drew who led the Canadian delegation. Perhaps it was his most notable service to Canada, next only to his decision to leave the Leadership of the Tory Party in Ottawa.

But Canada took a significant initiative in 1958, and the Hon. George Drew was the man who headed the Canadian delegation, and they failed by a hair's breath.

This conference now is a repetition of that with one significant difference, Sir. The Caracas Conference, and the Geneva Conference

which is to resume next week, or later this month, is not attempting merely to codify the Law of the Sea which is what they attempted to do in the first two conferences, to try and work out a declaration of what it is. The conference now is trying to work out a new regime, a new Law of the Sea. A law that embodies questions that were not even thought of as recently ago as 1960. Nobody in 1960 thought that the question of the Margins of the Continental Shelf was of any practical application. There was at that stage no technology. And if Your Honour reads the speeches and the proceedings of that conference as I have, a long time ago, I will agree, but I read them all, there was little thought given to any question of the resources of the sea bed.

Now we are at the point where Mr. Howard Hughes has apparently got a plan, and well developed, to mine manganese in the depths of the Pacific Ocean, 10,000 feet below the surface of the water. I am told that the riches of the sea are untold and immense, hundreds of millions of dollars of manganese collected in nodules, in the pockets in the Pacific Ocean. I have not heard of anything such in the Atlantic Ocean, they may or may not be there.

But in any event, Sir, we are now attempting to write a new Law of the Sea, A Law of the Sea that introduces entirely new concepts. The whole matter of pollution really did not get discussed at Geneva in 1958, and in 1960 because it was not a problem. Now it is probably the most serious problem in the international regime of the Law of the Sea, these supertankers. I do not know if Your Honour has had a moment to look at a book, by a man named Noël Mostert, if I am not mispronouncing the gentleman's name, called "Supership". It was a Book-of-the-Month selection if Your Honour subscribes to that estimable, cultural institution, and despite that it has received wide circulation and generally good reviews.

But it is quite frightening these monster behemoths sailing the seas. My colleague for Fogo who is a nautical man and who spent twenty-five years sailing a vessel up and down the Coast of Labrador

you know, they have single bottoms. It is just a miracle that we have not had disasters infinitely worse than the Arrow disaster in Chedabucto Bay or the Tory Canyon disaster of the Scilly Isles of England. There was one that went ashore off the coast of Spain recently that is breaking up, several hundred thousand tons, millions of gallons of crude oil being washed ashore on the beaches of Southern Spain and the Atlantic Coast of Portugal.

The nations are now moving to try and deal with that. Canada has dealt with that on a unilateral basis. Unilateral action is not new by Canada in international law.

Four or five years ago the Government of Ottawa introduced legislation, and parliament adopted it, proclaiming unilaterally Canadian Sovereign Right to the depths of the Arctic, right to the North Pole, and extended our jurisdiction hundreds of miles beyond anything which Canada had previously claimed or anything which Canada has attempted to assert or control. It is not a new principle but it is an important one.

Of course, the other point about the Conference at Geneva which is worth making, Mr. Speaker, is that not only is it dealing with new concepts, it is dealing with new thoughts in old areas of the law. The question of territorial seas or economic zones is not a new one. Indeed the first rules of international law were the laws about the three mile limit and the right of passage of innocent ships, and the openness of certain narrow straits of water, the Bosphorus which never became an international sea, the Strait of Gibraltar, and other narrow, narrow bodies of water. The three mile, was it Grotius? - my friend the Minister of Mines and Energy probably knows more about seventeenth century Dutch scholars than I do - was it Grotius who first enunciated the concept of the three mile limit, and put it into public international law?

MR. BARRY: One of the first.

MR. ROBERTS: One of the first.

Now, of course, Sir, we are talking of twelve mile limits,

fifty mile limits; the 200 mile limit which interestingly enough came about because Peru, Chile, and some other country - three countries on the West Coast of South America which have important anchovy fisheries - I had always thought that anchovies were nice little things to put in salads or anchovy toast, the sort of thing they have at Cambridge when they are having high tea as the Minister of Education would tell us.

AN HON. MEMBER: They grow on beaches.

MR. ROBERTS: They may grow on beaches but they go away out to sea.

AN HON. MEMBER: Pizzas.

MR. ROBERTS: Pizzas. Well I do not know. Nobody in Northeast Crouse has pizza, Mr. Speaker. I do not know how about down in the Spanish Room in Burin District.

AN HON. MEMBER: anchovies either.

MR. ROBERTS: Mr. Speaker well did not Duff sell them?

MR. DOONVY: Not to the people in Northeast Crouse.

MR. ROBERTS: Not to the people, for which the people in Crouse give thanks.

AN HON. MEMBER: Inaudible.

MR. ROBERTS: The anchovy fisheries, Sir, apparently go out 200 miles - that is as far as the little anchovy can see to go, and apparently when he gets 200 miles out to sea into the Pacific Ocean going westward from Peru and Chile, when he gets out there, he turns around and comes home. I do not know how he knows it is 200 miles or however many meters it might be, I have not the least idea - maybe the Minister of Mines and Energy or even the Premier could tell us. The fact remains that the 200 mile limit first came into public international law because these countries attempted to assert it, and were in large measures successful, and they choose that as opposed to a 500 mile limit or a twenty-five mile limit, each of which had as much validity in international law as did a 200 mile limit, they asserted it because their anchovy or anchovy fisheries

that that was the effect of control.

I suggest, Sir, that the principle should be applied here, and this resolution does apply just that principle that we should go to the limit of the control necessary to enable our fisheries to be protected and controlled, and our fish stocks. We should not look at the 200 mile limit itself.

Mr. Speaker, those are the four points which I submit this motion embraces and which will be - those are the concepts of the ideas which will be adopted if this resolution is adopted by the House as I hope it will be, and I expect it will be.

The importance of it to Newfoundland and Labrador - it almost goes without saying but I suspect not only shall I say it and the minister say it, but a great number of other honourable gentlemen will arise to their feet, if not to the occasion, and will say essentially the same things, they are worth stating - the whereas clauses, the preambles to the resolution make them. The fisheries are of crucial importance to this province. So are our offshore resources. We do not need to go right now through the litany of the declining catches as a result of the over fishing of the stocks. I do not think right now there is any argument that the only way to preserve those stocks is to control them. The ICNAF concept is not the answer, we have tried that. ICNAF is about a quarter of a century old now - the International Conference On The Northwest Atlantic Fisheries. It is not the answer. The preferential shares concept is not the answer. We do not want a preferential share, Mr. Speaker, of our fisheries, we want our fisheries.

The only way we are going to have proper and complete access is to have complete control and management. That means we must own them. Let us harvest them. Let us get the capability to harvest them in Canada. If we cannot consume all that we harvest, well then let us sell it to the countries that need it. I do not wish to deny any country in the world access to our protein resources. I think the analogy is with wheat. We harvest the wheat in Canada, it grows on Canadian land, so we do not consume, I suppose, a twentieth of the wheat grown in Canada, we do not consume it in Canada. We may eat a lot of bread and a lot of rolls and whatever is made from wheat, but we sell our wheat overseas. Let us do the same with our fish. Let us say the countries that now fish on the Grand Banks, in the areas that will come under Canadian control if this policy is to be adopted, let us say to them that you can no longer fish here. We will give you the protein at a fair price, if you want it and need it. Why should they fish in our fisheries any more than why should they farm on our farms? That is the point, Mr. Speaker. I think the analogy is apt. I think it puts it very well.

The fisheries should be ours. We should control them. We should be able to develop them, manage them, and get the returns from them. We will not consume all the products of the fishery, we do not now. My Heavens, Mr. Speaker, five per cent of the fish we process in Newfoundland is consumed in Canada. Is it five or is it two? Infinitesimally, a small part of our fish is consumed in Canada. Most of it goes to the United States. A little of it goes elsewhere. But, Sir, the importance of the fisheries to this province is not in producing the food that we consume, that is not its importance, its importance, Sir, is in the numbers of men and women who are employed in that fishery, and in processing the catch of that fishery, and in the social importance. Large parts of this province, Sir, would no longer

have any justifiable economic reason to exist if anything happened to the fishery. If the fishery were to fade out and disappear, the entire northeast coast, the entire south coast, much of the west coast - we would have little left of Newfoundland, Sir, except the paper mill in Corner Brook and the paper mill in Grand Falls and a craft mill at Stephenville, and a few mines hither and yon, maybe an airport or two - we would not have a great deal else in Newfoundland if the fishery were not here, our people came to Newfoundland to fish and they stayed to fish. Without the fishery Newfoundland, as we know it, will die. We will have no fish here, and we will have no Newfoundland. That is why this policy is so crucial, and that is why I suggest that Canada should forget her good neighbour policy, and let us tell those people in External Affairs to put Canadian consideration first and not the niceness internationally. Maybe Canada will not be quite the nice guy internationally we are. I do not wish us to be un-nice in international affairs. It is a small world, but we all live it it, we have to co-exist.

Mr. Speaker, the job of Ottawa and of the Department of External Affairs and the Hon. Mr. MacEachen and his officials, their task is to defend the Canadian interest. The Canadian interest here is to protect that resource, if only for Newfoundland's sake, but also for Nova Scotia but let the Government of Nova Scotia and the legislature sitting in Halifax, worry about Nova Scotia. Our job is to worry about Newfoundland and to try to protect Newfoundland's interests. That in my eyes and in the eyes of this motion calls for this policy and calls for it now.

The resources, Sir, the resources of the seabed, we can talk a great deal about what may or may not be found and what may or may not happen. If we want to debate it, I would welcome it. I think it might be a very good thing, but I am not sure that it is quite the point of the motion here, about what may come or what may not come

Obviously the oil and the gas, the hydro carbons, that have been found off the Labrador Coast, are of extreme importance to the future of this province. Any man or any organization which said anything else would be out of touch, crazy, cracked. We know they are there. That has been proven now. I do not know how much is there, and I do not think the Eastcan people know yet how much is there, but they certainly know that there is enough there that it is worth going back to spend a lot of money to drill further and to do some delineation drills. We do not quite know how to get it out yet. I am told that there is no technology available but that does not matter. The technology will become available. If there is a resource, if there is a demand for that resource and if it is sufficiently lucrative, then the resource will be developed. That has always happened, and it always will.

The point of this motion, Sir, is not to deal with how these resources should be developed, it is to assert our ownership, vis-a-vis Ottawa, and then in turn to assert Canada's ownership as against the whole world, and to ensure that Ottawa does not adopt the position which will lessen what we believe to be Canada's rights, and Canada's right in that sense are our rights. The Prime Minister and Ottawa may very well differ in their view of what belongs to Newfoundland and from the view we take in this House. That is fine. Let them speak for Canada. We speak for Newfoundland and Labrador. Our position must be and this resolution so states the resources of the seabed belong to this province. When Ottawa goes off to Geneva, we do not want them advocating any position nor accepting any position that will lessen what we consider to be our rights. The point is not academic, Mr. Speaker. We have no right to be at Geneva. I hope we will have an observer there. I hope the government have asked to be represented. Maybe the minister should go off for a couple of weeks and be present. It would be a good suggestion.

MR. BARRY: We were turned down the first time.

MR. ROBERTS: Let us ask again. The Tories were turned down the first time, and then they got into office. Hope springs eternal in the human breast.

MR. BARRY: We cannot go officially.

MR. ROBERTS: No, the Gabon affair showed that we cannot go officially, but we can go as observers, and the minister can tag along and be there and have an influence. He can report back to us. He can send in cables or airmail letters or some such thing. It is very important that Canada - maybe Canada feels that they are her own rights and she can wheel or deal with them. They are not her rights, they are ours, and this resolution so states, and this House, I hope, will so state. I want this resolution to be passed unanimously. I hope every member feels as strongly as I do and as does the Minister of Mines and Energy. I hope every member will stand in his place and so vote. I would like for it to go to Ottawa with unanimous support. I can only speak for my colleagues on this side. We will support it, but I feel sure that the honourable gentlemen opposite, to a man, feel as strongly, and are of one mind with us on this question.

Mr. Speaker, if I could deal briefly with each of the four separate points, the four objects which will be attained if this resolution is adopted. The first one was the 200 mile zone, Sir. As I said, it is of no use at all to this province. We would be as well off with the present twelve mile territorial sea, as we would be with the 200 mile economic zone. It is just of no value to Newfoundland, none. It may or may not be of some value to Canada, but it is of no value to the 540,000 Canadians who live in this province. It is not relevant to us. Historically, as we all know, the three mile limit was the law of the sea, the first real rule of international law, the Cannon-shot doctrine. Then it went to twelve miles. I do not know which country was first to adopt the twelve miles. It was in 1958 or 1960 that the idea got currency, the two Geneva conferences, LOS 1 and 2. I think Iceland was probably one of the first to go to the twelve mile concept. Canada adopted it in the mid-1960's,

Mr. Pearson and his administration made it into law, and Canada asserted it successfully, has asserted it. It involved some negotiation of rights. There are still French and, I believe, Spanish ships fishing in the Gulf. They are doing so by leave of Canada. Their rights are being phased out over a period of time, and indeed that period must be pretty nearly run by now. I think there were ten or twelve or fifteen year treaties negotiated at that time. These nations accepted Canada's right to close the Gulf, the headland to headland principle, close our bays, draw the lines around the east coast and on the west coast as well. They have accepted the jurisdiction out to the twelve mile limit, and they have

agreed to phase out their fishing and that is now being done. There is a great difference between fishing by license, by leave of the Government of Canada, the people of Canada, and fishing by right of International Law. As far as I know no countries, Sir - the United States may not have formally accepted the Canadian position, but that was just a technical matter. Now, that they have seen the moving towards a twelve mile territorial sea and a 200 mile economic zone, their objection will fall.

The 200 mile economic zone, Mr. Speaker, is of no concern to us. I have explained how it came about, the anchovies swimming around in the warm pacific waters, the Humboldt current of Chile, Ecuador and Peru. What is relevant is the concept on which that line was drawn. I have explained what that is. The concept was how far out you must cast your territorial or your economic jurisdiction, how far out you must cast it to enable you to control the fishing resources. The Peruvians and the Ecuadorians and the Chileans decided that 200 miles was where anchovies turned around and swam back to shore, well beyond the Continental Shelf. The Continental Shelf on the west coast of South America, I am told, is much like the Continental Shelf on the west coast of Canada. It is very narrow. The Pacific Coast of North America and South America is a very new coast. Our coast is the old one. That is why the Rocky Mountains are rocky, in case Your Honour had not realized that, had not grasped that important concept. If ever Your Honour is wondering why the Rocky Mountains are rocky or why the Andes are Andes and not Lowdies, it is because they are quite new mountains geologically speaking. So, Peru and Chile and Ecuador are hardly heavyweights of the international arena, hardly the biggest countries in the world. I would not rate the Peruvian navy or the Ecuadorian air force up there with the Soviet air force or the Royal Navy or the American army, but they asserted a jurisdiction well beyond the Continental Shelf, well out into the high seas and they asserted it on a line which was drawn on the basis of where their fish stocks

went.

Our fish stocks, Sir, go out to the Continental Shelf. So, we should reject the 200 mile concept and accept and adopt the Continental Shelf one. That includes the Margin. That is really our only option, Mr. Speaker. We could stay as we are at present, a twelve mile territorial sea. Before too much longer there will be no fisheries left or none of any real significance. I had prepared for me some figures on the volumes of fish caught. They are quite staggering, Mr. Speaker.

From 1952 to 1969 the amount of fish caught - these are the catch of Newfoundland - rose from 577 million pounds in a year in 1952 up to just over 1,000 million pounds in 1969. In 1970 it dropped. In 1971 it dropped further. In 1972 it dropped. In 1973 it dropped and in 1974 it dropped. It is now down to 514 million pounds. That is just about half what it was five years ago, and that is despite the fact that the catching effort has intensified. There are far more trawlers and draggers and ships at sea now looking for fish off our east coast, the Grand Banks, off the south and the east coast of Newfoundland and for that matter off the Labrador banks, the Hamilton Banks. There are far more ships there than there were even in 1969, let alone 1955. They are far bigger ships. They are far better equipped ships. Yet, the total catch is down. The catch per vessel day has declined precipitously. That is one of the main findings that Dr. Harris and his committee came up with. It is one of the main findings that the SOFA, Safe Our Fisheries Association, which seems to have become defunct of late, it was one of the main points they made.

Ground fish, Mr. Speaker, has gone. From 1971 we had 540 million pounds of ground fish. In 1974 384 million pounds of ground fish. Cod, the biggest single species of ground fish which we catch, has gone from 257 million pounds in 1971 to 153 million pounds in 1974. The figures are absolutely staggering in their implications. I think everybody would agree that the reason why the catch is dropping is a two-fold one. The stocks are declining-

the red fish, the ocean perch, the best example—and the over-all catch is going up. Although I do not have the figures here.

AN HONOURABLE MEMBER: Inaudible.

MR. ROBERTS: The over all catch is going up not our catch. Our share of the catch is going down. I mean, that is the point. I do not have the figures here. I could get them fairly easily. The significant thing is that in 1952 we were taking possibly eighty or ninety per cent of the fish caught in the North Atlantic. It was being taken by Canadian vessels or by Canadian shoremen. Today it might be down to twenty or twenty-five per cent. The total catch has gone up. The number of tons of fish caught has gone up. Our share has declined rapidly.

Of course the result of that is that the stocks are being heavily overfished. I think all the scientists are now agreed. They may not agree precisely on how much overfishing there is, but I think all are agreed that stocks are being heavily overfished and cannot be sustained.

So, Mr. Speaker, to have a twelve mile limit is to invite disaster. We might as well write off most of Newfoundland, forget it. Twelve years ago the twelve mile limit was considered something pretty advanced. In those days Iceland had a fifty mile limit. Most people felt that Canada going to twelve miles would do the job. Well, it has not, Sir. It has not made any significant difference at all in the pattern of fish catches, of protection of the fish stocks. I am only speaking — the figures are for all fish caught.

We think only of the trawler fishery too often, Mr. Speaker, but the inshore fishery is relatively insignificant compared to the trawler fishery in terms of fish caught, but in terms of employment and social value, it is infinitely more important. There are 15,000 fishermen in Newfoundland in round numbers, Mr. Speaker. Less than 1,000 of them are offshore fishermen. There are 20,000 people who work in the fishing industry in Newfoundland. 14,000 of them, in round numbers, work on the inshore fisheries. They may be the

least productive. They may be the lowest paid. They may be seasonal. If one was an economist one could say all those things, But the fact remains, Sir, that our Newfoundland could not continue to exist without the fishery. There would be no Twillingate. You could go right around the province, the District of Ferryland is a fishing district. There would be no, even given the plant at Fermeuse and the plant at Trepassay, there would be little left of the present Ferryland District if it were not for an inshore fishery. Right around this coast there is not a district that has not got a significant element of inshore fishery. I suppose two-thirds of the districts would die if the inshore fishery died.

MR. NEARY: The best inshore fishermen in Newfoundland are over at Port de Grave.

MR. ROBERTS: Well, Port de Grave, that is where the long liner revolution came in. Of course they have magnificent inshore fishermen. I do not need to belabour the point, Sir, but it is worth making that point. The fishery in Newfoundland is not an economic thing. That is not its value to this province. It is the least part of it. The value to this province is the social value of that fishery, of what it means to our people. In community after community, Sir, the fishery is the only practical means of employment. If one looks at the economic structure of this province, that becomes pathetically obvious.

It is not the place to talk about the weakness of the fisheries or our weaknesses, and there are things which government must do. There will be other places to talk about that and other times. The point I am making here is to make sure there is a fisheries to develop. If we do not get something drastic done, if we do not get control of those resources, all of them, unilaterally, then, Sir, there may be no fishery. I am not being alarmist. I am stating what I believe to be a cold and a sober and a realistic assessment of the situation.

We must have a Continental Shelf, by which again I include the Margin. For the purpose of the fishery there is really little

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difference because the Margin is fairly narrow. We must have control of - our fish are ground fish. Our great fishery is the ground fish fishery and that is a Continental Shelf fishery. That is why people go to the Grand Banks. The Grand Banks are high.

Not quite so high as some of the people who heard about the Titanic disaster thought. They asked why the passengers did not merely step ashore on the Grand Banks. It seems sad but it was pathetic. People in England said that when the Titanic went down on the Grand Banks. Why did they not just get out and walk ashore? They were on the Grand Banks. But they are shallow seas and that is why the ground fish are there. We must have control of them, must have control of all of the fisheries off our coasts. That is Canada and within that Newfoundland has a voice, but I am speaking now of international law. Canada must have control of her fishery resources and that means we must have control right out to the Continental Shelf.

Mr. Speaker, the economic zone, I think I have shown, is not a substitute for the Continental Shelf. I am not touching, nor does the resolution in detail on -

AN HONOURABLE MEMBER: Inaudible.

MR. ROBERTS: I am sorry?

AN HONOURABLE MEMBER: Inaudible.

MR. ROBERTS: No, I am not going to take a bow. I am quite willing to, I do not really want to come back tonight, Mr. Speaker. We have had one night. We will have another one. We can by agreement. Of course we can. We have had night sittings on Wednesdays. No, I think what we should do is tomorrow we should debate this matter on government time. We have given up private members' day and wisely so. The government have had six sessions, not counting the Throne Speech day, six sessions and the matter has not come up. It has only come up now, private members' day. Well, that is one of the reasons we have private members' day. We can raise what we think is important as opposed to what Her Majesty's Government think are important. I hope they will use government time tomorrow and I say to the Member for Bonavista South, to be clear about it, the Minister of Mines and Energy has undertaken to see if that can be done. He is not in control not is even the Minister of Justice. The real power is in St. Barbe North today and so is the Minister of Fisheries.

Mr. Speaker, the economic zone concept is of no value to us. A

twelve mile limit will be just as useful as that 200 mile economic zone. We have to be very careful at Geneva because for many nations of the world the concept of a two hundred mile economic zone is like manna from heaven because it is far beyond their continental shelf. I do not have the precise figures. The minister may. There are something like 137 countries at LOS(3). I do not know if such large states as Botswana and Bechuanaland where the gentleman from St. John's Centre is so at home, and other states are there, but there are many states there that are not even coastal states. There are very few states, even among the coastal states, Sir, that have any significant continental shelf. We cannot claim to have made it. The people of Newfoundland or the people of Canada did not make the Continental Shelf here. The fact remains that the eastern Coast of North America is one of the few areas in the world that has a significant continental shelf.

That is why we got to beware, and our diplomats at Geneva have got to be wary, of the siren song of a two hundred mile economic zone. Canada is one of the few countries that will be hurt badly if a two hundred mile economic zone is adopted. For most countries in the world it is far beyond their continental shelf, if they have any shelf at all. Does Your Honour know where the impetus for all this came from? From Malta, from the Minister of External Affairs, the Secretary of State - I forget the gentleman's name, but from Malta and I can assure Your Honour that Malta's concern with the continental shelf is limited.

AN HONOURABLE MEMBER: Inaudible.

MR. ROBERTS: I am sorry. What is his name?

AN HONOURABLE MEMBER: Inaudible.

MR. ROBERTS: Ah! An old friend of mine, yes. We were in Northeast Crouse together last week, but it came from -

AN HONOURABLE MEMBER: Inaudible.

MR. ROBERTS: Yes, he came back and so did I. But from -

AN HONOURABLE MEMBER: Inaudible.

MR. ROBERTS: Yes, we shared it naturally in memory of the junior member

from Harbour Main.

Mr. Speaker, Malta first raised it, not in the issue, not in concern with continental shelves. They were concerned about getting an international regime over the deep sea resources so that the whole world could benefit. I am all for the whole world benefiting and I am also all for Canada benefiting and even more for Newfoundland benefiting. I do not want to see our diplomats in Ottawa go over to Geneva and trade away, trade away two or three or four hundred miles of the Continental Shelf and Margin in return for the prospects of a little international amicability and niceness. I just do not.

The function of international policy is to protect domestic policy. I would suggest to the Minister of Mines and Energy, if in fact he is going to go over to Geneva. It is too bad there is going to be no opposition observer along on that trip. It would be a nice trip, for, say, the gentleman from Twillingate. Why do we not send the whole -

AN HONOURABLE MEMBER: Inaudible.

MR. ROBERTS: Yes. I would be all for sending a delegation from the House and I am quite serious, Sir. We do a lot worse, Mr. Speaker, and take \$3,000 or \$4,000, maybe the money we have saved from the "Daily News", and send a delegation to Geneva of three or four of the ministers and three or four members.

AN HONOURABLE MEMBER: Inaudible.

MR. ROBERTS: Well, I think we could do a lot worse, Mr. Speaker, than to send a delegation to be able to make sure that our point of view was adequately presented to the Canadian crowd and to come back to this House. I may say, I will not go, but applications will be received jointly by the minister and myself in the Common Rooms outside. But I think - you know, I had not thought of - I think it is not a bad suggestion, that perhaps three or four members could go. The House could get along without three or four of its members. The Treasury, I venture to suggest, Sir, I think if the budget is one-twentieth as good as the Premier is telling his crowd it is, then, you know, the Treasury would not go completely bankrupt with sending a few men to Geneva.

I suggest it and I think it is worth suggesting. I would even be prepared to say that all the members who go should come back, and normally I am not that sharp because you know I have long felt that the Minister of Social Services did the right thing to go to Bechuanaland on our money but he did the wrong thing to come back.

Mr. Speaker, as I was saying, and I am sure the minister is familiar with this point but it is worth repeating, it is worth making publicly. Back in 1970 the Government of Canada produced a white paper on foreign policy. It came out in a lovely, little coloured book. I do not know if the minister is - was a series of pamphlet, better than George MacLean ever did, lovely little coloured pamphlets and people of lovely little Canadians on the front, all white, because in those days we had no green paper on immigration. In any event, they had a statement in there which I think is of the utmost relevance and importance to this debate. A quote from it, it says, "The pursuit of national aims and interests in the international environment, that should be the aim of foreign policy," and then it went on, "Foreign policy is the extension abroad of national policies." That is why I think we must insist upon the Continental Shelf when we get to Geneva, insist upon it, Sir, and if the nations of the world do not go along with it, we will say, "Well, we are sorry, nations of the world. We are not a war-like people, but we will have to agree to disagree on this one because our own vital, national interests are at stake." There is ample precedent in international law, international precedent in Canadian law for action to protect our interests in the face of agreement to the contrary on the other side. I refer to the Arctic and our extension of our jurisdictions there, but I could find thousands of other examples where nations have acted unilaterally to assert what they believe to be their national interests and that is not a war-like policy, Mr. Speaker. That is not a council of despair. That is not a council of aggression. That, Mr. Speaker, is an act of national statesmanship, an act of international statesmanship. It was done amicably and for the right and proper reasons.

Mr. Speaker, let me touch on the third point I had made. - See how much time I have left? I have another ten or fifteen minutes. I have nearly finished what I had to say. We had a time out and I have lost - I have about fifteen minutes left, over fifteen. Thank you, Mr. Speaker.

Let me touch upon the question of the ownership of resources because it is very germane to this motion. It is germane in its international context and in our assertion of our domestic rights, but I would hope there would be another opportunity in this debate, not in this debate, I am sorry, in this session to debate the question our posture vis-a-vis Ottawa. I thank the clerk because, you know, we have to be careful, Sir, that we do not get the two points confused. One point is what do we as a people, as Canada, the international entity, Newfoundland and Labrador has no standing internationally. The Province of Quebec apparently think they do, but they do not, Sir. No province has any international standing. Only Canada participates in the family of nations.

Sir, the point we are talking about here is what Canada claims internationally,

and that claim is not a new one, that claim is a reassertion or a maintenance of what we now have. That is the ownership of all of the minerals of the sea bed, of the resources of the sea bed.

Mr. Speaker, there is the other question and that is whether we own, you know given the fact that Canada owns it, who in Canada owns it and their position must be that Newfoundland owns it as against the federal government but I submit that that is another matter and I, while I think it is relevant to refer to it, I would hope that we would have another opportunity to debate this. I think it is worth another motion. It is a flat statement that vis-a-vis Ottawa, we own the resources. We must control them and we must develop them according to our best interests, not Ottawa's. But that is really not the subject matter of this motion, the subject matter of this motion is, and I think the minister will agree, is to arm the delegation, the Canadian delegation to Geneva with an expression of our opinion, a mighty sword with which to attack those countries that do not agree with us in a metaphorical sense.

Mr. Speaker, in international law, I think, the matter of ownership of resources is quite clear. We own at least to the edge of the Continental Margin and I am prepared to accept the fact we own to the limits of exploitation. I find that a somewhat fuzzy concept because, you know, what is the limit of exploitation? A few years ago the Continental Shelf was well beyond the limits of exploitation. Today, apparently the depths of the Pacific Ocean are within the limits of exploitation.

Mr. Hughes is not mining in the deepest part, he is not in the Mindanao Trench, as I recall it, 35,000 feet deep, seven miles. But he is preparing to mine in two miles of water. If they can do it in Pacific I do not see any reason why it cannot be done in the Atlantic, assuming there is the mineral resource there.

But I would certainly be prepared to assert that. I would be glad if we could get it. I would accept nothing less than the Continental Shelf and the Margin. That must be the Canadian position and I think it is the Canadian position. I think it is an accurate rendition of international law. I think we own the rights now and I gather - you know I am in line with a large body of learned opinion. I do not think it is universally accepted as yet in international law. Indeed the doctrine was first promulgated publicly by the United States in the Truman Declaration in 1946. I am not aware of any significant assertion of that doctrine of the Continental Shelf before that.

The minister and his guiding light, Mr. Cabot Martin, may have found something that nobody else has but I do not think that prior to President Truman's Declaration in 1946, which was a unilateral declaration by the United States of America, that they owned the resources, they owned the resources of the Continental Shelf, out to 200 miles. I may have the words of it here, Mr. Speaker. I may have the words. There has been so much written on this international law and - well it does not matter. I have the words somewhere in those papers but the Truman doctrine was quite unequivocal, quite clear cut, it said the United States claimed and owned the Continental Shelf and all the resources thereof.

AN HON. MEMBER: Inaudible.

MR. ROBERTS: Well, no that is not quite right, Sir, they did not enforce it. There was remarkably little to enforce, because they were not talking of the fisheries. They were not talking of the living resources, they were talking of the resources of the sea bed and in 1946 nobody knew any way to get oil out beyond the Gulf of Mexico and off California and Florida.

MR. BARRY: Inaudible.

MR. ROBERTS: I did not know that. That presumably was the sort of

thing Mr. Martin was talking about in his speech to - I do wish you would make him wear a tie when he goes out to speak publicly. I think it is the least a representative of government can do.

The reason there was no assertion was that at the time it was largely an academic claim. Nobody knew what resources there were. Nobody had any idea that there might be a mother load of oil and gas and other minerals. All they could think of then was the Gulf of Mexico which is an international sea but is quite shallow. But it was an act of vision on the part of President Truman and I am glad to hear he was advised by a Newfoundlander, Dr. Gushue has rendered this province many services, That may have been among the greatest of them.

Now, of course, there is technology available. They are drilling now. They are about to produce oil in the North Sea, in 600 feet of water. It is one of the wildest seas of the world. There is no heavy ice such as we have off Labrador. But I have no doubt, Mr. Speaker, we will all live to see oil and gasoline coming from the sea bed off Labrador and brought ashore and there used. But international law, I suggest, has not yet come to the point where it accepts the Continental Shelf and Margin doctrine. I think that is the reason LOS Three was called, to try to get some resolution of it. I think there is a substantial body of opinion that favours it. But there is no treaty. The Geneva Conferences in 1958 and 1960 came close to it.

They did not work out a convention on the high seas and on the territorial seas but they did adopt one on the Continental Shelf. But I am not so sure that it has yet been enshrined and imbedded. Whether it is or not, the Canadian position must be, it goes out right to the Margin of the Shelf and that Newfoundland owns every last ounce of oil and every last cubic centimeter of gas and every last smidgen of mineral of any kind that is there. It is ours. It belongs to this province. But that is an argument that we have with

Ottawa, not an argument that we are going to have at Geneva.

Mr. Speaker, the only point that I would like to touch on now in closing is the question of the unilateral decision. This may bother some honourable members, I know it gave me a lot of thought, I am not an international lawyer, I am not even in many ways a national lawyer, but I think anybody who thinks for a minute about living in the world realizes that the nations of the world have to get along together or we are all going to kill each other with bombs and other weapons. That is not a very deep thought. That is a very true one.

If every nation merely acts unilaterally all the time then we are not going to have much of an international regime. Mr. Speaker, there do come questions, where a nation is justified in acting unilaterally, and I submit that this is one of those questions. There are questions that so affect a country that she must act. That is one condition that must be met.

The second condition that must be met is a precedent to unilateral action. The second precedent is that you have tried to work it out internationally and not succeeded and Canada is meeting that now with the Caracas Conference last summer and with the Geneva Conference coming up now. Canada is participating fully and completely in the international forum in an effort to try to resolve these issues.

I think we should give it a chance. We will give it another nine months. After all, if a human being can be made in nine months, a doctrine of international law can be codified in nine months. That is why this resolution has in it the deadline of December 31, 1975. But we can wait no longer. The matter is of so great importance to this province, and thus to this country, that if Canada does not have her interests adequately recognized and protected by the end of this year, then we must act unilaterally. Canada should proclaim her jurisdiction and enforce it. It may cost us a few dollars. We might have to put a ship or two to sea,

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but after all that is why we have navies and coast guards and
armed forces. I am not suggesting we go to war. I do not
think anybody will go to war with us over it.

It will not, for one minute, come to that. It will come to firm action. We say to the nations now fishing on the Grand Banks that Canada must take control of it for your sake as well, because if the Soviet Union and these other countries continue what they are doing there are going to be no fish left for anybody and they will suffer as much as anybody else. They need that fish. They need that protein for food but if it goes on the way it is now there will be nothing left and then they are no better off than we are. We will all starve together then, if that is any consolation. I think they would listen to reason.

We could say to them Obviously there will be a phase-out over a period of years, a very short period, three years, four years, five years. That is being reasonable. Between then and that phase-out we will manage it. We will tell you how much can be taken and we will tell you how much you can take and we will inspect that and make sure everybody is living up to the rules. Once you have gone and we have expanded our fishing capability. That is another reason in favour of the phase-out, Sir, We do not have the capability now to take the fish that can be taken. We would have to increase our capability on one hand and on the other hand reduce their catch, and the two would come into balance until the point where we were taking 100 per cent of the available, desirable catch. That is not the word I am looking for. There is a word that describes the -

AN HONOURABLE MEMBER: Yield.

MR. ROBERTS: Yes, yield. The highest sustainable yield, the maximum sustainable yield in a biological sense is suppose to be economic. Then we can say that we will sell you the fish. It is not that we are going to take the food out of your mouth. People would go to war for that. Men have gone to war for less than that and men would go to war if it was a matter of taking food from their mouths. We will sell them the fish. It costs them money anyway to catch it. Indeed I am told that the Soviets and the East European Countries, if they had to live by the rules of economics that we must live by in our quasi capitalist, quasi socialist society, that they would not be

able to fish on the Grand Banks and that it is not economic in any sense in which our economists use that word.

The minister says it is marginal, but I am told for example, the biggest reason the Polish people are fishing is that they have a ship building industry and make the ships. So, we might as well send them fishing. But apparently the ship building industry is of such great importance to Poland that they build the ships and then they send them across anywhere, across the Atlantic because they have them anyway. They might as well send them to sea, but the minister points out that they are becoming more cost conscious. I would think that the Soviet Union and Poland and East Germany and the other countries that fish on our Grand Banks, take significant catches, would be very amenable to an approach as saying, all right, we will make a deal with you. We will sell you the fish because we do not need the fish. We cannot possibly eat the fish. Even if we ate nothing but fish in Canada, the 22 million of us could not eat the fish that the sustainable yields would produce. No, we will sell it to them. It will probably be a better deal for them economically, but we will sell them only what we do not need.

Even more importantly, we will harvest only what the stocks can produce. That is the heart and the nub and the guts and the soul of it all, Mr. Speaker, because if we do not get that control, there will be no fishery. It may not be in your lifetime, Mr. Speaker, or in mine but that is a brief moment in the passage of time.

AN HONOURABLE MEMBER: Is that the Liberal Policy?

MR. ROBERTS: The Liberal Policy is - I am Leader of the Liberal Party and stating it.

Mr. Speaker, that is the stake now. The matter has gone on and we tried the ICNAF route and we have tried international negotiations and we have tried this and we have tried that, but it has now come to the point where the legislature of this province - and never before has this legislature declared on this point, Sir. I recall some motion being introduced by the gentleman from Burin when he was on this side. I did not bother looking it up. It was

not adopted, needless to say. It dealt with fish stocks. It did not deal with these questions.

AN HONOURABLE MEMBER: Inaudible.

MR. ROBERTS: Which was a reasonable position but it turned out historically to be wrong. We can hash over a five year old debate but the point is that the minister made a motion and it was not accepted. He was not the minister then.

The present government in their three years in office have not put a motion down on the Order Paper, have not brought the matter before the House.

AN HONOURABLE MEMBER: Inaudible.

MR. ROBERTS: Oh, the government may have, but the point I am making is that this House has never before. I think this is a bit of an historic day, this agreement that the minister and I worked out. It is a bit of an historic day. Not only has this House never before declared on this question, not only is it a great question but we are able to do it in a bipartisan way. It is a recognition by us all, Mr. Speaker, by every member of this House, that

this matter touches every Newfoundlander, and there is only one real solution and that solution, Mr. Speaker, is that this House of Assembly resolves, that we insist - it is a strong word, Sir - insist, not recommend, not ask, insist that the forthcoming Law of the Sea Conference, that the Government of Canada, the federal government, seek to extend Canada's jurisdiction over fisheries to the limit of the continental margin, and that it maintain Canada's existing rights and jurisdictions over the minerals of the seabed and subsoil thereof. Earlier on it declares what our rights are. It maintains those rights to the limit of the continental margin, and not merely out to a limit of 200 miles.

"Be it further resolved that this House declares that Canada should by proclamation take such jurisdiction in the event that the Law of the Sea Conference, which will reconvene in Geneva, in this month of March, 1974, does not so constitute and declare an international regime by December 31 next."

Mr. Speaker, I ask every honourable member to vote for this motion. In the four or five years, or the three years, whatever it will be, that this House of Assembly, this Thirty-Sixth General Assembly, will live, there will be nothing that any of us will do that will mean more to Newfoundland and Labrador or that will be of more importance to our people. I take great pride, Sir, in moving this motion.

MR. SPEAKER (Mr. Dunphy): The Hon. Member for Placentia West.

MR. BARRY: Mr. Speaker, it is with pleasure that I rise to support the resolution which is a result of a marrying of the resolution initially submitted by the Leader of the Opposition, and a government resolution submitted by this side of the House.

Mr. Speaker, I have a couple of things that I will be passing around for the information of this honourable House on the table here. The first thing is a map showing the Canadian east coast continental margin beyond 200 miles. I will have that passed around. It might be of interest to the honourable members.

Mr. Speaker, the purpose of this resolution, as I see it, is twofold. First, it is to impress upon the Secretary of State for External Affairs, Mr. MacEachen, and the federal government the importance that this province sees in their taking an aggressive stance at the upcoming Law of the Sea Conference. We want to see them take a hard-nosed aggressive stance to ensure that, first of all, jurisdiction with respect to the fishery is extended to the limits of the continental margin. Secondly, that jurisdiction with respect to the mineral resources of the seabed be maintained to the extent of the continental margin. Now, Mr. Speaker, you notice I am not saying that they extend jurisdiction with respect to the resources of the seabed, because I believe there is sufficient consensus in international law at the present time to say that Canada has certain acquired rights out to the edge of the continental margin, out to, in some cases, Mr. Speaker, in excess of 600 miles. It is not a matter of extending Canada's jurisdiction here, it is a matter of maintaining rights which Canada already has. There has been mention made to the criterion which defines the limit of the continental margin. As the Leader of the Opposition pointed out, it is a vague one, 200 meters or the limit of exploitability. How far out can they exploit? At the time that criterion was used it was never anticipated that they would be able to exploit more than 200 metres. Today they can, Mr. Speaker. Today they can go out to the greatest ocean depths, and we can foresee where they will be exploiting out there.

Mr. Speaker, even though this criterion of exploitability is a vague one, it is not so vague that we should say that there is some doubt as to whether Canada's rights extend out to the edge of the continental margin at the present time. No!

MR. BARRY:

The vagueness is how far past that they go and this is where I anticipate this Law of the Sea Conference, if it ever does reach agreement, will reach agreement limiting the extent to which coastal states' claims can be made. At the present time, under the limit of exploitability criterion, it is conceivable to have Canada making claims right out half way to Ireland and Ireland, in turn, making claims half way to Canada, and obviously, taking up the entire seabed, the entire seabed right out to the deepest depths.

Mr. Speaker, we do anticipate this being a reasonable position. The Law of the Sea Conference will put a limit on the extent that the coastal states can claim. But our concern, Mr. Speaker, and I submit a concern that is not without reason, our concern is that Canada fight to the last breath to maintain Canada's rights right out to the limit of the Continental Margin. Not just the two hundred miles. Many of the wells that have been drilled off our shore have been drilled outside the two hundred mile limit, Mr. Speaker. Areas of greatest potential lie outside the two hundred mile limit, Mr. Speaker.

So it is very important to our country and to our Province that we maintain rights. And I say that it is not without cause, Mr. Speaker, that we have some concern, I refer to an item that was contained in the Burin Peninsula Post this morning, Wednesday, March 5. It is a little information bulletin that periodically is sent out on behalf of various federal members and this morning's it is a little note by the honourable Allan J. MacEachen, Secretary of State for External Affairs. It is titled, "Canada's Involvement in Foreign Affairs", and we go down to the last item we see "Law of the Sea Conference" and he says, "We are involved in an attempt to reshape the law of the sea based on radical new concepts. One important concept is that of extending beyond the twelve mile territorial sea an economic zone out to two hundred miles." No way, Mr. Speaker, out to two hundred miles. This is the man who pushing Canada's aggressive negotiating stance.

AN HONOURABLE MEMBER: He is from Nova Scotia too.

MR. BARRY: Statements like this being attributed to him! I hope and pray, Mr. Speaker, that it is a typographical error. I hope and pray that it is a printer's mistake and not a statement actually made by Canada's Secretary of State for External Affairs. But it is because of statements like this, Mr. Speaker, it is because of the vagueness of the federal position that I believe it is necessary that this House unanimously support the resolution, the by-party resolution that we have before us today.

Mr. Speaker, I think that part of the reason that the Federal Government believes that it can be this sloppy in the way that it expresses its intentions with respect to the Law of the Sea Conference is because of the very complicated and involved terms that are being used here, Mr. Speaker. The general public, the news media, ourselves, we throw around ideas such as the territorial sea. We talk about a two hundred mile territorial zone, Mr. Speaker, when it is never contemplated and it has never been claimed that Canada wants a territorial sea extending out to two hundred miles.

You have to look at it, Mr. Speaker, in terms of starting right from the shoreline and moving out. The further out you move, the less rights the coastal state is saying it is necessary or desirable that they should have. The closer you get to shore, the more rights, and you can have this cut up into different zones. You start off, Mr. Speaker, with internal waters. Internal waters, of example would be, say, a lot of the small bays and indrafts, Paradise Sound, for example, areas inside the base lines where the territorial sea is measured.

So you have your internal waters where there is almost total exclusive jurisdiction on the part of the coastal state. You then get out to the territorial sea, Mr. Speaker, where there are more rights but not exclusive rights. The Geneva Convention in 1958 had a convention on the territorial sea. It laid down the rights of the coastal state but it also affirmed certain rights that adjoining nations had, that other nations had, in the territorial sea.

For example, in our territorial sea which used to be out the three miles and is now extended out to twelve miles, we cannot prohibit the right of innocent passage, Mr. Speaker. We cannot prevent countries moving into our territorial sea in the event of marine distress, in the event of storm or breakdown of vessels and so on. They have the right in international law to move into our territorial sea.

So, there are less than total exclusive rights over the territorial sea.

MR. NEARY: Can they go in as far as the three mile limit.

MR. BARRY: Yes, inside the three mile limit as well. There is no difference now. It is no longer a three mile limit. It is in effect a twelve mile limit.

MR. NEARY: Tell me, how do you measure a 200 mile limit?

MR. BARRY: The honourable member for Bell Island has asked how do you measure these various zones, Mr. Speaker. Again it is not absolutely and totally without some vagueness, but it is generally accepted now that rather than following all the sinuosities of the coast, every little nook and cranny, that you are entitled to draw base lines, either from headland to headland or from island to island or island to headland. You measure out your twelve miles and then your, whatever else it be - well, we hope it is more than 200 miles - but say the twelve miles is generally accepted as our territorial sea now, you measure this out from straight base lines. There is some question about how these straight base lines should be

drawn. Generally, Mr. Speaker, the base line method is accepted. Anyhow, there is a lot of confusion in the general discussions that we have with respect to the Continental Shelf and the territorial sea and so on.

AN HONOURABLE MEMBER: Inaudible.

MR. BARRY: Yes, in some cases, particularly on the west coast of Canada, the 200 mile limit would take in more than the Continental Shelf, Mr. Speaker, because there is a narrow Continental Shelf on the west coast of Canada.

I will specifically go into the details of this in a moment. It is just useful, Mr. Speaker, to differentiate, as I say, first of all inland waters, then the territorial sea, a contiguous zone. What they call a contiguous zone is generally recognized. Where a country has additional rights outside its territorial sea to protect against invasions of customs duties. The old rum runners used to, what they call, hover outside the territorial sea back in prohibition days, and when the coast guard was not looking duck in and drop their load and duck out into the high seas again. They developed this idea of contiguous zones where coastal states had the right to go out and exercise certain jurisdiction to protect their laws.

Then you move out, Mr. Speaker, outside the territorial sea and the contiguous zone to an area involving the Continental Shelf. The Continental Shelf, Mr. Speaker, is the first sort of gradual sloping plateau that is adjacent to the coastal land mass. Then, Mr. Speaker, past the Continental Shelf you come to the continental slope where you can actually see, in the sea bed, a more abrupt sloping away. This is an area of great potential, Mr. Speaker, because there is great thickness of sediment there and it is in areas of thick sediment that oil and gas, for example, are most likely to be found.

So, you have your Continental Shelf coming off like this, and then your Continental slope, a more abrupt decline. Then you have a little rise at the end of the slope. What they call a

continental rise. Then you have a falling away into the greatest ocean depths.

Now, Mr. Speaker, the term, "Continental Margin" is used to include both the Continental Shelf and the continental slope and the continental rise. If any honourable gentlemen want to take a look at this diagram, this map that has been tabled, you will see that there is a fantastic quantity of territory in the sea bed outside the Continental Shelf area. There is an area almost as large again outside the Continental Shelf area. There is an area outside the 200 mile limit of 210,000 square miles. The territory of Newfoundland and Labrador is about, what? 150,000 square miles? 110,000 in Labrador and about 40,000 - plus on the island. I mean, you are talking big stakes here. You have an area outside the 200 mile limit that is larger than the land mass of the province, the island and Labrador.

You have the Continental Shelf itself beyond 200 miles, some 14,000 square miles. You have the continental slope, some 94,000 square miles. You have 300,000 - odd square miles, Mr. Speaker, an area at least twice as large as Newfoundland and Labrador outside the 200 mile limit. Inside the 200 mile limit you have an area that is again approximately the size of Newfoundland and Labrador,

fantastic stakes that we are talking about. We are looking to the future here, Mr. Speaker. There is no question that they can exploit this for oil and gas now. They will be exploiting it for manganese nodules, for other minerals, in the future. It may not be in our lifetime but in our children's lifetime, Mr. Speaker, I have very little doubt.

So this is the first thing that we have to become aware of, that there are fantastic acreages involved here and a terrible lot at stake both for Canada and for our Province. If I could give you just a few statistics, Mr. Speaker. We have - one term I should say that has caused a lot of the confusion, I think, about the 200 mile territorial sea and so on is this concept of an economic zone. Now that economic zone means different things at different times, unfortunately. When you speak about the fisheries, well the consensus appears to be that has been developing at this Law of the Sea Conference, that the pressure is on them to extend out to at least 200 miles. It appears pretty likely that fisheries jurisdiction of the coastal state will be extended out to 200 miles. But beyond the 200 miles, where there are significant fish stocks, significant spawning grounds and so on, it is not going to be that easy for Canada to get jurisdiction. And that is why they have to be aggressive and hard-nosed, to put the pressure on.

When you talk about the economic zone with respect to the minerals of the seabed, an economic zone of 200 miles is not any great favour for us - actually it is taking rights away from us. Taking about 300,000 square miles away from us. Too much, Mr. Speaker. No way can we let it happen.

Now this is a paper that was presented to the Law of the Sea Conference I had the opportunity to attend a few months ago, presented by an official of the federal government, pointing out that the Canadian Margin, the Shelf's open rise is one of the largest in the world, second only to the U.S.S.R. Including Hudson Bay it covers an area of almost two million square nautical miles, and something over

one million of that is taken up by the Shelf, but close to one million is taken up by areas outside of the Shelf, the slope and the rise. Thirty-five per cent, Mr. Speaker, of the Shelf lies beyond the 200 meter line and this is why the point in the Leader of the Opposition's resolution before had to be changed because if we had put that up we would be giving away thirty-five per cent of the Shelf. So fortunately we have reached agreement on this resolution which claims out to the - in some cases, Mr. Speaker, the Continental Margin stretches to over 650 nautical miles that Canada has some right to claim at the present time in international law, and these rights must be maintained.

A few other brief statistics, Mr. Speaker. We have - in fact as I have mentioned that sediments reach their greatest thickness in the area of the Continental Slope. They go down to a depth, Mr. Speaker, of some ten kilometers. What is a kilometer? Less than a mile - .62 of a mile? - it goes six miles. You have got six miles of sediment, potential hydro carbon bearing sediment in the area of the Continental Slope, in an area outside of the 200 miles which we would be given up if Canada does not take the aggressive stance that we say they should take.

We have, Mr. Speaker, according to this federal official it is estimated that thirty-five per cent of Canada's undiscovered oil and gas resources may underlie the East Coast Continental Margin - now that is off Newfoundland and Labrador, that is not including the Hudson Strait area or Hudson Bay. Thirty-five per cent of Canada's future oil and gas reserves - they estimate - the federal government estimates, lie off Newfoundland and Labrador.

MR. BARRY:

Again, Mr. Speaker, you know, the numbers are so large, they are almost meaningless. It is hard for us to grasp, but there is a lot at stake, Mr. Speaker, and that is why we cannot accept the 200 mile limit. That is why we have to go to the limit of the continental margin.

Now, Mr. Speaker, this is not the first time, when this resolution, which I hope will be unanimous in this House, when that goes to the federal government, it will not be the first time that Newfoundland has put its position to the federal government. Prior to - I must say I compliment the federal government on doing this prior to going to the conference at Caracas, they consulted with the provinces. We had the opportunity to prepare a position paper criticizing their initial position paper. We had a cabinet committee, Mr. Speaker. The Hon. Minister of Justice, Minister of Finance, Minister of Education and others were on this committee. We analyzed the federal position. We objected, Mr. Speaker, to many things in the federal position, and again I must say we had some effect because whereas the federal government, with respect to fisheries, were taking what they called the species approach, where the amount of control they exercised over one species was greater than that they exercised over another species. We said that that cannot work. It is biologically, it is economically, in every way, administratively, it is wrong. They listened, Mr. Speaker. Granted there was pressure from other nations as well, but the position that they are now putting with respect to fishermen is the position that Newfoundland put to the federal government. In a position paper, Mr. Speaker, which I am pleased to distribute, to table in this House and to distribute to all honourable members, Newfoundland's position on the Law of the Sea, as presented to the standing committee of the House of Commons on External Affairs and National Defence, on May 3, 1974, when the Hon. Minister of Justice appeared, presented this brief and answered questions and asserted the province's desire to have an

aggressive posture taken by our federal government, Mr. Speaker, there are copies here available for the House, for honourable members and, hopefully, for the press as well.

Mr. Speaker, this is published for the world to see in the minutes of the proceedings and evidence of the standing committee on External Affairs and National Defence. Now, Mr. Speaker, unfortunately, I do not have the opportunity to go through it. I do not have the time to go through it in detail on -

AN HON. MEMBER: Inaudible - get a copy?

MR. BARRY: - Newfoundland's position. Yes, everybody should be able to get a copy. I should mention, Mr. Speaker, -

AN HON. MEMBER: Limited edition.

MR. BARRY: It is not a limited edition. There are lots of them there.

We criticized the federal position, and we put forward our position, Mr. Speaker, which is basically that incorporated in today's resolution. We stressed, Mr. Speaker, the principle that is inherent in international law. We say that the more proper description of the legal concept presented by these acts of jurisdiction, that is outside the territorial zone, would seem to be that where a coastal state can identify a legitimate interest in its surrounding waters, international law has always provided a legal mechanism by which the interest can be protected. In other words, we are saying that Canada can show and has shown a legitimate interest in its surrounding waters, whether it be in terms of conservation, whether it be in terms of preventing pollution of its shores, whether it be in terms of proper management of fish stocks and proper management of oil and gas activities and so on, that Canada has a legitimate interest outside the twelve mile limit, that this legitimate interest has been recognized, Mr. Speaker, in international law up to now, and that this legitimate interest must be stressed and restressed

and fought for at the Law of the Sea Conference in Geneva. This province will stand for nothing less, Mr. Speaker. If I could just have a moment here, Mr. Speaker, to just check on my notes here. This was the position, Mr. Speaker, that we set out, prior to Caracas, prior to the Caracas Conference. We have a position on the territorial sea where we agree with the federal position. We took a position on the pollution aspects of things, and we suggested that all foreign fishing and support vessels operating in Canada's fishing zone be required to contribute to a pollution compensation fund,

a pollution compensation fund, Mr. Speaker. With respect to scientific research, we proposed that all research pertaining to the living resources of the Continental Margin be the sole responsibility of the coastal state, i.e., Canada. With respect to the Continental Shelf, Mr. Speaker, we went into great detail pointing out the necessity for an aggressive stance. But I got carried away, Mr. Speaker, right at the beginning I said there is two purposes for this resolution. The first is to stress the necessity for the Federal Government taking an aggressive stance. The second is to point out to them that they do not have a free hand in terms of Canadian constitutional law in terms of what happens within Canada. They do not have a free hand because, Mr. Speaker, there are provincial rights involved here.

Now, they dispute that but at least they agree that it is something that should have the benefit of a court hearing to eventually decide it. It is not something that should be decided in an international forum, Mr. Speaker, and the point we are making is that before they, in any way, affect provincial rights here, before they, in any way, give up anything which they now have, Mr. Speaker, that they must come to the province because in constitutional law, Mr. Speaker, although the Department of External Affairs has the right to negotiate treaties with foreign countries, where that treaty is going to interfere in an area of provincial jurisdiction, they must come back to that government, come back to that provincial government. What we are saying here, Mr. Speaker, is that there are established acquired rights out to the limits of the Continental Margin. If the Federal Government dare modify those rights, Mr. Speaker, and I submit that they dare not, but if they dare modify them, if they have their backs to the wall, if they are going to be taken over, Mr. Speaker, by some foreign power if they do not modify them, then they had better come and speak to the provincial governments involved before they modify them, Mr. Speaker.

MR. NEARY: - - - is then that the fishing (some words inaudible) by the fishermen has to be settled internationally, for the continental shelf rights as far as mineral and other resources are concerned has to

settled in Canada?

MR. BARRY: Well, both. There is a difference, right. With respect to fisheries, you have a clear jurisdiction under the B.N.A. Act for the Federal Government to be making decisions with respect to fishery. But with respect to the sea bed, although international law decides the limits as far as the country is concerned, what we are involved in now is whatever rights that are recognized in international law, how should they be divided up internally? That is why, Mr. Speaker, nobody should confuse the fact that because this resolution reads that it maintained Canada's existing rights and jurisdiction over the minerals of the sea bed - we are not saying that because they are Canada's, that means i.e. they are the Federal Government's. They are Canada's, but, Mr. Speaker, we believe within Canada that it is the provincial government and not the Federal Government according to constitutional law that has the right to manage.

MR. NEARY: What are Canada's rights?

MR. BARRY: Okay. Well, Canada's rights are at stake here and this is the whole point - that Canada has, in my opinion, Canada has rights out to the edge of the Continental Margin at the present time.

AN HONOURABLE MEMBER: Is this your opinion or government's?

MR. BARRY: This is mine, government's, and the great body of international law.

Now, they are going to a conference where they may enter into a treaty that may, in some way, modify those rights. We are submitting in this resolution that they not modify them, that they assert them right out -

MR. NEARY: Until we settle our differences with Ottawa.

MR. BARRY: That is right. That is right. That they not modify them in any event, but that if they do modify them, if they do find that there is pressure, that they have to in some way modify them, then they better recognize there is a provincial interest.

Sq, Mr. Speaker, ~~that is~~ -

MR. BARRY: Mr. Speaker, that is the reason for the clause in this resolution stressing the fact that these resources are still owned by the Province of Newfoundland and Labrador. Mr. Speaker, as I say I have tabled and distributed the position that Newfoundland submitted to the federal government prior to the Caracas Conference.

Now at the Caracas Conference there were some significant developments, Mr. Speaker. There are things, there are what you might call trends developing, Mr. Speaker, where agreements appear to be imminent, where agreements may be reached at the Law of the Sea Conference fairly quickly, at the next one in Geneva. There are other areas, Mr. Speaker, where agreement is farther away.

Basically there are three committees, Mr. Speaker, at the Law of the Sea Conference. Committee one deals with the international sea bed area, wherever that may be, out in the deepest part of the ocean, outside the Continental Margins claimed by the coastal state. There is dispute here, Mr. Speaker, about whether you have an international authority managing that, or whether you just have a sort of a licencing authority out there with private corporations and countries going out there and carrying on activity subject to some sort of licencing by an international body.

The most important committee as far as we are concerned Mr. Speaker, is committee two. Because that deals with all these matters such as territorial sea, fisheries, Continental Shelf and Margin and navigation and so on. Here it appears that the rights of coastal states over their offshore areas will extend to at least 200 miles. A consensus appears to have developed this economic zone out to 200 miles. But beyond 200 miles, Mr. Speaker, there is not yet an apparent consensus. Canada is one of thirty or forty what they call broad margin states, out of a total of 148 states at the conference. So you can see we are in a minority position here.

Mr. Speaker, it is getting onto six o'clock so

with just this one more sentence I will adjourn the debate. Canada as a broad margin state is in a minority position and has to take a very aggressive stance here in order to ensure that it gets its point of view carried through at the conference.

I have a few other points to make, Mr. Speaker, when we start debate on this resolution again but for now I adjourn the debate.

MR. ROBERTS: Your Honour, the minister and I in our huddle overlooked one point, but the table have brought it to my attention. The minister, I assume, intends to, he and I did not discuss it, but it seems to be obvious, intends to withdraw his motion. But that has to be done formally, otherwise it has to appear on the Order Paper tomorrow.

MR. BARRY: I suggest, Mr. Speaker, that motion can be withdrawn from the Order Paper. The new one replaces both of them. Yours is withdrawn as well and this new one appears.

MR. ROBERTS: Mine disappears. It has been amended significantly.

MR. SPEAKER (DUNPHY): It has been moved and seconded that the House do now adjourn. Is it the pleasure of the House that the House adopt the motion.

MR. ROBERTS: On the adjournment motion I wonder if the House Leader, or in his absence his assistant, could indicate whether it is the government's intention to carry on with this debate tomorrow or whether we intend to let it stand until next Wednesday, which is the next opportunity it could otherwise come up.

MR. HICKMAN: Mr. Speaker, I am not certain that this motion will proceed tomorrow, but there is some discussion as to whether or not sometime between now and next Wednesday on government time that we would proceed with this debate. But as far as I know now the plan is that on tomorrow we will proceed with the debate on the second reading of the Power Corporation Bill which may not take much longer anyway.

MR. ROBERTS: The point is we may not have to wait until next Wednesday.

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MR. HICKMAN: Until next Wednesday, yes.

MR. SPEAKER (DUNPHY): This House now stands adjourned until tomorrow Thursday, March 5, 1974 at 3:00 p.m.