

Newfoundland

member of this house can have any doubt as to the hon. member to whom in fact I was referring.

Having said that, Mr. Speaker, I propose to turn to remarks made in the course of this debate which are more worthy of serious consideration. I do so, as I said when I rose, for the purpose of correcting an obvious misconception as to the real meaning of the amendment moved by the leader of the opposition. I do not intend to discuss the question whether confederation was a contract or a pact or a compact, nor do I feel qualified to make any lengthy dissertation on constitutional law. I do propose to say a few words, however, on what I believe is the point at issue in this amendment. I do so because on reflection and on studying the remarks of speakers from the government side, and indeed from the C.C.F. party, it is obvious that many of them have missed the point. I refer particularly to the speeches of the hon. member for Rosetown-Biggart (Mr. Coldwell), the Minister of National Defence (Mr. Claxton), the Minister of Justice (Mr. Garson) and the Secretary of State for External Affairs (Mr. Pearson). The Minister of Justice made a great deal of what he said was the unfortunate necessity thrust upon him of having to deal with the obvious. He then proceeded to deal with the obvious. He dealt with matters which were obvious to all hon. members in the house, and he dealt with them in an exceedingly obvious manner. But unfortunately he had missed the point, so while he did deal with what was obvious and dealt with it plainly and in a straightforward fashion, his remarks were not in fact a contribution to the point at issue.

Briefly, Mr. Speaker, the point at issue is this. The point of the amendment is not whether the present nine provinces should be consulted on the merit or otherwise of admitting Newfoundland into confederation. Rather it is whether they should be consulted on the very important and serious question, in which they have a direct interest, of the method and manner of amending the constitution. The question of admitting Newfoundland into confederation, whether it is desirable and whether the terms are mutually advantageous, was settled, I take it, in the discussion which took place in this house last week. As the hon. member for Rosetown-Biggart himself pointed out, all parties then were in agreement that this was a desirable objective, and that generally speaking the terms were just and fair. But what we are discussing now is whether the procedure by means of which that objective is to be attained is something which can be supported and particularly whether it is something

which should be carried out without consultation with the provinces, because the method to which the government is now resorting involves directly the question of an amendment to the constitution, and on a matter which is of direct concern to the provinces.

Last evening the Minister of Justice devoted the major portion of his remarks to the proposition, which he described as obvious, that the procedure followed here does not involve an amendment of the constitution. Incidentally, during his remarks the Minister of Justice said the leader of the opposition should be congratulated because, as he put it, he had made the best of a bad job. That remark was not altogether generous, because after reading over what the minister himself said one cannot fail to be impressed by the fact that not only did he have a very bad job to deal with but that in fact he made a rather poor job of a bad job, which was a great contrast to the speaker to whom he was referring.

I say that for this reason. The Minister of Justice, having stated it was obvious that no amendment of the constitution is involved here, then gave away his case when he pointed out—inadvertently, I presume—that in fact nothing more or less than an amendment of the constitution is the point at issue. At page 523 of *Hansard* for yesterday he is reported as having said:

No one will dispute, however, that in Newfoundland at the present time there is a legally constituted government with proper legal authority. But it is not a legislative body, and therefore cannot produce the address that is necessary under section 146.

By those words he destroyed the case he was trying to make. If, as he has said, an address is necessary under section 146 of the British North America Act and if, as he has said, the government of Newfoundland has no legislative body and cannot pass an address, it becomes obvious that an amendment to section 146 of the constitution is necessary.

Then referring to the British North America Act, he said, as reported at page 524 of *Hansard*:

The constitution does not require assent from any province. It is true the constitution requires an address.

Those are the words of the Minister of Justice (Mr. Garson). The Prime Minister has stated there is at the moment no machinery in existence in Newfoundland by which an address could be passed. The Minister of Justice admits that the constitution requires an address. If that be the case, then the government has to do just what it is doing, that is, ask for an amendment to the constitution so as to overcome the requirement