

*Fisheries Act*

government should protect the health of the Canadian people, particularly that of native people, from the effects of mercury poisoning.

This bill is basically designed to improve our capacity to increase the spawn and the size of fish catches, but it also deals with the question of fish quality, and when it deals with that, it must also deal with the question of the health of those who consume that fish. It is directly related. This seems to me to be a golden opportunity for the minister to accept this well reasoned amendment and to place himself in a position in which he could shut down the English-Wabigoon system until the problem of mercury pollution has been solved.

This would be a great incentive to industry. As this bill proceeded through second reading stage and through committee stage the argument throughout was that the powers in the bill are great. We know they are, but we should not be unreasonable in exercising those powers. We need those powers to encourage industry to clean up its act. All we have to do is use the bill to give industry notice that we have the potential to require industry to discontinue or change some of its operations. We think that if the federal government has this kind of power, industry will voluntarily comply. Surely, the same argument holds true for the proposed amendment. It would give the minister the power to shut down certain streams, and this would give industry a tremendous incentive to make doubly sure that it does not continue contaminating the 273 waterways which the Department of the Environment has identified as being contaminated by mercury.

I am disappointed that we have spent so much time on this bill in terms of considering its commercial potential. That is necessary and useful, but we seem to have spent an inordinate amount of time on that and not dealt with the other side of the question, which is the question of the poisoning of people who consume poisoned fish. I shall say no more. I commend the amendment to the minister and am disappointed it has not found favour with more hon. members.

● (1210)

**Mr. Bill Jarvis (Perth-Wilmot):** Mr. Speaker, I shall be brief. I do not think any native people would say the intent of the hon. member's amendment is not good, but that is not the issue. The hon. member spoke of a certain historical abandonment of responsibility, and I suggest that he was not correct. I do not believe that giving provincial jurisdictions the right to enforce federal legislation, by agreement, is necessarily an abandonment of responsibility. Certainly, it is not an abandonment according to what I studied in law school.

**Mr. Baker (Grenville-Carleton):** It is co-operative federalism.

**Mr. Jarvis:** I accuse the hon. member of no ulterior motives, but point out that the activities of the provincial Ontario NDP concerning the English-Wabigoon river system disturbs me deeply. I do not blame the hon. member for New Westminster (Mr. Leggatt), but suggest that the leader of the Ontario NDP

[Mr. Leggatt.]

was more concerned about inspecting refrigerators and being reported in the headlines than about anything else.

I read carefully the brief of the National Indian Brotherhood and think, as does the hon. member for New Westminster, that it was well reasoned and well presented and undoubtedly led to this amendment being proposed. I discussed briefly with representatives of the Brotherhood the facts which prompted them to view the situation with respect to the river system with alarm, and I share their attitude. I commend the Brotherhood for preparing an excellent brief. On the other hand, I have great difficulty accepting at face value what the hon. member for New Westminster suggested. He suggests, after having assessed the history of the situation in the area, that the federal government should assume what he thinks is its constitutional responsibility under the British North America Act. I suggest that the progress we have made on environmental questions has not come about because one jurisdiction has taken away authority from another. We have made substantial progress by co-operating with our jurisdictions, provincial and municipal. I suggest that the federal government could have acted with respect to the English-Wabigoon river system by order in council, but chose not to do so for its own reasons, for which I might condemn it. I do not know.

Solicitors in the employ of the government of Ontario told me that, without question, the federal government had power to close the river completely to sports and commercial fishing, but chose not to do this because it thinks that regulations concerning the Fisheries Act can best be enforced in inland waters by provincial jurisdictions. I think I and the hon. member for New Westminster are debating this question today. The hon. member thinks the regulations could be better enforced at the federal level. I question that. I do not think big government getting bigger is necessarily better, particularly with respect to environmental matters. The ability of many provinces to enforce federal legislation concerning inland waters and fisheries will vary. The facilities and manpower for enforcing the regulations will vary as between provinces.

Something else troubles me about the amendment, and the hon. member did not address himself to the point. If the federal government chooses to take this action—and it would have power so to act even if the amendment were not passed—what consequences would flow from that action? Would the provincial government feel obliged, because of the action it took, to feed the native peoples who can no longer consume the fish from the river. If the federal government acted under this amendment, does the hon. member for New Westminster think no consequences would flow from that action? I suggest, seriously, that there may not be legal consequences, but there would certainly be strong moral consequences. If I cut off the food supply of certain native people in a certain geographic location, am I not morally obligated to provide them with a substitute food supply? Does the hon. member suggest the federal government should move into that area?

**Mr. Leggatt:** They did.