

Fisheries Act

therefore, to make some general remarks on the Fisheries Act in the context of the amendments moved by the minister.

The Fisheries Act is almost as old as Confederation. It has served Canada and Canadians well in the century that has passed, since it has seldom required amendment. On the other hand, by reason of the amendments made in the 1960-61 session the Fisheries Act is unique among the laws on our statute books. Those amendments brought the act into conformity with the Canadian Bill of Rights by removing the provisions which violated human rights and fundamental freedoms. The Fisheries Act can be said to be the "Drybones" of the Revised Statutes of Canada. We have paid tribute to this distinction of the Fisheries Act in the several statutes since passed which incorporate, by reference, a certain section of the Fisheries Act relating to confiscations.

We in the official opposition had hoped—as I believe the Minister of Fisheries and Forestry did—by this amending bill to enact a modernized version of the Fisheries Act so it could play its rightful role. We had hoped to make the Fisheries Act the sovereign legislative spearhead against pollution of Canada's waters, including seacoast and inland, salt and fresh water. The Fisheries Act has everything going for it to carry out this role effectively. I say this because the constitutional power of this Parliament to control water pollution under the seacoast and inland fisheries provisions and the provisions of the British North America Act is exclusive and cannot be challenged.

• (3:30 p.m.)

If we had the Fisheries Act alone, the power to control water pollution throughout Canada and in its territorial and fishing waters would be vested in one sovereign authority. I have said that the Fisheries Act has everything going for it. This is true, with one exception. That exception is the Minister of Energy, Mines and Resources (Mr. Greene) and his lust for publicity. That minister has spawned a bill, the Canada Water Act, which has already been questioned in several of its constitutional aspects. That minister has spawned a bill that fragments and splits control of water pollution among several federal ministers, ten provinces, a multitude of provincial departments and a host of agencies.

The Minister of Energy, Mines and Resources by doubtful and devious methods has persuaded the government to accept his

[Mr. Crouse.]

polluted abortion of an act in place of the Fisheries Act. Not content with producing this malformed conglomerate, the Minister of Energy, Mines and Resources has so projected himself into the graces of the cabinet that he has managed to author about two-thirds of Bill C-204 and, by these amendments, to make the Fisheries Act subservient to the Canada Water Act with regard to pollution. For example, the prohibition in the Fisheries Act against contaminating Canadian waters by deleterious substances, which has existed for more than 100 years under the jurisdiction of ministers of fisheries, has been made subject to the licence to pollute that exists in the Canada Water Act under the administration of the Minister of Energy, Mines and Resources.

So much for two-thirds of the amendments to the Fisheries Act, amendments that were contained in the original Bill C-204 introduced by the Minister of Fisheries and Forestry (Mr. Davis). The voice was the voice of the Minister of Fisheries and Forestry but the hand was the hand of the Minister of Energy, Mines and Resources. In this shape, Bill C-204 went to the Standing Committee on Fisheries and Forestry.

Mr. McGrath: What a mess that was.

Mr. Crouse: As my colleague the hon. member for St. John's East (Mr. McGrath) has stated, what a mess that was. All members of the committee worked hard at many meetings in an effort to improve the bill. The Minister of Fisheries and Forestry worked with the committee, and the committee worked diligently with the minister. The minister was instrumental in suggesting amendments which the committee approved. In fact, these amendments were extensive enough to require a reprint of the original bill. One of them restored the time-tested words "deleterious substance" in place of the word "waste" which is not a suitable word to be used in this type of bill. If anyone doubts that statement, I ask him to look up the meaning of the word "waste" in the dictionary. It is very interesting to follow that exercise of looking up the meaning of the word "waste".

Other amendments deleted the invidious and subject references to the Canada Water Act and the Northern Inland Waters Act. The committee was satisfied that if it did not have a whole loaf, at least it had a crumb or two. The committee was satisfied that the Minister of Fisheries and Forestry had an improved weapon with which to conserve the fishery