

tinguished Speaker of the other place, the following question to be found at page 1167 of *Hansard*:

Mr. Speaker, I have a question for the Minister of Public Works which is prompted by the questions already asked dealing with the agreement between the province of British Columbia and the government. Has the minister any knowledge of an official application made by the province of British Columbia or any agency or authority of that government under the Navigable Waters Protection Act for leave to proceed with the Peace river dam project?

The then Minister of Public Works replied as follows:

Mr. Speaker, I will have to inquire and I will answer this question on Monday.

I then asked this supplementary question:

If any such application is received, will the minister assure the house that despite any commitment which might have been made by his government there will be an ample opportunity for the many thousands of residents who live downstream from this proposed project to make representations to the government with respect to this scheme?

On June 18, I again asked the then Minister of Public Works whether he was in a position to answer the question I had asked. He replied that it was a hypothetical question and went on to say:

However, if it should occur, the act provides for a 30 day public advertising period—

and so on.

I kept pursuing the matter through 1963 and finally in the fall struck some gold. I had asked the then Minister of Justice, the Hon. Lionel Chevrier, who on June 27, 1963 was Acting Prime Minister, the following question found on page 1633 of *Hansard*:

My question arises out of a reply I received from the Minister of Public Works last week. Has an opinion yet been formed in his department as to the legality of the province of British Columbia continuing construction of the Peace river dam without having obtained approval under the provisions of the Navigable Waters Protection Act?

The minister replied:

Mr. Speaker, while I remember the question, I am afraid I will have to take this as notice and inquire further.

So, at least I got notice taken of the question. Finally, on October 14 of that year, I repeated the question to Mr. Chevrier, as reported at page 3529 of *Hansard*:

Mr. Speaker, I would like to ask the Minister of Justice whether he can answer the question I asked him the other day in a situation the urgency of which is sharpened by the fact that I understand the waters of the Peace river are now being diverted. The people of the country are anxious to know whether the river, which was plied by large ships 50 years ago, is still to be regarded as a navigable water.

Mr. Chevrier replied:

Mr. Speaker, the hon. member was good enough to remind me of this question some time last week. I have the reply to his question here and it is as follows. The advice I have received is to the effect that the works in question are included in the class of works to which the Navigable Waters Protection Act applies. The position has always been taken by the Department of Public Works that the Navigable Waters Protection Act applies to a provincial government or an agency itself.

Northern Canada Power Commission Act

That was the statement that was made at that time. There is a rule, of course, about the securing of legal opinions, but because of the importance of the issue the then Minister of Justice was good enough to give me that reply. So, the fact is the record shows that more than seven years ago a statement was made by the constitutional adviser to the government, the chief law officer of the Crown, that it was essential that the province of British Columbia apply under the Navigable Waters Protection Act for permission to construct the dam, and to file a statement regarding the type of works to be initiated. That was not done.

I continued to press the Minister of Public Works for the next year and a half, but eventually I satisfied myself that because the federal government was overly anxious to secure the passage of an agreement with the government of the United States and wanted to get the credit for this, it had shut its eyes to the necessity of the government of British Columbia securing permission to construct the dam. As a result, the province of British Columbia, illegally and improperly, and in contravention of the act, constructed this dam and is at least morally responsible for the consequences.

I do not want to say anything more about the legality of this issue since actions are now pending. This is something that I hope the Parliamentary Secretary and the minister will take into account. But what has been the result of this? We have here a situation where the damage to which the people of Alberta, downstream from the dam, might be subjected was obvious to me, both as a representative of the people and from personal observations that I had made. Yet this government and the government of British Columbia blindly, stubbornly and persistently refused to examine the matter and went ahead with the project. Today, several thousand people have suffered directly. The water and sewage system of the town of Peace River has been affected and damage to the tune of \$100,000 or more has been suffered. The livelihoods of about 1,500 people, part of them in the Northwest Territories in the area of the Peace-Athabasca delta, have also been affected.

● (3:20 p.m.)

People have asked me what brought this about. With northern rivers, there is a seasonal flood in the spring. The seasonal flood of the Peace River was such as to prevent the waters of the Athabasca joining the Peace to flow down into the Mackenzie. In the result, there was a constant wash in this delta and it became and has continued to be a natural sanctuary. This delta was on the route of one of the international flight-ways for migration birds. The birds rested there. Wild animals were there in great quantity. Recently, the federal government made some studies and established beyond any shadow of doubt, from a count of the birds and animals, that there has been a very drastic reduction in wildlife in this particular area. Finally, Mr. Speaker, and this is the thing of consequence, because what has happened probably cannot be undone, the engineering by nature, which may have taken 15,000 years to develop, has been wiped out by man in seven years.