

*Criminal Code*

at the intake of your water supply for your irrigation ditches, you would be subject to a penalty of not less than \$4 and not more than \$20 for each day or part of a day during which such ditch, channel or canal remained unprovided with such duly approved and properly maintained grating, netting or fish guard. This means that if you are pouring industrial waste into a stream equivalent to a city of half a million people you can get away with the same fine per continuing day as if you had left a screen or a netting out of an irrigation ditch.

What is required is some teeth in legislation such as the Fisheries Act and the Canada Shipping Act and this resolution would accomplish that end. As the hon. member for Carleton has said, it is rather drastic but if drastic means are the only means by which we can clean up our streams, rivers and lakes, then so be it. The penalties in regard to other sections of the Fisheries Act, having to do with the seizure of boats and the use of explosives and so on are relatively severe, but with regard to the pollution of water they really do not cut much ice.

Then with respect to seaports, as the ships come into the harbour they sometimes get rid of a lot of ballast, old crates and stowage materials for which they have no further use. This is prohibited, of course, by section 60 of the Fisheries Act which states in part:

Every one who, contrary to the provisions of this act throws overboard ballast, coal ashes, stones or other prejudicial or deleterious substances in any river, harbour or roadstead or any water where fishing is carried on, or leaves or deposits or causes to be thrown, left or deposited, upon the shore, beach or bank of any water, or upon the beach between high and low water marks, remains or offal of fish or of marine animals, or leaves decayed or decaying fish in any net or other fishing apparatus, is liable, for each offence, to a penalty not less than \$20 and costs and not more than \$100 and costs—

I can conceive that in certain conditions the payment of such penalty would be the cheapest way of disposing of refuse that was not wanted left on board ship. One way of attacking the problem of ballast would be to open the Fisheries Act, revise it and bring in amendments that would make it effective in achieving the objective it is supposed to achieve.

It was in 1954 that Canada was represented at the first conference on pollution of the sea by oil. At that time it was proposed that a 50-mile limit be established along the North American coastline which would, of course, protect Canadian waters. An amendment was made to the act in 1956 which provided for this and also extended those provisions to the great lakes. This indicates that we do have certain federal acts on which

[Mr. Broome.]

work could be done in order to assist in clearing up a certain amount of the pollution that is taking place in the streams and lakes of this country.

Previous speakers have referred to the attempt made in 1956 by the present Prime Minister (Mr. Diefenbaker) to bring in an amendment to the Criminal Code which would have made such offences a part of the code. As was pointed out by the hon. member for Selkirk (Mr. Stefanson) today the situation existed at that time under which industrial waste in the North Saskatchewan river in the vicinity of Edmonton affected the quality of the water as far as Prince Albert and made the water of that river at that point practically undrinkable. The situation was remedied when the offending company spent \$150,000 in treating this waste in such a way that it no longer had a deleterious effect. However, for each company that would be prepared to spend that amount of money there would be a great many who would not be in a position to spend the necessary money to improve their processes to the point where their waste products would not be injurious to either fish or wildlife or render the water unfit for human consumption.

A resolution such as the one before us, were it to become law, would mean that such companies would have to provide in their cost of operation for means to render their waste products non-injurious to others. In the debate on this subject which occurred in 1956 it was pointed out that under a judgement in Montreal it was made possible for someone who suffered injury as a result of dumping of injurious waste into streams to take action against the offender. The government of that day contended that action could be taken under the common nuisance section of the Criminal Code. It was ably pointed out in the debate in 1956 that although this appears to be the case on the surface it does not work out that way in practice. It is not possible to make that section of the Criminal Code do the job that this resolution proposes to do in the manner it suggests.

The hon. member for Kootenay West (Mr. Herridge) suggested that a federal control agency might be set up. The hon. member for Carleton in discussing means of bringing about control of pollution of our water resources also suggested that a federal control commission could be established to do the job. I believe the most effective idea brought out by the hon. member for Carleton was that in regard to research. The pulp and paper industry which is a wealthy one is spending a large sum of money on research into its own problems but there are many