

Criminal Code

will be taken on an amendment to the Criminal Code and expressing the need for urgency felt by many of the speakers who have emphasized their thoughts on the matter in various ways by speaking on one aspect or another of the problem.

The matter of water pollution constitutes a very large problem, a problem which needs to be viewed in all its component parts and its effects upon various parts of the country and its relationship to our various levels of government. Mention has been made of the fact that there are waters which lie completely within the territory under the jurisdiction of a province and that therefore there is immediately apparent the relationship between the local municipality in that province and its government. It would be extremely difficult to enforce an anti-pollution measure if we had to depend upon an amendment to the Criminal Code—if indeed that is possible—and I therefore submit that despite all this urgency, and there is urgency, there are a number of other matters which need to be considered in order to satisfy the need of the moment with respect to the pollution of so many of our waterways.

The problem becomes more complicated when pollution occurs in a territory other than within a province, perhaps within an unorganized territory under the jurisdiction of the federal government or in another province. It becomes even more complicated when pollution occurs in waters coming under the review of the international joint commission and I would like therefore in due process of time to deal with one or two of those things which I think are important, but mainly a subject which has not been touched upon at all, and that is the role of the joint international commission and its relationship to some of the problems in our navigable waterways and the effect of those problems on this whole question.

Mr. Speaker, may I call it six o'clock?

At six o'clock the house took recess.

AFTER RECESS

The house resumed at eight o'clock.

Mr. Vivian: Mr. Speaker, when the house rose at six o'clock I was proceeding to mention the amount of factual material which was presented this afternoon by various hon. members who spoke and the sense of urgency they expressed concerning the problem of water pollution. I would now like to speak for a little while about the historical background of this question as it relates to the international joint commission.

I mentioned that some urgency was expressed concerning water pollution this afternoon but I would draw the attention of hon. members to the fact that action with respect to the prevention of water pollution has been described as urgent since 1913. At that time the international waterways commission was absorbed by the newly-established international joint commission. I wish to quote from the statement made by Mr. George W. Kyte K.C. over a coast-to-coast network of the Canadian Broadcasting Corporation on a program originating from Sydney, Nova Scotia on January 5, 1937. At that time Mr. Kyte drew attention to the fact that the international joint commission had been functioning since 1912 when it substantially absorbed the former international waterways commission which was created by concurrent legislation of Canada and the United States in 1902.

A treaty made in 1909 provided in article 4 thereof that the waters defined as boundary waters, and waters flowing across the boundary, shall not be polluted on either side to the injury of health or property on the other. Reference to this was made this afternoon by the hon. member for Carleton (Mr. Bell). It will perhaps be interesting to hon. members to note that the treaty was not signed by Canada but was signed by representatives of the United States and Great Britain because at that time Canada was not participating by itself in certain international arrangements. The treaty was subsequently confirmed by an act of the Canadian parliament.

Mr. Kyte on the occasion to which I referred went on to state:

The whole question of the extent, cause and localities in the United States and Canada, where boundary waters were polluted so as to be injurious to the public health and unfit for domestic or other uses was referred to the commission on August 1, 1912. This was but a few months after the commission was constituted, thus showing how urgently the problem called for a solution.

I submit that if the problem with respect to water pollution was urgent in 1913, how urgent is it today with the growth of population in Canada, the tremendous expansion of industrial development and the extended use of our waterways, navigable and otherwise, which presently exists? Mr. Kyte continued:

The investigation continued for a period of six years, and it involved an examination of the waters of the great lakes and their connecting rivers—Rainy lake, Rainy river, the lake of the Woods, and the boundary portion of the St. John river on the east, wherever pollution might extend from one side to the other.

Mr. Kyte went on to state:

Article 8 of the treaty prescribes authority of precedence for the use of boundary waters, and no use is to be permitted if it conflicts or restrains any other use which is given preference.