

Criminal Code

Manitoba, do to meet the situation when the water comes from a neighbouring province? Surely when a river runs through more than one province the criminal law can be utilized and should be utilized, and is the only means whereby the health and comfort of the people may be maintained. In the circumstances here the best legal opinion is that injunctions will not be effective, that the only recourse is the Fisheries Act, and I am concerned as to whether or not it can be made totally applicable.

Certainly when an offence is committed to the detriment of thousands and thousands of people, and people in urban centres are in the position that they have to travel all over the country in order to get well water, while the river that nature gave us flows by with water that was pure until its purity was destroyed as a result of the actions of a corporation, then I say we have the right to ask that the minister and the law officers of the crown should give immediate attention to the necessary amendment of one or other of these sections. I suggest that the minister allow these sections to stand and give consideration to this matter, as it is the only opportunity we will have to meet this situation.

Someone may say, why not introduce a private bill? We know how far private bills go unless they receive the support of the government. This is the one time, with the amendment of the Criminal Code before the house, that we can meet not only the situation ad hoc on the North Saskatchewan river but can also go a considerable distance toward meeting a situation that is becoming prevalent in many other parts of the country. Certainly there is no more important element in the health of the people than good water.

I want to keep my remarks within the realm of propriety, therefore I would not want to repeat some of the words that are being used daily in the cities of Prince Albert and The Battlefords with respect to the prevailing situation. It would not be parliamentary, though their clarity could be understood by all. As I see it, these sections are the only ones in the code that provide a degree of hope, which up to now has been denied the people for whom I speak on this occasion.

Mr. Garson: The statement that has just been made by the hon. member for Prince Albert has left out of consideration—I do not know whether wittingly or unwittingly—one or two points concerning the matter he discussed which I think are not without importance. As he points out, we have in clause 163, but more particularly in clause 165, provisions which could have some application

[Mr. Diefenbaker.]

to the problems of which he speaks provided, and this is a very important proviso, those whose responsibility it is to enforce the Criminal Code are in a position to prove that the condition of the water of the North Saskatchewan river is attributable to certain effluents coming into that river, and provided they can prove that these effluents are put there by certain persons or corporations.

Mr. Diefenbaker: That is obvious.

Mr. Garson: I am glad my hon. friend—

Mr. Diefenbaker: It is obvious you cannot convict anybody unless they are guilty.

Mr. Garson: But it is that obvious little point that my hon. friend, not only in his remarks tonight but in every other oration he has made upon the subject since he began some several days ago, has consistently ignored. My colleague the Minister of National Health and Welfare has pointed out not once but several times that the provincial authorities in Alberta and Saskatchewan, who are deeply concerned in this matter—I am sure they are deeply concerned—

Mr. Diefenbaker: Oh, yes, they are concerned.

Mr. Garson: If my hon. friend would let me finish my sentence he would not need to interrupt me. They are deeply concerned. Once it has been established that the condition in Prince Albert of which he complains is due to substances which are being placed in the same river, allegedly in Edmonton, and that the phenomenon resulting comes from this cause, the cause being the effluents—once they can establish that the effluent is being placed in the river and identify who is placing it there, then they will be in a position to invoke the existing laws to protect the public.

I would state, Mr. Chairman, that there is no dearth of laws in this regard. I am not familiar, certainly not when speaking extemporaneously upon this subject which my hon. friend from Prince Albert has raised, with the statute law of Alberta or Saskatchewan in relation to it. I have some knowledge of the statute law of Manitoba, although it is some time since I have had to do with it. But I would be very much surprised indeed if there were not a provision in the statute law of Alberta and Saskatchewan which, in the clearest terms, prohibits the pollution of rivers, the waters of which are used for public drinking purposes.

Mr. Diefenbaker: Will the minister allow a question?

Mr. Garson: Yes.