

*Columbia River Treaty*

cause this other route has been taken we are being deprived of the very rights which would have been ours had the procedure of introducing a bill been followed.

I do not know why this present procedure has been adopted. No one has ruled on the rightness of it, but in any event the government is depriving the members of this house of the historic right of parliament to deal with a measure without qualification, and without any limitation of our rights by the cabinet or the executive. Therefore, I should like to suggest to you that this amendment really raises for your consideration the very grave and serious problem of the rights of parliament, and the degree to which parliament can be muzzled and its rights abdicated by the actions of the executive.

**Mr. Fleming (Okanagan-Revelstoke):** Mr. Speaker, with respect to this amendment, quite apart from the constitutional and legalistic questions which have been raised, we must also take into account the substance of the motion itself in deciding whether the amendment can be accepted by this house at this time.

The amendment requires a specific diversion of water for a specific purpose. It asks this house to make a decision to instruct the government to undertake to secure, through an exchange of notes with the United States, the right to divert waters from the Columbia system to the prairie region in a certain amount.

The resource which is encompassed in this amendment is a resource which comes under the administrative jurisdiction of a province of Canada. The effective use of this resource belongs to the people of the province of British Columbia. If we here are required to impose the will of the federal government, by the acceptance of this amendment, upon that province and upon its people when they have already given an indication of what they want, then I feel we are going beyond our jurisdiction. I submit this has to be taken into account. The external affairs committee have had some 50 hearings, and have examined exhaustively and carefully—

**Mr. Knowles:** Mr. Speaker, on a point of order, may I ask whether the amendment has been ruled as in order and whether we are debating the substance of the amendment? If so, others might like to do so.

**Mr. Martin (Essex East):** No; he is giving additional reasons.

[Mr. Scott.]

**Mr. Deputy Speaker:** Order. It is my understanding that the hon. member is speaking to the point of order.

**Mr. Fleming (Okanagan-Revelstoke):** Certainly; and I am speaking to it because the substance has some bearing on whether the amendment should be accepted for consideration by the house at all. The substance, as well as the form, is of some consequence here. If we were to vote and accept this amendment, we would be accepting as a fact that, without prior consultation, we can in effect impose, our will on one of the provinces of Canada with regard to a resource which lies within its jurisdiction constitutionally.

**Mr. Douglas:** Not at all.

**Mr. Martin (Essex East):** Certainly.

**Mr. Fleming (Okanagan-Revelstoke):** I hear an interjection from my left, "Not at all", Mr. Speaker. I wonder what the feeling would be in other provinces if there were this intrusion on the right of a province to have at least some voice in the utilization of a resource that it has the right to consider within its jurisdiction and available for its development. I feel we must take this into account. Article XIII of the treaty does provide in general terms and very precise terms for diversion for consumptive purposes, that there shall be this diversion wherever we want to divert. But if we accepted an amendment that limits this right, without first consulting the province concerned, in my opinion this would be wrong. There is no suggestion in this amendment that we should consult the province; it simply says that we should exchange notes with the United States, and I claim that we would be going beyond our jurisdiction and responsibility in accepting the proposal contained in the amendment.

**Mr. Douglas:** Speaking on the point of order, Mr. Speaker, I am wondering whether the hon. member for Okanagan-Revelstoke (Mr. Fleming) has looked very closely at the amendment which is being proposed. There is no suggestion in the amendment that if we were to pass it parliament would impose its will upon the people of British Columbia or the government of British Columbia. All this amendment says is:

Subject to the negotiation of a further protocol or an exchange of letters clarifying the right of Canada to divert up to 6,000 cubic feet per second or 5 million acre feet annually from the Columbia river—