

*Water Resources Programs*

cussions, particularly in view of the doubts that have been cast on the constitutionality of the whole bill because it invades the water management field.

• (3:30 p.m.)

The second matter I want to raise concerns the proposals made by Your Honour, and I think that in general the grouping appears to be one that would be quite satisfactory. It may be that we will not need a recorded vote on every amendment, but just speaking off the cuff at the moment I wish to say we might want to have a vote on each motion even if it were not a recorded vote.

I wish to speak particularly about motions Nos. 4 and 5 on the Order Paper. Your Honour has raised some question about Nos. 1, 2, 3 and 4, and you also have some reservation with respect to No. 5, which stands in my name. If Your Honour would like to hear argument at this point I am prepared to go ahead.

The bill is to provide for the management of the water resources of Canada. My amendment proposes a new clause 3, paragraph (a) of which reads:

The management of the water resources of Canada is hereby vested in the Minister of Energy, Mines and Resources;

I do not believe there could be any objection to this first part of the proposed new clause because that is what the bill is all about, and those are the words used in it. Proposed paragraph (b) merely extends this definition of the management of water resources a little further and seeks to do what the hon. member for Halifax-East Hants has done, which is to point out particularly that:

—the management of the water resources of Canada is deemed to include the total jurisdiction of the Parliament of Canada with relation to the control of environmental pollution in Canada, not only as to the waters themselves but as to the soil through which they are fed, and the air which transmits substances to them;

In other words, in (b) I am trying to define what this bill is all about, and what the government has said it is all about, that is the control of the quality of the waters. I am defining what such management would include.

Paragraph (c) goes along the same line. It is an attempt to define what is the jurisdiction of the Parliament of Canada. This has never been done, and this is one of the reasons we are in a jam about the constitutionality of the bill. It is too broad, too vague, and nobody

knows what it means. In paragraph (c), I have merely tried to say that this is declared to be the constitutional authority of the Parliament of Canada, and I have therein outlined what I believe to be that authority. I have excepted specifically the powers reserved to the provinces so that there would be no doubt about the areas in which we were trying to legislate and that we were not trying in any way to encroach upon provincial authority. Paragraphs (a), (b) and (c) not only do not go beyond the bill but they turn it into something meaningful, and they define what we are trying to do in the legislation.

Paragraph (d) is the effort I have made to co-ordinate the pollution control activities of the government of Canada. This session we have had various pieces of legislation dealing with pollution. We have had amendments to the Fisheries Act, the Northern Waters Pollution bill, the Northern Inland Waters bill, and various other bills. We have been told that there are going to be amendments to the Canada Shipping Act in connection with pollution from shipping on the east and west coasts. Through paragraph (d) I am merely trying to make the Minister of Energy, Mines and Resources (Mr. Greene) the co-ordinator of all activities of all departments with relation to the management of the water resources of Canada.

Here again, I do not feel it should be considered as going beyond the scope of the bill. I am saying that when other government departments are involved in pollution control this legislation does not apply, but the Minister of Energy, Mines and Resources is the co-ordinating minister. I do not see how that could be considered as going beyond the intent of the bill. I do not feel that to this point we have gone in any way beyond the general intent of the legislation as set out in the recommendation except, as I say, with regard to the use of the words "water quality."

The part of the amendment that may have bothered Your Honour is that which proposes that the minister have the assistance of a national pollution abatement commission composed of five members who shall report to him, and also the provision that the Governor in Council may make recommendations concerning the duties of the commission. This is something that members of this party and my hon. friends to the left tried to achieve throughout the hearings of the Standing Committee on National Resources and Public Works. We tried to get some co-ordinating