

Water Resources Programs

tion will not work in Ontario." But within a few hours the minister of the department, Hon. George Kerr, commented, "That may be true but we shall try to make it work, nevertheless, because we welcome the intervention of the federal government in this field and therefore we shall do our best to see that this system works."

There have been conferences here and there. The crunch will come sooner or later, probably when the bill is passed into law. But nobody seems to know how these provisions will work in any of the regions of Canada. As I say, I hope these difficulties can be ironed out because there needs to be a joint effort if anything at all is to be achieved.

Another thing which concerns me about the government's approach to this bill is the lack of planning and consultation with the provinces. This has led to the situation in which we now find ourselves—the difficulties in connection with constitutional authority. The Ontario people have said, "We do not intend to seek to wreck this act by testing it in court, although we have the opinion that it is unconstitutional; we intend to try to work it out." This is one province which is giving a lead in the effort to control pollution.

What about the other provinces? We have heard from British Columbia. A study has been made there of one project, and we hope it will come into effect. But the whole thing comes back time and again to the penalty clause, the legality of that clause and the fact that it is totally misunderstood in addition to being inoperative as it now stands. I wish all this had been cleared up long ago. At present there are grave doubts, as the hon. member for Greenwood has said, about the constitutionality of the measure. There are even greater doubts about the effectiveness of the clause even if it should be valid when viewed in the context of related provincial legislation.

In summary, I moved this amendment, first, to secure a penalty clause which would be effective throughout Canada, not just in the water quality management areas. Second, I am seeking an amendment which would make the penalty clause effective immediately, not just after water quality management areas have come into existence, which may be anything from two years to 20 years. Third, I am seeking a penalty clause which will have sounder legal validity. Finally, I am expressing a hope that if the amendment is carried it will be easier for co-operation to take place

with the provinces in connection with enforcement of the penalty provisions.

• (9:20 p.m.)

Mr. Randolph Harding (Kootenay West): Mr. Speaker, I hoped the minister would have replied to the movers of the two motions before the House because they put before the House the constitutional question of the validity of this clause. I think we have all been waiting to hear what the minister has to say in this connection. I am not a lawyer and it is not my intention to become involved in the constitutional aspects of this amendment.

The hon. member for Greenwood (Mr. Brewin) moved this amendment on behalf of our party because we would like the enforcement of pollution laws in this country to come under the Criminal Code. It seems to me there have been a number of presentations to this government and to the department urging that such a course be followed. I believe the people of Canada should have the democratic right to clean air and clean water, in other words, to a clean environment, and that if necessary—and I believe it is necessary—that this be enforced by an amendment to the bill which would make pollution a criminal offence.

This would not mean that everyone who was involved in polluting would be placed in jail. I think, however, the protection should be there. Guidelines should be laid down and time limits should be set, because in my opinion the pollution of our environment is one of the most serious offences any corporate or individual citizen could possibly perpetrate. I would point out what I think is an excellent comparison in this field. In doing so I must get away from the question of pollution for a moment. Not long ago we passed a law which prohibited a man from driving if he had more than .08 per cent of alcohol in his blood. This law is applicable in Newfoundland, Nova Scotia, Quebec, the Prairies and British Columbia.

An hon. Member: It has been challenged.

Mr. Harding: Yes, I understand it has been challenged in the courts, but there is no doubt that eventually some amendments will be offered and I believe the law will be enforced from one end of Canada to another. This legislation was passed in order to protect the driving public against drinking drivers. I contend that it is a much greater crime to pollute the environment and to create a hazard to the