

*Supply—Transport*

I am slightly puzzled, in view of the kind of remarks I have heard made concerning the Minister of Trade and Commerce by the hon. member and some of his colleagues, that that particular suggestion should be forthcoming from him. I would have thought, because of the views they hold in respect to the activities of some of the crown corporations, that they would have preferred to have a watchdog within the government watching the activities of some of the other ministers, and perhaps would have urged that the Minister of Transport use his powers in the field of legislation to keep a little closer tab on the activities of his colleague.

There are one or two matters I should like to bring up at this point in the discussion of the estimates and which I believe come within the purview of the Minister of Transport. One has reference to the activities of the meteorological service which has to do with matters of weather. I was quite interested to note that during the recent session of the British Columbia legislature the suggestion was put forward by one member that the meteorological service of the Department of Transport should give active consideration to what should or should not be done in the field of rain-making.

Hon. members may recall that last year on the floor of the house I raised the question of rain-making activities and some question was raised as to whether this was a matter which properly lay within the jurisdiction of parliament and whether I was in order in bringing forward that subject. As a result of the discussion last year I took it upon myself to have some conversations with the Minister of Justice during which I told him that I would like to know a little more about the constitutional aspects of this particular matter. Recently I had a letter from the minister which sets forth an opinion on this matter, and I shall refer to this letter in a moment or two.

Before doing so I should like to draw the attention of the committee to the fact that this matter is causing increasing and widespread concern in British Columbia. As I say, it was raised on the floor of the legislature and, if my information is correct, a resolution was passed calling for the setting up of a committee to investigate this whole matter. It appears that an increasing number of large corporations in British Columbia which operate in a field where they are dependent upon rainfall, either to operate pulp mills or to develop hydroelectric power, are engaging the services of a concern which installs and operates rain-making machines for the purpose of increasing the downfall of rain within a particular watershed.

[Mr. Barnett.]

The problem which arises in the minds of a great many people is as to the right of private concerns altering the precipitation in a particular area. They question whether a company which may hold certain forest rights should have the right to alter precipitation in such a manner that it might affect adversely the operations of a man farming within the same area or of a summer tourist resort operator in the same area. As I say, this question is coming increasingly to the fore in British Columbia at the present time.

I feel that sooner or later the question of where jurisdiction lies in respect to the operating of these machines will have to be decided, and perhaps some regulations issued or arrangements made in regard to how and when such machines can be installed and operated. The letter which I have from the Minister of Justice I perhaps should read in its entirety, because he makes a fairly balanced statement. It says:

I have no hesitation in expressing the opinion that the "weather" if it ever comes to be the subject of legislation, falls within the exclusive jurisdiction of parliament since any such law would surely relate to the general welfare of Canada. We do, as of course you are aware, now operate meteorological services and exchange information with other countries. If any operations are ever undertaken with a view to regulating or controlling climatic conditions, such would almost certainly fall, for legislative purposes, within the exclusive jurisdiction of parliament.

However, such a generalization as I have thus made does not preclude entirely the possibility that in some circumstances the activities of "rain-makers" might be regarded as calling for legislation by a provincial legislature for local purposes, the licensing of them for example. A province could certainly not enact legislation, however, to authorize or regulate operations which might, in the least degree, affect climatic conditions outside the province.

As is frequently the case in dealing with questions relating to the distribution of legislative power under the British North America Act, it is not possible to say that certain activities or operations, actual or prospective, fall in the provincial or the federal field for legislative purposes. Such questions can only be satisfactorily dealt with by giving consideration to a concrete legislative proposal.

I am not necessarily suggesting that I think the Minister of Transport should immediately come forward with concrete legislative proposals in this field. However, inasmuch as the existing meteorological services in this country fall within the jurisdiction of his department, I feel it would be appropriate, in view of the development of this activity and in the light of the statement that the Minister of Justice has so kindly given me, that within the activities of that branch certain studies in this connection could very well be carried out. I put that idea to the minister at this time for his consideration.