

*Criminal Code*

the marketing of our oil or gas, into the hands of a competent board which can call witnesses and deal with all the economic and other phases of the over-all problems of putting Canada's oil and gas to work for Canadians.

Motion agreed to, bill read the second time and referred to the standing committee on railways, canals and telegraph lines.

**CRIMINAL CODE****AMENDMENT WITH RESPECT TO WATER  
POLLUTION**

The house resumed, from Friday, March 18, consideration of the motion of Mr. Diefenbaker for the second reading of Bill No. 186, to amend the Criminal Code (nuisance).

**Hon. Stuart S. Garson (Minister of Justice):** Mr. Speaker, when it was declared six o'clock on March 18 last I had just begun my remarks upon this bill and had pointed out the reasons why I thought it was not adequate to deal with the problem with which it purports to deal; and had related to the house that a conference had taken place between representatives of the governments of Alberta, Saskatchewan and Manitoba in Regina on October 1. At this conference a unanimous decision was reached, subject to the approval and confirmation of the governments concerned.

**Mr. Diefenbaker:** Before the minister goes on with that, will he permit a question?

**Mr. Garson:** Yes.

**Mr. Diefenbaker:** It has to do with the suggestion he made the other day that the new section is different in import and purport from the old section. Before he goes on to explain the ramifications arising from the meeting that took place, will he be kind enough to explain wherein the new subsection 2 of section 165 is different from the old section that has been in the law for a number of years? I have not the section number in mind at the moment. The old section read:

A common nuisance is an unlawful act or omission to discharge a legal duty, which act or omission endangers the lives, safety, health, property or comfort of the public, or by which the public are obstructed in the exercise or enjoyment of any right common to all His Majesty's subjects.

The minister pointed out the other day that the new subsection 2 of section 165 reads:

(2) For the purposes of this section every one commits a common nuisance who does an unlawful act or fails to discharge a legal duty and thereby

(a) endangers the lives, safety, health, property or comfort of the public, or

(b) obstructs the public in the exercise or enjoyment of any right that is common to all the subjects of Her Majesty in Canada.

[Mr. Nickle.]

With the exception of the redrafting, what is different in these two sections?

**Mr. Garson:** If I understand my hon. friend's question correctly he is asking me whether I contend that the new section differs in any point of substance from the old section. I agree that there is no substantial difference between them. I did not argue that there was. All I was arguing was that the amendment moved by my hon. friend, whether made to the old nuisance section or, as he proposes, to the new one, was not for the reasons I have already developed a proper amendment for the purpose for which he was seeking it.

I was, and am, suggesting that a much more rational method of dealing with the problem of the pollution of rivers is not by any police court prosecution under the code at all, but by concerted action on the part of the governments concerned which will bring to bear upon what is essentially a health problem the work of experts in the field of health rather than the efforts of criminal lawyers.

I pointed out that a unanimous decision had been reached at the conference on October 1 that the three prairie provinces would join together in setting up a proposed joint pollution control board with certain functions. This board would first of all collect information as to the source and type of domestic, industrial and other waste being discharged or flowing into interprovincial rivers. Upon the basis of this information which had been so collected it would assess the physical, bacteriological and chemical effects of such wastes on water to be used for domestic, industrial or other purposes. It would then select priorities of use and establish the objectives for the control of pollution of these rivers. It would make recommendations for the correction of these conditions which might be shown to affect adversely the accepted use of the water in these rivers.

It would recommend, for example, the control of pollution by the granting of permits to those who may put any effluent into these rivers, or by any other means; and would recommend also such further action as might be required to meet those objectives which I have named. It would continue an educational campaign based on the fundamental idea that water is a valuable resource which must be protected and used logically.

And then it was agreed that the recommendations of the proposed joint board should be carried out by the provinces concerned, either through existing legislation or if necessary through new legislation; and that so far as possible the legislation of the three provinces concerned would be uniform.