

Criminal Code

from the criminal law. The boundary waters treaty of 1909, which created the international joint commission, contained this provision:

Boundary waters and waters flowing across the boundary shall not be polluted on either side to the injury of health or property on the other side.

From time to time since 1909 complaints of pollution contrary to this stipulation have been the subject of investigation by the international joint commission, and substantial progress has been achieved. The nature and extent of that progress, I do not intend to discuss this afternoon. But I should like to mention to the house that this progress is outlined in what I believe to be one of the best speeches if not the best speech, that has ever been made on the subject of water pollution. I refer to a speech made in the other place by Senator Norman P. Lambert, which is reported in the Senate *Hansard* of December 2, 1953, page 86. I would commend this speech to the attention of all hon. members who are interested in this problem.

The second category consists of interprovincial waters, those which form interprovincial boundaries as does the majestic Ottawa, and secondly those streams which rise in one province and flow into one or more other provinces, such as the great Saskatchewan river in its both branches. It was the opinion of the former prime minister, Mr. St. Laurent, that the control of such watercourses was of local and private interest. With that view, I respectfully disagree. I find myself in respectful agreement with the view of his successor who, as the private member for Prince Albert, had this to say on February 26, 1956, page 1632 of *Hansard*:

In that statement the Prime Minister—

Of course, the reference is to Mr. St. Laurent.

—said that it had normally been a matter of local interest. I immediately challenged that suggestion with reference to an interprovincial river. It is of more than local interest. When a river crosses the boundary lines of one or two provinces it immediately becomes the concern of the federal government. The federal government concerns itself over the comfort and health of fish in that type of river. Is it too much to ask that the same regard be given to the demands of human beings? Certainly, the situation is very serious.

Mr. Martin (Essex East): Fisheries, of course, is a federal responsibility.

Mr. Bell (Carleton): That, of course, is true. The situation here is different. I am going to submit to the house two aspects over which the federal authority has jurisdiction. I am submitting that there would be no invasion of provincial jurisdiction in parliament acting to prevent pollution of such interprovincial water-courses; first through the instrumentality of the criminal law and,

[Mr. Bell (Carleton).]

secondly it is at least arguable that parliament has a jurisdiction akin to its jurisdiction over interprovincial works and undertakings.

Finally, there is the third category of waters, the exclusively provincial or local waters. I refer to those which lie wholly within the territory of one province. Many of these are tributary to international or interprovincial waters. When the Prime Minister, as a private member, sought to use the instrumentality of the criminal law to deal with this matter, he confined his bill to interprovincial waters or those streams which flow into interprovincial waters. Personally, I see no reason why the Criminal Code would need to be so confined. The fact that parliament can, if it so desires, create offences in respect of this third category of waters is, I believe, evident. The present resolution which the hon. member for Selkirk has placed before the house this afternoon, imposes no limitation upon the waters to which the penalties would apply.

Now to determine whether or not the somewhat drastic remedy which is proposed by the hon. gentleman is necessary, and if necessary, a satisfactory one, we must examine the extent of the problem. Has water pollution, in fact, reached a stage where only a drastic solution will suffice? Naturally, that body of water which I know best is that great river which uncovered this magnificent ancient rock escarpment to provide the impressive sight for these parliament buildings, the Ottawa river, which for 40 miles washes the northerly boundary of my historic constituency of Carleton. For a distance of about 360 miles from the head of lake Timiskaming to Carillon rapids the Ottawa river forms the boundary between Ontario and Quebec. I think it is fair to say that throughout the whole of its lower reaches, indeed from Chaudiere falls just above these buildings to its mouth, the Ottawa river has become incredibly contaminated, has become satiated with every kind of filthy corruption.

As I indicated earlier, no one in public life has made a more extensive study of Ottawa river pollution than Senator Lambert. I quote from his speech of December 2, 1953, Senate *Hansard*, page 89:

In short, one might say that the lower regions of the Ottawa river present at this time the most outstanding example of an open trunk sewer to be found anywhere in Canada, and its effect is to make a mockery of the beautiful site on which successive governments, as well as the people of the whole country, have envisaged an ideal capital city and district.

From my own observations I adopt Senator Lambert's opinion as my own. This opinion was almost fully confirmed by an elaborate report made in 1956 by the Ontario