

*Criminal Code*

consequences facing this twenty-fourth parliament of Canada. No nation in the world has been so profligate with its resources of soil and water as has Canada. Our profligacy, our prodigality, is catching up with us and in my opinion the launching of a genuine national soil and water conservation program is long overdue. It is such a program about which the Prime Minister (Mr. Diefenbaker) has spoken so eloquently and so movingly on other occasions. It is my submission that such a program must provide as an essential feature not only for the conservation of the volume of our water resources but for the protection of the quality of those resources as well. No more vital or significant action awaits the attention of the government and parliament than the launching of a vast and imaginative national soil and water conservation program, and I am confident that the debate today of one aspect, one segment of the whole problem will make a helpful and significant contribution to progress on the larger issue.

As the hon. member for Selkirk pointed out, the problem arises principally in two ways; first, from the discharge of domestic sewage and, secondly, from the discharge of industrial waste. The rapid growth of population in our major cities since the second world war and, indeed, during the second world war, the expansion of industry—indeed, in the chemical field one might say the mushrooming of industry—have intensified the problem in many areas of the country to a critical stage. The use of atomic energy may well create an even greater hazard in the near future.

There is no use denying that domestic and industrial effluent must have an outlet. Later I hope to say something of the research developments concerning its disposal which have occurred recently but I believe that we should not, as we enter into this debate, lose sight of the fact that a water course must serve a number of functions. One of those is to carry away sewage and waste from communities, industries and other activities associated with the development of the country. The basic problem, therefore, is simply to ensure that domestic and industrial waste are given sufficient treatment before they are permitted to enter into water courses and that the protection of water quality for public health requirements and for recreational and wildlife purposes is assured.

The approach to the problem suggested by the hon. member for Selkirk is to make it an offence under the Criminal Code to discharge waste without sufficient protective treatment. This is a field in which, as a private member, the Prime Minister took a very vital interest,

and I am sure that the intensity of his concern has not decreased despite the multitude of his other problems. The hon. gentleman has referred to the bill introduced in the 1956 session by the right hon. member for Prince Albert and I should like to make reference to the terms of the proposed amendment to the Criminal Code then suggested. It was proposed at that time to add to the Criminal Code a section dealing with nuisance, section 165A, which would read as follows:

Every owner, lessee, or person operating any industrial plant, oil refinery, chemical works, saw-mill or other plant or works, or any other person, who discharges or throws or allows to be discharged or thrown any noxious waste product, raw sewage, oil, sawdust, chemical or other matter or thing into a river, stream or other water any part of which is interprovincial or which flows into any interprovincial water, which has the effect of endangering the lives, safety, health or comfort of the public is guilty of (a) an indictable offence—

Then it goes on to prescribe the punishment and continues with the alternative:

(b) an offence punishable on summary conviction.

It will be observed that the effect of this is not to prevent the use of water courses for the carrying away of industrial effluent but it does provide appropriate penalties for the breach of a mandatory obligation that these effluents be so treated as to destroy or neutralize the noxious qualities before being so discharged. In the light of research developments which have occurred, some of which I want to refer to later, I think this is not too much to ask of industry. Personally I do not concede the excuse that industry cannot afford the cost of pre-discharge treatment of waste effluents. The nation cannot afford the cost of permitting industry virtually unrestricted access to water resources for the disposal of effluent. Effluent can and must be treated to render it harmless to humans and to fish and other wildlife and that, as I conceive it, is the purpose of the hon. member in moving this resolution.

The solution of the problem is complicated by the fact that we are dealing with three categories of water resources.

First, there are international waters. I am speaking now only of fresh waters, not salt waters. These, in turn, are of two classes; those lakes and streams, such as the great lakes, the St. Lawrence, the St. Croix and Pigeon rivers and other streams which constitute boundary waters. Then, there are those streams which rise in Canada and flow into the United States of America or those streams which rise in the United States of America and flow into Canada. These waters, of course, are under jurisdiction of the international joint commission. There is, I submit, over these waters a constitutional jurisdiction apart