

Water Resources Programs

Later the article goes on:

The problem of water pollution in Canada and the U.S. is so vast it's hardly comprehensible. And it's growing every day, hundreds of thousands of tons of detergents, solvents, bits of bark, raw or partially raw human waste, food and industrial wastes, organic and inorganic acids, cyanides, oil, arsenic, garbage, fertilizers, pesticides, bathing waste and unpronounceable chemicals are poured into rivers and lakes.

It's no wonder that somewhere during the last decade Lake Erie died. The largest freshwater lake in the world it is now turning slowly into a weed-choked swamp, and water within its shoreline cannot be used for cooking or drinking. Not even boiling or chlorination can remove the contamination.

And so I could go on, Mr. Speaker, as many illustrations are given. The lake which my constituency borders is Lake Ontario, and there we have some of the most beautiful beaches in Canada. They have become threatened with pollution to the point where it is almost impossible to use this natural area for swimming. I do not want to see Lake Ontario turn into another dead lake such as Lake Erie. This being the condition of affairs, we believe it must be dealt with by efficient, effective and clearly enforced legislation. That is the purpose of the amendment I have placed before the House and I commend it to the minister and to the House. I suggest that it is of the utmost importance, if we are sincere and mean what we say about this, that we do have the clear prohibition that my amendment suggests. It does not prevent sophisticated systems of analysis and scientific investigation. Without the proposed amendment the act will be weak if not unconstitutional. If that were so, it could turn out to be a cruel hoax on the people of Canada.

Mr. G. H. Aiken (Parry Sound-Muskoka):

Mr. Speaker, I rise to speak to my amendment to clause 8 of the bill. It is somewhat similar to that of the hon. member for Greenwood (Mr. Brewin) but does recognize the central theme of the legislation, namely, that there are water management areas which must be considered.

The amendment that I am proposing would make penalties for pollution of waters Canadawide. First, I do not intend to go into the constitutionality of the clause as was done by the hon. member for Greenwood. He has made a case, and a strong case, for the fact that the clause as it now stands is beyond the power of the federal Parliament. This opinion has been concurred in by the Attorney General of Ontario who feels that not only this

clause but several others are unconstitutional in that they invade the provincial field and do not enact criminal law as such.

I do not wish to pursue that question further, Mr. Speaker, because the whole concept of the bill has been challenged by the Attorney General of Ontario. This particular point has certainly been disallowed by the chairman of the committee and it has been ruled by Mr. Speaker that the constitutionality of a bill is not a point of order for Parliament to decide upon and that the Speaker does not have that power. Therefore, if the minister insists upon proceeding with the legislation he does so, of course, on the advice that he has received and at his own risk. I merely say that there are several parts of this Canada Water Act that have very doubtful constitutional validity. I will leave it at that and proceed to the meat of my amendment.

When the Canada Water Act was introduced to the public in August last year in the form of a public relations release by the department, it was immediately the general belief of the public that there was a \$5,000 a day penalty for polluting waters anywhere in Canada. I cannot say that the department was guilty of misleading the public, because the literature did not say that this was the fact. Nevertheless, the great stress that the minister and his predecessor who introduced the legislation at that time put on this \$5,000 a day penalty, and the implication that they were no longer going to let people get away with polluting the waters of Canada, left the impression that as soon as this bill was passed there would be a \$5,000 a day penalty for polluters all across Canada. That is not a fact. No place in Canada will have a \$5,000 a day penalty when this bill is passed. When this bill has passed this House and the Senate and receives royal assent, at that moment there will not be one place in Canada that will be subject to a \$5,000 a day penalty—not one place in Canada that will be subject to clause 8.

I anticipate it will be not less than a year, and more likely two years, before there will be one area in Canada which will be subject to these penalties. Under the bill as drafted I anticipate that it might be 20 years before the whole country comes under the prohibition clause. This misunderstanding has gone on and on. I have read editorials in newspapers, letters to the editor and releases, all propagating the idea that under the bill there will be penalties for polluting. There will not be.