

Northern Inland Waters Bill

Mr. Ricard: To educate.

Mr. Comeau:—to educate the members, a good suggestion by the member for St. Hyacinthe, reads:

11 (1) Where, in the case of any interjurisdictional waters,

(a) the water quality management of those waters has become a matter of urgent national concern, and

(b) the Governor in Council is satisfied that all reasonable effort has been made by the minister to reach an agreement under section 9 with the one or more provincial governments having an interest in the water quality management thereof, and that those efforts have failed, the Governor in Council may, on the recommendation of the minister, designate such waters as a water quality management area and authorize the minister to procure the incorporation of a corporation without share capital—

● (4:30 p.m.)

To me this means that the Canada Water act gives jurisdiction with respect to the territories, because it is concerned with all waters of Canada and the government, under that legislation, can act unilaterally in the control or management of our waters. It authorizes the Governor in Council to exercise pollution control over our federal waters, and there is no necessity for federal-provincial consultation. I, therefore ask the minister again, can the government under the Canada Water act not act unilaterally in the management and control of Canada's waters? If the Minister of Energy, Mines and Resources has authority so to act under Bill C-144, why do we need to introduce Bill C-187? Clause 3(1) of Bill C-187 makes it clear that the waters of the Yukon and Northwest Territories are federal waters. But these are also federal waters according to the provisions of Bill C-144. What, then, is the purpose of introducing Bill C-187?

In speaking on second reading of Bill C-144, the Canada Water act, the Minister of Energy, Mines and Resources said that act is to be the basic policy instrument relating to all federal water programs. His remarks are recorded in *Hansard* of November 20, 1969, at page 1043. This is what he said in part:

The Canada water bill is put forth as the basic policy instrument for all federal water programs, and I think hon members will agree that we must assure ourselves that by our best efforts here in this House, and in committee, we bring forth the best legislation we can conceive in this complex and often highly technical field.

The Minister of Energy, Mines and Resources clearly thinks that the Canada water bill, when passed, will apply to all federal waters. Since, according to clause 3 of Bill C-187, the waters of the territories are

federal waters, there is no need for Bill C-187. Does the bill give new authority to the government? Does it give the government authority it does not already possess under other legislation? I do not think so. I do not see the necessity for this bill, and particularly for those parts that purport to deal with pollution. Again I ask, what is the purpose of the bill?

I do not wish to be too critical of the minister but to me it appears simply a political gesture on his part or his department's, in order to let the territorial governments participate in pollution control matters, especially since they were disappointed with the constitutional changes of last fall. If the purpose of the bill is merely to give the territorial governments a voice in these matters, I submit that it is redundant. If this matter is not spelled out clearly in the Canada water bill, an amendment may be introduced to it to give those people the Minister of Indian Affairs and Northern Development is concerned about a voice in these matters.

Further, this bill is redundant because it seeks to do exactly what the Canada Water Act was designed to do. Of course, the Minister of Indian Affairs and Northern Development probably has some reservations about the Canada Water Act, as my party has and as many others have. That could be a valid reason for introducing this bill. Probably the minister does not believe that the Canada Water Act will be effective in managing the waters of the territories. Another valid reason for introducing this legislation might be his opinion that the Canada Water Act is inadequate, inefficient and too cumbersome to be effective in controlling water pollution. Perhaps the minister feels that only by introducing this bill can the waters of the north be protected.

Clause 2(2) of this bill deals with water diversion. The Minister of Energy, Mines and Resources says Canada's waters are not for sale; however, the Prime Minister has been saying that we should not be too possessive with our national waters. Who is right? Are we really speaking with one voice, as the Minister of Energy, Mines and Resources suggested today? The question of water diversion comes under the heading, especially with respect to northern waters, of a water quality management program. This program is the essence or root of the Canada Water Act which is concerned about the quality, quantity and management of our waters. As I say,