

*Fisheries Act*

ent section 33 of the act which governs pollution of the waters is very extensively revised under the minister's proposal. I should like to say I welcome certain aspects of the approach the minister has taken, as indicated by the provisions of this bill.

I welcome the fact that the approach being proposed, particularly with regard to the additions to section 33, is one of positive control rather than of negative control. In other words, as the minister has suggested a number of times, the Fisheries Act should not be a weapon to be used against people but should be a mode through which the authority of the department can work positively with industry to ensure that our waters are protected. To that extent, I feel the proposals are a step in the right direction. I feel that these particular additions to section 33 can be welcomed by all members of the House and fully supported.

However, when we consider the proposed changes to the present section 33, I feel we move into an area in which we may find we do not see eye to eye entirely with the minister's proposals. The minister quoted section 33, and I should like to quote it again. I refer to the part having to do with protection of our waters from pollution. It reads:

No person shall cause or knowingly permit to pass into, or put or knowingly permit to be put, lime, chemical substances or drugs, poisonous matter, dead or decaying fish, or remnants thereof, mill rubbish or sawdust or any other deleterious substance or thing, whether the same is of a like character to the substances named in this section or not, in any water frequented by fish, or that flows into such water, nor on ice over either such waters.

Well, in view of some of the statements the minister has been making across the country, I expected there would be some rephrasing of the rather archaic wording in that particular section of the current Fisheries Act. The proposal which he has brought forward, while it may be couched in more modern words, is a move to weaken the authority and power of the Fisheries Act rather than, as the minister attempted to suggest to us in his introductory speech, a move to strengthen the act.

● (4:10 p.m.)

Perhaps, as the minister suggests, the wording may clarify the act, but I submit that as matters stand before us at the moment in this Parliament what the minister is proposing to us will weaken the jurisdiction of the Fisheries Act, and the power of the minister to take effective measures to prevent the growth of the pollution of the waters of Canada. I would

like to outline my reasons for having this feeling after having made this analysis of the minister's bill. In order to do so, I should compare the present section with the proposal in the bill. I am going to quote only part of it at the moment, but I think it is the parallel part;

—no person shall deposit or permit the deposit of waste of any type in any water frequented by fish or in any place under any conditions where such waste or any other waste that results from the deposit of such waste may enter any such water.

Then, Mr. Speaker, further on in that same clause is a proposed definition of the word "waste":

"waste" means (i) any substance that, if added to any waters, would degrade or alter or form part of a process of degradation or alteration of the quality of those waters to an extent that is detrimental to their use by man or by any animal, fish or plant that is useful to man, and

(ii) any water that contains a substance in such a quantity or concentration, or that has been so treated, processed or changed, by heat or other means, from a natural state that it would, if added to any waters, degrade or alter or form part of a process of degradation or alteration of the quality of those waters to an extent that is detrimental to their use by man or by any animal, fish or plant that is useful to man—

If one compares those two wordings, one cannot but agree that the wording proposed in the bill is much more modern, is clearer, and is broader in its context. Certainly, in the light of the kind of industrial society in which we live, this bill contains a much more adequate definition of waste and provisions for the control of its disposal than section 33(2) of the present Fisheries Act. But, Mr. Speaker, it seems to me that there is a joker in here, and this is the point that concerns me. When one looks at it, the whole value of the definition as it is set forth is contingent upon what is done in another act, or, I should say, what is now contained in another bill that is before this Parliament. I say this because all of what is in the proposed bill in respect of the Fisheries Act, in the definition of waste and in the powers of the minister to control waste that may be harmful to fish going into waters, is subject to the Canada Water Act.

The initial prohibition of persons putting or depositing waste of any type into water is subject to subsection (4) of the bill, which in turn makes it clear that it is subject to the provisions of the Canada Water Act and to the conditions:

—authorized by regulations made by the Governor in Council under paragraph (a) of subsection (2) of section 16 of that Act—