

*Water Resources Programs*

properly to consider the pros and cons of legislation which would provide for joint federal-provincial agreements in the management of the waters of a complete watershed. As it is, Mr. Speaker, we have neither fish nor fowl in this bill. Somebody asks: What about water? I would say it is a much watered-down piece of legislation that will not have very much impact when, and if, it is enacted.

• (9:40 p.m.)

I turn to another aspect of this matter which I think is ancillary to the question involved in the amendment, namely, the exercise of the clear authority in criminal law which, as I understand it from listening to people who are learned in such matters, is clearly within our constitutional jurisdiction. Flowing from that is the question that water management is our clear jurisdiction, under the BNA Act, in connection with fisheries. Mr. Speaker, I think that here is room for some of the regulatory authority that is suggested for clause 8 of the bill as it stands, because no one can quarrel with the fact that because the federal jurisdiction over fisheries is clearly set out in the BNA Act, we in this Parliament have the authority to enact forms of regulation concerned with the maintenance of water quality standards.

In part because of this knowledge, Mr. Speaker, I feel that this amendment should merit the support of the House because on the one hand, while the Fisheries Act does give quite clear jurisdictional authority in the field of water management regulation and control, no one who has studied the various aspects involved in the question of pure water and its uses can deny that fisheries jurisdiction is not complete jurisdiction over water. Indeed, the whole question of provincial jurisdiction over resources in one way or another enters into it, but in combination with that particular authority we have another field of water control. If we exercise the clear federal jurisdiction under the kind of law that is proposed by my colleague the hon. member for Greenwood, I think that so far as water purity and its maintenance is concerned we have a pretty fair ability to ensure that water quality standards are maintained in Canada from coast to coast and northward to the Arctic.

I know that the people who considered this bill in detail in committee went into the whole question of the merits and demerits of the charging of effluent discharge fees. Having listened to enough of the discussion

[Mr. Barnett.]

on this point I feel that this is a faulty concept which would be eliminated if this amendment were adopted. I can see that there is room for industrial plants to bear a fair share of the cost of the maintenance of water quality, but it seems to me there are better ways of levying this form of charge or tax than the proposed effluent discharge fee. In this connection I am quite prepared to support the other amendment we are considering, the one moved by the hon. member for Parry Sound-Muskoka (Mr. Aiken), because he makes clear that he would eliminate this particular feature from clause 8 of the bill.

It seems to me, Mr. Speaker, that we should be prepared to accept at face value some of the statements that various ministers have been making in this area. If we could accept at face value—which is pretty difficult at the moment, in view of the minister's position on this bill—the kind of statements he made in his speech to the law students, this would be fine. I hope we can accept at face value the kind of statements that have been made recently, both publicly outside the House and before the Fisheries Committee, by the Minister of Fisheries (Mr. Davis) in which he stated categorically that pollution should stop at the plant fences. If pollution stops at the plant fences, there will not be any place for the levying of effluent discharge fees.

I believe we are on much sounder ground as far as maintenance of water quality is concerned if we accept that point of view and say that water that goes outside an industrial plant should be of such a quality that it will not have a deleterious effect on the waters into which it is being discharged, whether they are inland waters or waters on our seacoasts. For all of these reasons I feel that the amendment moved by the hon. member for Greenwood warrants our support. If it fails to be accepted by the House, then so far as I am concerned I would be prepared to support the one moved by the hon. member for Parry Sound-Muskoka as a somewhat less acceptable alternative to the existing provisions of clause 8 of the bill.

I find it very difficult, unless the minister was completely misquoted in the report which was referred to by my colleague from Kootenay West, to understand how he can now sit in this House as a minister sponsoring a bill which has in it a clause like the one he is proposing. I would hope that even now, if not tonight then certainly after some consultation with his colleagues he might be prepared to