

Water Resources Programs

I think that members who were on the committee recognized and understood the definition of those waters which are strictly within provincial boundaries. We have indicated that unless it is in the national interest, the federal government is not in a position to take any direct action.

The second part of the document which I would like to quote reads as follows:

It terms the bill's provision making pollution a criminal offence "an invasion of the provincial legislative authority in the guise of criminal law."

These are matters which I believe are subject to discussion with the Department of Justice and are within the terms of the Canada Water Act. The provinces have legitimately raised this particular point. They have expressed their concern and have asked for discussions in these areas. However, I must say that the Premier of Ontario indicated that the problem of controlling and managing our waters is urgent. He said also that he will not abandon the fight against pollution, nor will he abandon the constitutional rights of the province.

I have suggested that the two amendments before us are beyond the scope of the bill as it has been drafted and are not in accordance with the principles which stand behind it. I think that regardless of the concern that members of the House have expressed with regard to the use of our waters at present and in the future, it is not within the purview of this bill or in accordance with the concept behind it, for the government to accept these amendments.

Mr. Aiken: May I ask the Parliamentary Secretary a question? Would he not agree that amendment No. 25 is merely a restriction upon the application of the bill and is not an essentially new law? Would the government not be prepared, at the very least, to accept the first two lines of that amendment which does not enlarge the bill but merely states that the act shall not be construed to authorize any treaty or convention with respect to exporting the water resources of Canada? Surely, this does not extend the purpose of the bill in any way.

Mr. Orange: I listened to the earlier explanation of the hon. member for Halifax-East Hants (Mr. McCleave). I am afraid that in spite of his attempt to put it in as simple language as possible so that we might understand, I did not understand the relationship between water quality and what he was attempting to achieve in this amendment. I

am referring to what he said on a point of order. May I say, in reply to the hon. member's question that I cannot help wondering what would be achieved if we left the first two lines, other than to improve the drafting, that is if we left the following words:

This Act shall not be construed to authorize any treaty or convention with respect to exporting the water resources of Canada.

● (5:50 p.m.)

I am not too sure what this would mean in terms of law.

Mr. Harding: May I ask the Parliamentary Secretary a question? Does he mean that in the preamble the words "research and the planning and implementation of programs relating to the conservation, development and utilization of water resources" does not affect export?

Mr. Orange: I suggest, Mr. Speaker, that maybe the hon. member should have read the balance of the preamble. I know he has read it, and the balance of the preamble covers the point I was trying to make.

Mr. Deputy Speaker: Is the House ready for the question?

Mr. Orange: On a point of order, Mr. Speaker, I wonder if it would be the desire of the House to group the various amendments so that we could have one vote to cover a series of amendments, or a series of votes at one time, as is provided for in the rules?

Mr. McCleave: If I may speak on that, Mr. Speaker, since I am the member directly affected I would say no. I hope my emphatic "no" would bring Your Honour to rule on that point. I have supported the amendment of my hon. friend who led off in the debate this afternoon, but I think there are some differences between my amendment and his. I hope Your Honour would recognize those differences. I also hope I would have the chance to speak to my own amendment, not to cover the points I made previously but with regard to the points in my amendment. If Your Honour's inclination is that way, I will not press the point further.

Mr. Deputy Speaker: My understanding is that the procedure at this point would be as follows: I will put the motion in the name of the hon. member for Kootenay West (Mr. Harding), and if there is a division or a recorded division required on that it will be deferred. I will then put the motion in the