

*Fisheries Act*

particular balance that a society wants to create as between algae and vegetation in water and fish life.

All this proves is that the fortunes of our fish and our marine plants, including algae, are interrelated. They are interrelated in the natural scheme of things. This is a very good reason why they should also be related, closely, under our national Fisheries Act.

Hon. members will doubtless be interested in our marine plant research program. Most of this work is carried out by biologists with our Fisheries Research Board. The Board has its main environmental laboratories in Nanaimo on the West Coast; in Winnipeg, Manitoba; Burlington, Ontario and St. Andrews and Dartmouth on the East Coast. There, our scientists are studying the effects of various pollutants on algae both in fresh water and in the sea.

This brings me directly to the subject of pollution. Anything that harms fish or stimulates the growth of algae may be harmful to man himself. Marine life, indeed, is often more sensitive to pollutants than mankind is. It follows that the living resources in water are our first line of defence. Healthy fish mean a healthy environment and a healthy fishery is undoubtedly the best insurance policy we can buy in our battle against pollution in water.

The idea of preventing pollution in fisheries waters is, of course, as old as the Fisheries Act itself. The act has always contained clauses dealing with this subject. Indeed, a clause along those lines actually appeared in the Upper Canada Statute of 1860. Here is how the Fisheries Act has read for decades and still reads in so far as the discharging of waste into fisheries water is concerned. The act reads in part:

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.

The present act goes on to say:

The Governor in Council may by order, deem any substance—

I repeat, any substance.

—to be a deleterious substance for the purpose of this section (of the Act).

We have these formidable powers now. We have these powers without amending the

[Mr. Davis.]

Fisheries Act. We have them without the bill today. However, they are not specific enough. They are difficult to administer fairly. They don't deal with "wastes" in quantitative terms. By quantitative terms, I mean concentrations. Nor do they relate, directly, to other pieces of federal legislation such as our new Canada Water Act or the Northern Inland Waters bill.

The old definition, in other words, is not good enough. It needs to be updated. We need modern wording and we need phraseology which is consistent with that used in other federal acts. Besides, we need to place the emphasis on prevention rather than cure. We should use terms which look ahead, which are designed to prevent pollution before it occurs and which place the emphasis on upgrading our waters rather than simply punishing the offender after the damage is done.

We can achieve these objectives by defining "wastes" in the right way. We are attempting to do this in the present bill by using the same definition of "waste" as appears in the Canada Water Act. "Waste", according to the Canada Water bill definition and according to the Northern Inland Waters bill definition as well as according to the amendments proposed for the Fisheries Act, therefore means this. I quote from the bill:

—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

—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—

This, then, is the definition of waste. It will be the same under the Fisheries Act as it will be under the Canada Water Act. The two pieces of legislation will be on all fours. What is deemed to be waste under the Canada Water Act will be waste under the Fisheries Act and vice versa.

Of course, we will be able to write detailed regulations. We will be able to identify substances and name concentrations which are permissible in water. Any amount of a waste substance which is in excess of those concentrations or which would kill juvenile salmon, for example, is out. It will be deemed to be waste. It will be deemed to be pollution under the Fisheries Act as well as the Canada Water Act.