

International Rivers

transaction or project. The whole effort of those who are trying to get Bill No. 3 through this house has been directed toward obscuring the real principle of the bill by constant reference to the Kaiser dam and the Columbia river development program. The Liberal party have played so much very questionable politics in this whole business that many of them are confused about the real intent and purpose of the legislation. For that reason, before I close I would like to bring the debate back to the real principle of the bill itself.

Mr. Byrne: Your party took it away.

Mr. Low: What is the principle involved in this legislation? The minister who introduced the bill, the hon. member for Vancouver-Quadra (Mr. Green) who spoke for the Conservative party, and indeed several others appear to believe that the principle is provision for the development of Canada's water resources in the national interest. But I maintain that is not the real principle at all. The development of Canada's water resources in the national interest may have been the hope in the mind of the minister. It may even be one of his sincere desires. I am not going to claim, and I never have, that the minister is insincere. I have a great respect for him. Sometimes I differ sternly with him and I shall continue to do so if I feel that is warranted. But if that is one of his sincere desires then I say it is also the sincere hope and desire of every Canadian worthy of the name. We all want to see the water resources of the country developed in the national interest, and that certainly is the hope and desire of the government of British Columbia. I talked to members of that government about this project, and I gathered from them their complete sincerity of purpose and desire to do the right thing. Certainly every one of the Social Credit members of this house wishes to do his utmost to bring this hope to a full and glorious realization.

However, I say that is not the real purpose of the bill itself. The real purpose is to try to establish the federal government in complete and exclusive control of every body of water which rises in Canada and any part of which flows across the boundary line between Canada and the United States, together with all works and improvements that are now in existence or may be brought into existence along these rivers. I am referring to works which may cause a rise or fall in the level of the water at the boundary.

Mr. Lesage: There is more in it than that.

Mr. Low: Yes, I believe there is, but that is certainly enough.

[Mr. Low.]

Mr. Lesage: I would ask the hon. member if, after reading this bill, he does not agree that it does not apply unless the works alter the use of water outside of Canada?

Mr. Low: That may be.

Mr. Lesage: It is written in the bill.

Mr. Low: I do not think the bill makes that too clear. At any rate, by far the most serious aspect of this legislation is what looks like an attempt by the government to bring about an important change in the constitution by the simple process of passing an obstructive bill through this house.

That brings me to something I would like to say about the constitutional aspects of this whole thing. The Minister of Northern Affairs and National Resources last night went to some lengths in his speech to show that the bill is entirely within the competence of the federal government because it comes under section 92, subsection 10, of the British North America Act. The British North America Act was devised by men of vision, men who were, I think, quite earnest and who did a good job. I have always felt that the division of powers as arranged in the British North America Act was sound, good and wise.

Section 91 sets out those subjects which are of exclusive federal jurisdiction. Section 92 sets out those matters which are of exclusive provincial jurisdiction. But there is another group, namely those powers that are in the twilight zone, not specifically allocated either to the one or the other. In this present instance the federal government has invoked the most invidious section of the British North America Act, section 92, subsection 10, and has used it as the constitutional basis for this bill. I say the section is invidious for the reason that every time it has been invoked it has engendered ill will and disunity in this country.

In the second place, that is a section which the framers of the British North America Act felt should be and would be used sparingly, because it involves the most sweeping powers. A government that was anxious to be fair and just and to promote national unity would be extremely careful in invoking that section of the British North America Act, especially in cases where for many years a province has been exercising rights under their own legislation without challenge, rights which are bound to be interfered with by the federal action now contemplated in Bill No. 3. When I say legislation which has remained unchallenged for many years, I refer to the legislation referred to yesterday by the hon. member for Vancouver East, the water act of