

Water Resources Programs

Mr. Thomas S. Barnett (Comox-Alberni): Mr. Speaker, the amendment that we have before us is very simple in its wording. It reads:

No person shall deposit or permit the deposit of waste in any waters.

I think that would make a good text for any sermon. Indeed, it is apparent from the remarks just made by the hon. member for Kootenay West (Mr. Harding) that in effect the minister himself used that text on an occasion not very long ago. I only wish, as other hon. members have indicated, that the minister were on his feet at this moment urging the House to adopt an act which contained a provision which would in effect clearly make it a criminal offence to engage in the pollution of waters or indeed of other aspects of our environment. In other words, it seems to me that if one regards the general picture of the federal jurisdiction in this area, the short, straightforward amendment proposed by the hon. member for Greenwood (Mr. Brewin) is in effect the keystone in a coherent effort by the House and by the government to create a pollution-free environment in Canada.

The reference to an environment of Canada act which was quoted by my colleague, the hon. member for Kootenay West, indicates just how far short the minister has fallen of the objectives he stated in his speech when bringing forward the bill which is before us. It seems to me that if the government had been willing to start with the simple proposition that is stated in the amendment, and had developed an approach to dealing with the whole question of maintaining a decent environment from this point of view, we might have been building on a solid foundation so far as the development of legislation in this area by the Parliament of Canada is concerned.

Unfortunately, the government has chosen by the introduction of this bill to start building the house in midair with nothing by way of a sure foundation underneath. I for one regret that this has been the course of action they have followed, perhaps all the more so because I came to the conclusion several years ago—I made reference to this in dealing with another amendment—that this was the consensus arrived at regarding the appropriate place at which the federal government should begin.

The essential idea in this amendment is not a new one in this Parliament. Indeed, not in this form but with essentially the same pur-

pose a bill was introduced in the House a number of years ago. It had to do primarily with the pollution situation in the North Saskatchewan River. A bill was introduced in the House which provided for a direct amendment to the Criminal Code. It was introduced by the right hon. member for Prince Albert (Mr. Diefenbaker). That bill and its successors were discussed, considered and debated in the House on a number of occasions. In saying this I am not suggesting that the be-all and end-all of dealing with pollution in the legislative sense is the exercise of the criminal law and the powers of the federal government that flow from our constitutional jurisdiction in this field. I am suggesting that unless this element is clearly present, the constitutional fabric, apart from anything else, is not very sound or solid.

I had hoped that the first piece of legislation in this area which the government would bring forward would be along the lines that the minister suggested in the speech he made at Osgoode Hall, an environment of Canada act which would have as its keystone our essential jurisdiction in the field of criminal law. Flowing from that I submit we could have much more logically and naturally an expansion of various working arrangements between the government of Canada and the other levels of government across the country. But because we started with something that is in midair, that is constitutionally questionable, already we begin to hear, as other speakers have mentioned, concern, grumbling and complaints from the provincial governments which have been studying this legislation and its consequences once it is enacted by Parliament.

I suggest that while this is not the complete answer to a proper federal approach, the substitution for the existing clause 8 in the bill of the proposal made by the hon. member for Greenwood would go a long way toward rectifying the fumbling and faulty start that has been made by the introduction of the Canada water bill in its present form. In other words, with this idea as the keystone, an environment of Canada act could set out within that framework the kind of quality standards that have been discussed in relation to another amendment, not only in the field of water pollution but in the field of air and soil pollution. With that as a framework, backed by suitable provisions for an expanding research program in order to keep those standards in line with the most advanced knowledge in science and technology, we could have begun