

*Criminal Code*

charged with this offence was doing something which was unlawful according to provincial law it was not thereby an unlawful act within the meaning of the Criminal Code.

That being the case, Mr. Speaker, the argument advanced by Mr. Garson at that time falls by the wayside. Consequently there is no protection at all in the Criminal Code as at present constituted which in any way permits people who come within the four corners of the bill proposed by the hon. member to seek and secure some remedy. Therefore it is my specific submission that this legislation not only is sensible but is also necessary because no protection exists today under the provisions of the Criminal Code.

There is one other point I might make concerning the value of this legislation. It has occurred to me, considering what might flow from the bill if passed, that there might be various benefits to people who suffer hardship, because of the fact that this is being established as a criminal offence. It occurs to me that they might have the right to seek an injunction in the civil court. I believe this point was raised by the hon. member for Kootenay West when he referred to an opinion given by a former president of the Canadian Bar Association who suggested that as the law stood it would not be possible for people, say, in Saskatchewan to go into Alberta to seek an injunction against the continuance of the state of affairs of which they complain. I throw this out as a suggestion, but this bill, should it become law, would establish a criminal offence and consequently any individual or company, or, possibly any municipality which sustained private damage might well be able to secure an injunction, bearing in mind that the act complained of would be against the law of the country inasmuch as it would be designated a crime under the Criminal Code.

Finally—and this was one of the points raised at the time of the interesting debates in 1955 and 1956—it might have the effect of permitting a person in one province who suffers damage there to press a prosecution in the province where he lives rather than in the province where the actual discharge takes place. This might require some amendment to the bill as introduced by the hon. member but since he has described the advantages of the legislation in such lyrical terms and told us so sternly of the dangers which would flow from failure to pass it I am sure he would have no objection to an amendment of that kind being considered. It may be that the particular situation in Saskatchewan which led to the Prime Minister and other members from Saskatchewan pressing for a measure of this type has in part been abated but this is a situation which could arise in any other

part of Canada at any time. I support the proposed legislation. I hope it will have the effect, first of all, of arousing public interest, and that in due course it will become part of the law of this country.

**Mr. H. F. Jones (Parliamentary Secretary to the Minister of Veterans Affairs):** The house must have been utterly dumbfounded this afternoon to hear the hon. member for Kootenay West claim that the passage of this bill would be the first step in combating the pollution of our rivers and streams in this country. I can only wonder where he has been this session to make such a claim and such a statement.

**Mr. Herridge:** I gave the government credit for what it had done later in my speech. This is the first amendment of the Criminal Code.

**Mr. Jones:** That certainly was not the message which got across to my ears. Anyway, such a claim, advanced in this way by the hon. member for Kootenay West, would seem to give the impression both to the house and to the country that the tremendous program undertaken by the present government under the inspiration of the Prime Minister to combat the problem of pollution, the \$100 million program being carried out across the country, had never been initiated.

The Prime Minister brought this whole matter to the attention of the country as long ago as 1955 and even before that time by his speeches, by his method of presentation and by his introduction in the House of Commons of the measure on which the legislation now put forward by the hon. member for Kootenay West is patterned. More than any other person the Prime Minister focussed the attention of the country on this problem of water pollution. We have only to look at some of the results of the program undertaken by the government in this field to see what the record is. Every hon. member in the house will recall—at least, everyone save the hon. member for Kootenay West—that certain amendments were introduced this year to the National Housing Act to provide for loans to municipalities in respect of sewage treatment, the provision of new schemes and assistance in the prevention of water and soil pollution. The Central Mortgage and Housing Corporation was authorized to make loans under part 6B of the National Housing Act to municipalities or corporations to assist in the construction or extension of sewage treatment projects. At that time in the House of Commons the Minister of Public Works (Mr. Walker) explained this proposal in detail. The minister said, for instance:

A sewage treatment project, for purposes of the Act, is a project consisting of a trunk sewage