

Dumping at Sea

nity for individual members of the public, who might have reason to apprehend an emergency at sea, to anticipate such an emergency or to be effective in bringing into action the sections of this legislation.

I think that one of the matters of concern in this legislation, and in much of what has come forward from the Department of the Environment, is that there is relatively little attention given to a process which would encourage public participation, either in the sense of expressing anticipated dangers or in the sense of creating a mechanism which would allow for the effective registration of complaints.

We will want to consider that and particularly the failure, as I read the bill, of any mandatory provision for the public to initiate the calling of the board of review. That is done only with the permission of the minister, and there are a variety of reasons one could anticipate, without attributing any meanness of motive to the present minister, why the minister might not want to make that reference to exercise that discretion, but there is no mandatory right of the public or of a member of parliament to call the board of review into being, and that is a matter we will want to have explained to us with specificity at the committee stage.

One of the related weaknesses in this aspect of the bill is that even where public complaints might arise there is no provision in the bill, as I read it, for a reliable reference or a mandatory reference to the committee or to the board of review for consideration. Concerns which might have occupied question period in the House of Commons for five days in a row need not be referred, simply because they are in issue here, to the responsible agency. I admit that this is a long shot, but if the minister decides that he or she does not want that reference to be made, the minister has the discretion and the power to stop consideration of a question which may be of such public importance that it has occupied the attention of this House for some time. I do not mean to suggest that all matters which occupy the attention of this House for some time are necessarily of paramount importance, but that is often the case. One of the matters we want to have explained to us is why there is not a greater reference in this bill to the encouragement of a response to public concern.

One of the other matters which may make sense to people who might have had the chance to study in detail the whole history of issues relating to dumping, or perhaps to people who have specialized in law of the sea questions, is why there is a provision in the bill that there will be a two-year delay in any proceeding, in respect of the legislation, after its passage. I think we will want to have from the parliamentary secretary, or the minister or her officials in committee, some justification or some indication of the reasons for this two-year delay, and some justification for a delay which may extend over a period which could cause serious problems for the coastline of Canada and, indeed, for the waters off-shore.

As a layman in the various fields of international law it seems to me that this is a holiday which is given to people, companies, or ships which might violate the spirit of the accord, and we will want to know in some detail why there is this two-year delay in the application of the

[Mr. Clark (Rocky Mountain).]

possibility to charge an offender with an offence under the legislation we now have before us.

There is another matter which may have less to do with the problems of international law and the prohibition of dumping than it has to do with the status of the Department of the Environment among the portfolios of the government. As I read the definition section of this legislation there is reference to enforcement by a minister, but there is no specification as to who that minister will be. It may be that the minister concerned will be the Minister of the Environment, but we cannot take that for granted. The mere fact that the Minister of the Environment sponsors the bill does not mean that that minister will be the one referred to in the clauses of the legislation.

● (2050)

Just the other day we had legislation which appeared in the name of the President of the Privy Council (Mr. Sharp) and which would involve actions taken by other ministers. There is no guarantee of that, without the specific indication that the minister concerned here is the Minister of the Environment. That may seem a relatively small point to some members but it is not when seen in the context of the general concern of Canadian environmentalists for a commitment by the government to high environmental standards.

There has been all too much evidence on all too many fronts that the Department of the Environment in Canada is very much a junior partner, second in status and lacking in clout compared with other departments of the environment in other jurisdictions.

Mr. Corbin: Name them.

Mr. Clark (Rocky Mountain): I am challenged by the hon. member opposite. I can name the United States of America for one. I know that my colleague from Madawaska-Victoria (Mr. Corbin) is speaking with his usual expertise on this matter, which is to say not much, but it is clearly the case—

Mr. Corbin: The stupid things you are saying!

Mr. Clark (Rocky Mountain):—that in comparison with the United States the provisions for the empowering of environmental authorities in this country are much weaker. We could go through a list of examples starting with their determination to consider problems of asbestos discharges and going on to a number of other categories. If the hon. member opposite wants to engage in debate about the matter we can do that on another occasion.

The problem now is that we have a bill before us which might be enforced effectively by a strong minister of the environment but which probably would not be enforced effectively by a weak minister of the environment, and which certainly would not be enforced effectively if, by statute, the minister who had the power was not the minister of the environment.

If the government had the commitment to environmental questions that the hon. member opposite suggests it has, it would have specified in this legislation that the minister concerned here is the Minister of the Environ-