

*Government Orders*

• (1650)

The government's acceptance of my suggestion for a five-year review or at least the pieces of the proposal that I put together for a five-year review go a long way to ensuring that in the future some of the unforeseen problems can be addressed. Some of the problems are obvious even now, and I hope to have the time today to mention some of them.

My New Democratic Party colleagues and I are committed to improving this act and the process it outlines for environmental assessment.

The bill still tends to reinforce the primacy of development over the environment, and thus reinforces the old trade-off between development and the environment, a trade-off under which the level of environmental destruction demands that we do away with it.

Environmental legislation in Canada should be far-reaching and ensure that environmental considerations are accorded the importance they deserve. Bill C-13, even with all its improvements, still comes up short in this regard.

Let us outline the elements of the legislation dealing with environmental assessment as to what they should include. What are the ingredients to developing an environmental assessment process that will truly aim at preserving and enhancing the environment for our children?

It must be reviewed by an independent agency, resulting in a final and binding decision. It must contain a broad definition of environment and must apply universally to a variety of initiatives, including government policy making.

Discretionary decision-making within the assessment process must be minimized and the accountability of those decision makers must be ensured. Proponents of undertakings must demonstrate that the purpose of the project is justified and that there is an environmentally acceptable need for the undertaking.

Proponents should prove that their undertaking is better than alternatives to their proposal in terms of environmental protection. There should be a significant public role early and often in the planning process and thus must contain provisions relating to public notice and comments, access to information and participant funding.

The final decision must be implementable, enforceable and subject to terms and conditions where necessary. Future monitoring of the environmental impact of projects, especially when combined with other projects and activities, must be accounted for.

The government, in response to pressure I believe from our side of the House and many representatives in the environmental movement, did respond to amendments which moved us closer to environmental assessment legislation which incorporates many of these needs. Others were fudged and some were ignored completely.

Yesterday and earlier today during report stage discussion, the government had the opportunity to respond to the right of Canadians to a safe and healthy environment. It could have accepted amendments which would have allowed for regulations to be reviewed by this House. It could have adopted an amendment which would have insured that this piece of environmental assessment legislation was thoroughly reviewed every five years and not just once five years hence.

In fact, during committee discussion, the minister and other government members said time and time again how important the regulations are to this bill. Yet when it came time for public scrutiny, it decided that it could not happen.

The government often mentions that this bill deals with a very new process and we will not know many of its weaknesses until it is put into practice. The acceptance by this government of an amendment calling for a five-year review does go a long way to putting a mechanism in place to address many of the weaknesses.

While environmental assessment needs to be enshrined in federal legislation, there remains a weakness right at the beginning of the bill. The government refused to include wording in the preamble of the bill which would have reflected the constitutional authority of the act. Including a peace, order and good government clause would have given the bill the stature it is due, providing certainty as to the constitutional basis of the act.

Unfortunately, this omission may open the door for more and more court challenges on behalf of provinces trying to attract industry and sacrifice the environment in the process. The Canadian Environmental Law Association states: "The failure to do so causes us to question the government's profane commitment to achieving a