

*Government Orders*

It will also enable us to recognize the differences that exist from one part of Canada to another in the way Indian people think about the environment and make their respective decisions.

The government has already begun preliminary discussions about this with representatives of first nations who have expressed satisfaction with our demonstrated commitment to effective consultation. In fact one of the practical outcomes of even this preliminary work is an environmental assessment training initiative for the first nations people so that they will have a substantive technical basis for implementing the procedures they eventually adopt.

I wish to continue to point out for members the specific references contained in Bill C-78 to the special requirements of aboriginal people. I referred earlier to the provision enabling joint reviews to be undertaken with certain aboriginal bodies. These are contained in clause 37(1) of the bill and are subject to conditions that are spelled out in clause 38.

These conditions ensure that the basic standards required to discharge federal government requirements under the law are in fact met. These are the same standards that apply to all joint reviews regardless of whether they are undertaken with the province, a foreign state, another federal body, or an aboriginal body, as I have already described.

• (1750 )

The conditions are as follows: The minister can only establish a joint review panel if the minister is satisfied that the minister can appoint or approve the appointment of the chairperson or a co-chairperson and one or more other members of the panel; the minister may fix or approve the terms of reference for the panel; the public will be given an opportunity to participate in the assessment conducted by the panel; on completion of the assessment, the report of the panel will be submitted to the minister; and the panel's report will be published.

These are important conditions. They safeguard the key principles of the federal process but allow enough flexibility so as not to be unduly intrusive where that cannot be justified. In most instances it is anticipated that the degree of federal government involvement in the review will be commensurate with the significance of the federal involvement in the project decision; but as

always the conditions I have just described will prevail to safeguard the federal process.

A different type of interaction between processes can occur when a body established under federal law has a mandate to conduct public reviews and to consider the environmental effects of project proposals in so doing. An example of that type of body is the National Energy Board. More recently bodies established under land claims agreements have this type of authority, for these bodies when certain conditions are met may be declared by the minister to be substitutes for public reviews under the process set out in Bill C-78. This is a practical innovation which will help avoid undue regulatory duplication and confusion, without sacrificing environmental values.

The conditions that are to be met before such substitution can take effect are not only the last three of those I just described for joint reviews, but also the review body must include in its review the very comprehensive range of environmental considerations described in clause 11 of Bill C-78. This will ensure consistency and continued high standards of federal reviews.

The reference to aboriginal people in this regard lies in the fact that such substitutions can only be allowed to occur with any body established pursuant to a comprehensive land claims agreement. The environmental assessment processes established so far under the land claims agreements have been rigorous and thorough. There is every reason to believe they will deliver sound environmental decisions.

One of the most intriguing and potentially one of the most important and powerful provisions of Bill C-78 is the manner in which the trans-border provisions relate to Indian land interests. The trans-border provisions are to apply only when there is no explicit federal government decision to be taken under clause 5 of the bill in respect of the project such as those decisions which trigger the normal assessment provisions of Bill C-78. Under the trans-border provisions, the environment minister can call for a public review and can issue a stop work order for projects that may have serious trans-border effects until satisfied that those effects are acceptable.

In respect of most Indian land interests the term trans-border is somewhat of a misnomer, but the same sort of principle applies as to interprovincial or international trans-border problems. It is intended that the