

*Government Orders*

anywhere in the legislation and what that means about this government's commitment to this principle.

As well, I have problems with the degree of cabinet control over key elements of the review process and the failure of the government to specify the regulatory powers which will accompany the legislation. How these regulatory powers are distributed, who is responsible for what in the review process, what projects will and will not be subject to review, these and other questions are at the heart of the bill and will determine how serious the government is with Bill C-78 when it comes to environmental assessment.

The introduction of mediation into the review process is an encouraging step. When opposing parties in an environmental dispute can sit down in a less adversarial situation and come to a decision quickly and efficiently, we all win.

When a project is small or the environmental consequences are primarily local in nature, such as in the case of a municipal landfill site, a way of ensuring speedy and cost-effective dispute settlement is required. In these cases mediation may well be the ideal process.

Under the EARP guidelines order there is now no way to differentiate between large costly projects and more minor localized ones regarding environmental reviews.

Bill C-78 proposes a tool for accomplishing this and we will have to examine it more closely just to see how effective it is.

However, I have serious questions regarding the criteria which the minister will use to determine which individuals or groups will participate in the mediation process. How will these participants be chosen? Who will determine those that will be rejected, and what kind of appeal process will there be?

We must also ensure that the minister gives mediation a fair chance at success. Section 25(a)(i) indicates that the minister will decide beforehand whether mediation would be successful or not.

Regarding financial assistance to review participants, many have heralded it as a great improvement to the environmental review process. I agree. Bill C-78 provides for funding for each review even though the levels of this funding may vary. Hopefully this measure along with the mediation process will ensure the legitimate

environmental concerns are adequately heard. Yet there is much missing in this aspect of Bill C-78. How much money will be committed to this is not known because, unfortunately, the details of the financial assistance program have not even been submitted to the Treasury Board.

A follow-up program is something which has been sorely missing in the present environmental review process and I welcome its addition. Under section 34 of Bill C-78 the responsible authority or the departmental minister takes the review report and decides whether a project will be carried out or not. If a project is to be carried out the responsible authority will have to design, inform the public of, and arrange the implementation of a follow-up program which would ensure the compliance and the enforcement of decisions regarding the project.

It makes no sense to me, though, that the final decision and the follow-up program is to be left solely to the discretion of the responsible authority and not the environmental minister or, better yet, an arm's length agency.

In the bill which claims to recognize federal responsibility in environmental assessment through the environment minister, it is strange that first, the environment minister is not obliged to press for a full panel review and, second, that the powers of final decision, implementation, and enforcement of review recommendations seem to be out of the environment minister's control as well.

The present EARP system allows individual ministers to follow their own agenda, even when the agenda varies from the environmental needs of Canada. I do not see how Bill C-78 changes this at all.

We are all familiar with the problems resulting from the present process which bestows to individual ministers the power of decision regarding environmental assessments. It is these problems which Bill C-78 is supposedly designed to address.

For example, the federal fisheries minister is responsible for the environmental review process when a proposed project may impact on water and fish life. This ministry has recently decided that the Ashfield landfill site proposal in Inverness County in my riding must go to a full panel environmental review. DFO has taken over a year to come to this decision, thus placing proponents.