

*Government Orders*

ly vast. I quoted a moment ago from the Canadian Environmental Law Association and its concerns.

I would like now to take a moment to quote from a letter from the national environmental law section of the Canadian Bar Association that it sent to the FEARO office three weeks ago regarding its concerns with the regulatory structures as they are now being developed and why the approach proposed by my colleague for The Battlefords—Meadow Lake would allow members of this House back into that process.

The process is vitally important in terms of projects in our constituencies and a project or events which are environmental but give us concern in the country as a whole.

It points out that environmental assessment under Bill C-13 will be triggered in various ways, but for the present purposes in terms of this section of the correspondence, it points as follows to clause 5(1):

5.(1) An environmental assessment of a project is required before a federal authority

And under subclause (d):

(d) under a provision prescribed pursuant to paragraph 59(f), issues a permit or licence, grants an approval or takes any other action for the purpose of enabling the project to be carried out in whole or in part.

The point that I want to make here is that these two provisions when read together give the Governor in Council considerable discretion. It goes on to say:

However, certain observations may be made as to the intent of Parliament to structure that discretion.

One of the things that my friend from The Battlefords—Meadow Lake is doing here is he is attempting to bring us back into the process.

It was the government side not so many weeks ago in the firearms legislation that allowed parliamentarians back into the process to scrutinize regulations and to bring a new way of bringing those regulations back before the House if we felt necessary in substantial numbers. It would require 20 members of the House to trigger it. That is something we would all agree is quite reasonable.

It means about one member in 15 in the House has to feel so strongly about the proposed regulatory authority as to have it brought back before the House.

Let me give you some examples of why this is so important. These are things that very few members of

this House are aware of. I am quite confident that almost no one in the country is aware of the Trojan horse nature of the regulations that are coming now with Bill C-13. This involves the whole reason that we have to have public disclosure and parliamentary scrutiny.

I quote again: "The national environmental law section appreciates the relative openness of the regulatory process employed to date under Bill C-13. Nonetheless, we are concerned about the process by which the statutory and regulatory provisions regulation is being developed.

Specifically, it is extremely difficult for even persons well versed in federal law and environmental assessment to make an intelligent evaluation of the discussion draft for this regulation.

We can comment on the legislative provisions which are referred to but can only guess at what has been left out. The only truly appropriate way to approach the development of this regulation would be to begin with a consolidated list of all federal powers, duties or functions which may be relevant and then proceed by a process of elimination. At a minimum the process of public consultations can only be effective and legitimate if the inclusions and exclusions from the list suggested by various federal authorities are made public".

It seems to me what my colleague is proposing here then brings us back in, which is absolutely mandatory. Let us look at what it is now proposing to dump out the side door.

Provisions under the Migratory Birds Convention Act are now proposed to be set aside. At the moment, a permit is required for any person who would disturb, destroy or take a nest, egg, nest shelter, eider duck shelter or duck box of a migratory bird pursuant to section 6 of the migratory birds regulations.

A large window of opportunity for projects to be assessed in the whole of the country was under that. Now we find under the regulatory authority the government wants to dispose of that. It similarly makes the point in relation to the Sparrow case how important constitutionally it is that that provision be in there for First Nations, but that has also been dumped out.

Subsection 9(1) of the atomic energy control regulations are proposed to be deleted. There is another trigger. Migratory birds, trigger, pull, boom. Under the atomic energy control regulations, one of the most