

It is clear from the January 23, 1992 Supreme Court of Canada Ruling that the Alberta Government requires approval under the Navigable Waters Protection Act for the Oldman Dam. Since approval for the Oldman Dam under the Navigable Waters Protection Act was quashed on March 13, 1990 by the Federal Court of Appeal, the Alberta Government is clearly in breach of the Act.

On behalf of the Friends of the Oldman River, I request that pursuant to the Navigable Waters Protection Act you direct the Alberta Government to keep the valves and the spillway gates open until such time as the Federal Environmental Assessment Review Panel has completed their report and you have made your decision based of their recommendations.

I could carry on and read the rest of the letter, but it is abundantly clear the justices of the Supreme Court of Canada ruled unanimously in terms of affirmative regulatory duty. Here is the expression of political will by a government. It broke the law and violated the Constitution of Canada to make a special deal for Alcan on Kemano II and there is still no review taking place in British Columbia in federal jurisdiction.

In Alberta, the highest court in Alberta quashed a permit allowing for construction. The dam itself is illegal. It was constructed illegally. To allow it to fill is a violation of an affirmative regulatory duty. Does the government express itself in its affirmative regulatory duty, either the Minister of Transport or the Minister of the Environment? No. The reason that I raise these is that the public has a right to take a look at a piece of legislation from both ends. One must look at how a government deals with major environmental issues as a new piece of legislation is approached because the same kind of political behaviour can be expected once the legislative tool is in place.

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That is why I was shocked to read the secret cabinet memoranda on this new legislation and to discover while we have 20 panel reviews in place right now, this new legislation will allow so many exemptions that there will probably only be a couple of review panels per year, according to the memorandum.

Everything else will either be exempted or given permits or go through a mitigative process. That to most Canadians will be viewed as an entirely inadequate approach.

With Rafferty-Alameda, the Federal Court of Appeal ordered the minister to comply with the international river improvement act. Since then we have had four ministers, Minister MacMillan who cut the original deal

as a land trade, Minister Bouchard now with the Bloc Quebecois who failed to live up to the law, Minister de Cotret, and Minister Charest, all Tories, all four of whom have done nothing to live up to the laws as passed by this Parliament.

They violate in each of the western provinces on a regular basis the laws and statutes passed by this Parliament. And Parliament acts as though we are entirely neutered, that we can do nothing, ministers of the Crown flagrantly violating the Constitution and the laws. Would any rational Canadian think that they would do anything other with Bill C-13 than to use it as a game of snakes and ladders, to use every loophole that they could find?

Let me come to some of those loopholes. The Great Whale project, the Grande Baleine project in Quebec, again is another example where the Minister of the Environment had to be practically bludgeoned, had to be dragged through the courts to live up to an existing trilateral agreement between the Cree, the province of Quebec, and the federal government. He had to be dragged through the courts to live up to that, simply to get the review process going. Agreement between the Quebec and federal Ministers of the Environment is just finally getting underway. It is a process that we will have to wait and see how it works out.

With Point Aconi in Nova Scotia, the wrong minister was made the minister. The minister of fisheries and the Supreme Court of Canada have found there is no trigger mechanism under the fisheries act to require the minister to go beyond an initial environmental assessment.

The minister of fisheries says, "Well, Point Aconi is not going to affect fish". Well, every scientist in the country knew that Point Aconi was going to affect the atmosphere, not the warm water outflow. It was the atmosphere.

Did the Minister of the Environment who was taking this legislation through committee bother to do anything about Point Aconi himself? No. Even though the previous Minister of the Environment had told me to my face that that was precisely what should have been reviewed because it violated Canada's sacred commitment in Geneva from a year ago to at least stabilize carbon dioxide emissions at 1990 levels.

That project will violate without any opportunity for mitigation or mediation a solemn commitment that we made to more than 100 countries.