

*Energy Supplies Emergency Act*

life on an exploitative concept of natural resources and our consumption of natural resources, but during all these years have neglected for the most part to do anything about protecting those resources from a conservation point of view. In addition, we have done very little to protect the environment, the earth we live on, from the ravages of our industrial onslaught.

To me it is peculiar that for many years debate went on between the advocates of a strong federal position in the environmental field and those who felt that the federal government ought not to get itself directly involved in the environmental field because some people said it was essentially a provincial matter. There were brought before committees of this House experts who gave evidence as to what the federal power was in environmental matters. I was not one who ever gave testimony, but I have read some of the testimony that was given. Many of us believed that if one were to look at the provisions of the British North America Act in the context of the time that statute was passed, in view of the fact that environmental considerations were not matters specifically given to the provinces the federal government did have a very good argument for saying that, wherever necessary, it should be able to exercise its federal power to protect the environment.

However, these arguments were never really accepted by the federal government over the past few years and this is clearly shown in the legislation that has been passed. I refer to acts like the Clean Air Act and the Canada Water Act, which for the most part do not go into operation unless provincial agreement is sought and obtained in advance. We have always had the Fisheries Act, which for very many years has been the most effective anti-pollution legislation in this country, at least with respect to our waters. But this is a government and a party which for the last half dozen years or so have backed away from exercising a strong federal position in environmental law and yet now propose to this House that they give the right to abridge what law there is to a five-man board.

Surely there is a grave inconsistency in the approach that the government has taken over a number of years. I think there comes a time when the federal power has to be exercised in the interests of all Canadians. I would be the last one to run and hide behind the shield of provincial rights in every case when the national good required federal action. But I find it passing strange that this government, which for the most part has retreated when it comes to taking the initiative in proposing environmental legislation, now advances with a vengeance and grants to a board the right to make regulations to take away the effect of environmental laws, provincial, municipal and federal, which we have all worked so hard to pass in the last half dozen years.

Although they have not directed their minds to this so far in the debate, some apologists for the government may well say that subsection (1) of clause 24 provides that the board "may" consult with other bodies, including the provinces. But that is a permissive provision; there is nothing making the consultation mandatory. The Minister of the Environment and some members of the government may take some comfort from the fact that under subsection (2) the board "shall" consult with the Minister of the Environment. But the Minister of the Environment does

[Mr. Fraser.]

not have the power under this bill to say no, even if he wanted to, and unless he can win the fight later on in cabinet with his other colleagues the recommendation put forward by the board will take the form of regulations no matter whether the Minister of the Environment is against it or not. The government may well say, "Well, of course, that won't happen". All I can say to that is that every time legislation is passed that overrides rights and laws and gives an amazing amount of power to a few people under a so-called crisis, this is the hardest legislation to get off the books, and it is at that time that things happen which everybody said beforehand would not happen.

I can give some examples of this, Mr. Speaker. As I have mentioned before in this House, I very well remember reading some extracts from the minutes of the proceedings before the justice and legal affairs committee where the then minister of justice said that the rules of natural law would apply to a certain section in the new Expropriation Act. This year the courts have said no, that is not so at all. I also remember reading with some interest the comments of the Minister of the Environment several years ago when this House was debating the James Bay project. The position was put to him: Would the environmental studies that the government was prepared to do in conjunction with the province of Quebec be conducted before construction began? His reply was, "Yes, that is our intention". But, of course, that is not what happened at all.

In this regard the press not long ago made a very interesting observation. It pointed out construction was well under way, before any environmental studies had been completed or were even likely to be completed. On August 23 of this year the *Globe and Mail* reported as follows:

Results of the first environmental impact studies on the James Bay hydroelectric project will not be made public until after three airports and a 450-mile road are finished and a start made on the first and largest dam complex.

J. C. Tremblay, the James Bay Development Corp. official in charge of federal-provincial relations, said yesterday that by next spring construction of three airports and a 450-mile road will be finished. And construction on the LG2 dam complex, the largest of four on the La Grande River in phase 1 of Quebec's hydroelectric development, will have started. Meanwhile, Mr. Tremblay said yesterday that in fact very few, if any, "environmental impact studies" have been started by either the federal or provincial scientists engaged in the cost-shared environmental impact effort.

Under the federal-provincial agreement, the true environmental impact studies—the ones that attempt to uncover problem areas and recommend changes in plans to prevent environmental damage—will not start until next year, Mr. Tremblay said.

And because even cursory environmental impact studies take at least one to two years to complete, this would mean any results and recommendations based on the results could not be made public until late in 1975 or 1976 at the earliest.

● (1550)

When government members say that these things will not happen and we are becoming alarmed about something that is not likely to take place, I remind them of what we were alarmed about yesterday and the fact that they have in fact taken place today. If one looks at the legislation the federal government has passed in recent years in respect of the environment, he will see that my contention for the most part is correct in that the federal government has