ment's centralist policies, Bill C-38 might not be an effective pollution control instrument. With a bill as important as Bill C-38 one would have expected the federal government would have had full and intensive consultation with the provinces and industry. On May 16, in the House, the Minister of Fisheries and the Environment stated:

In the application of the pollution provisions of the Fisheries Act to industry, we try to work co-operatively with provincial governments. Over many months leading up to the final preparation of this legislation, my officials consulted with their provincial counterparts. Many of the proposals in this bill are a result of those consultations, and I might say that in some cases provincial input helped us to improve this legislation. To the best of our knowledge, all provincial fisheries ministers are supportive—

If it had been possible for the minister to attend all the committee hearings—and I know it was not possible—he would have had a chance to read the various briefs presented by provincial and industrial representatives who appeared before the standing committee, and he would be well aware that he was somewhat mistaken. The briefs indicated lack of consultation between the federal government and those affected by the bill. Some of the industrial representatives had a difficult time, according to their testimony, just getting sufficient copies of the bill. The Nova Scotia delegation stated that there was very little prior consultation. Their brief said, and I quote:

These are matters requiring urgent consultation since the province has found through experience that the staff of the environmental protection service of the federal government often does not take account of the economic realities of a particular industry or of the over-all interests of the community it supports or the province in its decision-making respecting pollution control.

That is a very serious indictment. It was presented to the committee by the deputy minister of the environment of the province of Nova Scotia. Discussions between the federal Department of Fisheries and the Nova Scotia department of the environment really only began in Saskatoon after June 2, 1977. Despite all the years this bill was lying around, it is almost incredible to me that this should be the case. The prior knowledge that they as a department had was gained in August of 1976 at a meeting of officials, at which approximately five minutes were spent telling them the type of amendments and the subjects that were going to be covered. There were, however, no detailed discussions. Dr. Henry Landis, representing the province of Ontario, said when he appeared before the committee:

So far as I am concerned, the consultation was 100 per cent one way from the Environment Canada; not the other way around.

All the concerns I had were really regarded as not realistic, not practical, because the Bill was not going to be administered in this way.

I pointed out that in my opinion the bill has to be evaluated not by the intention of the government or the administrators as to how it will be administered in the future but as to what it authorizes. Administrators change with the passing of time, but the words remain in law, and you may have an administrator today who takes one view; you may have a different administrator tomorrow who interprets it differently. I made this quite clear to the people I spoke to.

Those are the words of Dr. Henry Landis who presented an outstanding brief to the committee. I hope those administrators within the Department of Fisheries and within the Department of the Environment will take time to read that brief carefully. It represents many weeks of deep thought and consideration of the problems which will arise between federal and provincial governments because of Bill C-38. At second reading I raised the matter of the problems which would arise if the federal government did not properly consult with the provinces. At that time I said the following:

On this side of the House we are concerned about the possibility of a federal-provincial confrontation over pollution. At the present time the federal government has control over any pollution which affects fish in their aquatic habitat, while provincial governments have control over any pollution which affects their waters in general. In my view, the federal and provincial governments should come to a firmer understanding and commitment on what each controls, and the powers that each can exercise. Otherwise, there is a tendency to confrontation, which I submit can only place further burdens on our presently strained national unity and on our already over-strained Canadian confederation.

It seems to me, when I look at some of these proposals, almost as though they are part of a deliberate plan to break up Canada, a deliberate plan to confront the provinces with policies and powers that should be vested in the provinces. I submit that federal-provincial co-operation is essential, because a province can delay the implementation of any federal anti-pollution regulation. In the case of controversial pollution issues, the provinces could claim that the federal government has responsibility, whereas the federal government could claim the opposite. Without a previous understanding, nothing would be done except pass the buck. Furthermore, what might happen where an industry located in an economically depressed region of Canada—heaven knows, the minister is well aware of some of these regions—might refuse to comply with the federal anti-pollution standards. If the province came to the defence of the industry, would the Supreme Court uphold as constitutional the federal government's claim over water pollution?

Although these are hypothetical examples, they are real possibilities if federal-provincial jurisdiction over pollution is not clearly delineated. It is because of factors such as I have outlined that the government not only faces unrest in one province—namely, Quebec—but similar unrest in Atlantic Canada, central Canada, Ontario and the western provinces. I raise this not to be critical but in the hope that the minister and his colleagues will carefully examine these matters when drawing up bills.

● (2120)

The Nova Scotia brief asserted as follows:

Some of the proposed amendments are foreign to the terms of confederation, incompatible with fundamental tenets of natural resource management, and contradict the federal government's own policies and legislation respecting the conservation, development and utilization of water resources to ensure their optimum use for the benefit of all Canadians.

Furthermore, the Ontario brief said:

The amendments in their present form, if enacted, constitute a serious threat to the administration of the ministry of the environment's programs and the legal validity of its legislation.

The amendments should be evaluated not by how they may be administered but rather by what they authorize. If this standard is applied, they authorize environmental control which, in significant respects, goes beyond anything contained in Ontario's legislation, duplicates important parts of it, authorizes actions which could have adverse effects on the economy of Ontario and imposes on industries and municipalities duties and liabilities with respect to reporting and cleanup which are unreasonable.

The application of the amendments in Ontario, which has effective environmental legislation and programs, is unnecessary.

The conflicts between the federal and the provincial governments are apparent. Because of the manner in which the federal government decided to proceed, that is, arbitrary enactment without prior and intensive consultation, I am not as hopeful now as when the bill was first introduced that C-38 will be an effective pollution control instrument. I submit that consultation could have ensured co-operation. At this stage I