

CHAPTER 3

SPECIFIC ISSUES AND RECOMMENDATIONS

A. In Regard to the Role of the Federal Government

3.1 *Federal leadership.* Almost without exception, and whatever their backgrounds and perspectives, the witnesses before the Committee asserted the need for continued federal leadership on environment and sustainable development.¹ Several witnesses urged either an extension of the federal government's powers to establish national environmental standards, or the use of latent powers that the witnesses believed already exist at the federal level. Other witnesses saw in the proposals set out in *Shaping Canada's Future Together* indications that the federal government was prepared to relinquish powers which the witnesses regarded as essential if federal leadership is to be effective.

3.2 The Committee is impressed by the unanimity and the convergence of views on federal leadership. For example, Pollution Probe and the Canadian Environmental Law Association argued that

Given that a clear federal role in environmental matters is necessary, it must be recognized that Parliament will likely require its entire arsenal of jurisdictional powers to play this role fully. Specifically, we are referring to the full residual power, the declaratory power, the "general" power under trade and commerce, and the spending power.²

From the industry side, TransCanada Pipelines Ltd.'s position is that

Federal authority over the environment should be dominant to provide uniform regulation across the country in respect of environmental processes as well as pollution controls.³

Similarly, the mining industry expressed concern at the indications that the federal government would withdraw from mining (and other fields of jurisdiction). Meanwhile different legal witnesses were concerned at what they saw as a contradiction in the Government's proposals, and the possible adverse signal that this might give to courts dealing

¹ The main exceptions may have been the Canadian Electrical Association and the Mining Association of British Columbia (MABC). The former explicitly endorses a primary role for provincial governments on environmental matters. Though not explicit on this point, MABC's proposals would probably reduce substantially the federal government's role on environmental matters within Canada.

² *Environment and the Constitution*, pp. 25-26.

³ Submission of TransCanada Pipelines Ltd., p. 5.