

secret unless the minister in her discretion, or the company, choose to make it public.

There is another very serious deficiency in this bill as it stands which we sought, unsuccessfully, to repair. The present bill creates a double standard regarding the right to appeal decisions by the minister. Some big company which holds a permit or seeks a permit has a statutory right to appeal the granting, suspension or revocation of a permit. That is the law for the big guy. But the citizen or the community which might be affected by dumping has no statutory right of appeal. The public has to ask the minister, "Please, may we appeal?" The minister, of course, has the right to say no.

However, companies such as those of Christina Onassis and other big shippers have a stronger right than the public of Canada. They have the right to tell the minister they will appeal. There is a statutory appeal for the dumper. There is only a discretionary appeal for the dumpee. That is a double standard and unfairness which should not have been allowed to remain on the statute books of Canada. We sought to end that double standard, but the government members protected the privilege of the potential polluters and left the public at the minister's discretion.

There is another serious weakness which we tried to repair in this bill. Once an appeal board has been established, the bill gives all "interested" persons a right to appear. The problem, Mr. Speaker—you are not a lawyer, as I am not—I am advised by legal advisers, is that the word "interested", in law has a specific meaning suggesting a pecuniary or proprietary interest. We tried to broaden that adjective to "concerned" in order to allow a larger segment of the public to take part in any hearings that could be called. That attempt to involve more Canadians rather than a narrow group was rejected by Liberal members.

Again, another problem in the bill which we sought to address, without success, is that the bill says that any action against any dumper—a person who dumps, such as Christina Onassis or any other big shipper—must be brought before the courts of law within two years of the dumping. There is a two year time limit. Some environmental effects simply cannot be foreseen in two years. Some of them take much longer to become evident.

We tried an amendment which would write in a period of ten years instead of two years, in an effort to cover some of the unforeseen and unforeseeable environmental consequences of dumping. That attempt to protect the public of Canada was also defeated. Therefore a coastal community of Canadians concerned about the environment can do nothing in law about a company which dumps, so long as it takes longer than two years for the effects of that dumping to become known.

This bill, in the opinion of a departmental legal officer, may very well create a situation where the fact that a permit has been issued protects the polluter from civil remedies. Mr. J. C. Carton, the director of departmental legal services for the Department of the Environment, as recorded at page 27:46 of the committee proceedings said:—there is jurisprudence on both sides of the fence. I certainly could not come down on one side or the other with any degree of assurance whatever.

Dumping at Sea

● (1240)

The legal officer said there was no assurance. We introduced an amendment that would build-in that assurance, that certainty that a permit would not protect a polluter from civil action. However, incredibly, it was defeated because a sufficient number of members of the Liberal Party voted against it. I should say that some members of the Liberal Party supported that very progressive measure, but enough objected to it for it to be defeated.

Mr. Béchard: Is it possible for members of the Progressive Conservative Party to be progressive?

Mr. Clark (Rocky Mountain): May I say to my hon. friend who asked me if it is possible for the Progressive Conservatives to be progressive, that anyone who has watched events unfold in Caada particularly in the years since 1968 knows that a more appropriate question would be whether it is possible for a Liberal in Canada to be liberal.

Some hon. Members: Hear, hear!

Mr. Clark (Rocky Mountain): My colleague makes the point that so many of the reforms in Canada have been not simply progressive but Progressive Conservative initiatives.

Finally, we tried in the committee to have the reports which the minister makes to the international body, and which she has now at least agreed to table in parliament, referred to the standing committee. If that had happened, it would have allowed a reliable and extensive parliamentary review of what the minister was doing and how she was exercising her substantial powers of discretion. That procedure of course has implications for other committees. It gives committees rights of their own in the House of Commons and does not make them simply obedient creatures of the government. The reform, however, was just too revolutionary for the government; it wants to keep committees as dependent as possible upon references from the government. So that was lost also.

The bill before us, as amended and certainly as introduced, reveals serious weaknesses in the approach of the Department of the Environment, particularly regarding the highly important question of the right of the public of Canada to participate in environmental decisions. I have spoken about some of the amendments that we proposed in order to advertise decisions. I want to draw the attention of members of the House to the record of committee debates and in particular the contribution made by the Parliamentary Secretary to the Minister of the Environment (Mr. Marchand). When we were talking about introducing reforms which would inform the public of Canada, the parliamentary secretary said, "They are picayune, small points all the time". That is on the record at page 27:22 of the committee's proceedings.

We in the party disagree that public participation in environmental questions is a small or picayune point. We believe it is the essence and at the centre of the rights of the Canadian public in environmental matters, and we reject out of hand the suggestion of the parliamentary secretary that the right to public participation is a small matter.