1987 and that is where we were at that time. Please remember the stress on ministers in the plural.

We then went through an experience with Bill C–78 which at this stage belongs to history. It was a very weak bill and that was repeatedly stressed by environmental organizations, witnesses and the opposition. The government listened to these interventions because it then produced Bill C–13.

In presenting this new rewritten Bill C–13, it became clear that there were still many problems and many changes had been made. The parliamentary secretary is quite right in dwelling on and stressing the positive aspects and changes that were made which one must recognize. There is no doubt about that.

I must recognize, as the parliamentary secretary did, the presence in this House of two chairpersons who very ably conducted the hearings on both Bill C–78 and C–13. We were helped by Brian Pannell and Bill Andrews, two young and very competent environmental lawyers, who served as expert advisers to the committee during the clause–by–clause study of the bill. That was a first. Credit for that initiative goes to the parliamentary secretary who allowed everybody in committee, on both the government and opposition side to call for an opinion on a moment's notice from the two experts. They were then able to tell us how to treat a certain amendment, how to word it, or how to improve the existing language.

Having said all that I must now take you through a very important conceptual flaw that exists in this bill. It will be followed by some points of disagreement that we have.

The conceptual flaw with Bill C–13 is that the bill is designed on the basis that everything is out unless it is defined as being in. In other words the legislation does not require the application of the environmental assessment process to any project that requires federal government approval unless the act of approval, licence or permit is specified in the regulations as triggering the review process.

Many environmental groups, experts and witnesses recommended instead environmental assessment legislation that would be based on a concept which is the opposite side of that one, namely that everything is in unless it is defined as being out. You can appreciate that if you adopt one principle, everything is out unless it is in or everything is in unless it is out, you draft completely different legislation, of course.

The legislation that would have been written under the principle, all is in unless it is out, would require the application of the assessment process to all projects that require federal approval unless they were exempted by regulation. We believe the procedure adopted by the government will be complicated to administer and has the potential for projects to slip through the cracks if the list of triggering mechanisms is not thoroughly compiled. We had some good debate yesterday particularly when it came to section 37, I believe.

Now this is the conceptual flaw. Putting that aside, I would move now to points of disagreement. First of all that has to do with who has the power to be the final decision–maker. It is true that in Bill C–13, unlike C–78, the Minister of the Environment has a significant role in the environmental assessment process. However the final decision–making responsibility for the fate of a project remains in the hands of the minister who is responsible for the project. It would be the Minister of Transport if it is an airport, the Minister of Fisheries if it is a wharf or the Minister of Transport if it is double tracking in British Columbia along a river which has high salmon resources and so on.

This approach is not a desirable one because the minister responsible for the project is also a proponent or at least a strong supporter of the project itself. It then becomes all too easy to use the escape hatch provided in section 37, about which we had a long discussion yesterday, whereby a project can "be justified in the circumstances" even if it will cause, and I quote again from the bill, "significant adverse environmental impact". I described that yesterday as an immense loophole and it still remains as such.

In his rebuttal yesterday, the parliamentary secretary waxed very eloquently about self–assessment. No one could do better than he does on that. Self–assessment does not necessarily mean self–regulation. There is a big difference between the two and he appreciated that. I doubt very much the minister will practise self–assessment and self–regulation at the same time at this stage. I will have something to say about that later.