Albeit as we have been dealing with the 1984 cabinet guidelines order in relation as I have said before to the Kemano project, the Oldman dam in Alberta, the Rafferty–Alameda, Point Aconi in Nova Scotia, or the Great Whale project in Quebec, the development of administrative law has required enormous amounts of fund raising by public interest groups that have been forced to take the proponents—sometimes the government itself—before the courts to try to get rulings as to the interpretation of the 1984 cabinet guidelines order which were not written in a legislative sense. They were written as an Order in Council which is clear to anyone who has taken the time to read them. One of the things that we are faced with in Bill C–13 is that it is a giant step forward. There is no doubt that in terms of clarity it is much more clear. But, regrettably, with the clarity has come shrinkage in terms of its applicability and its enforceability. It likely will take another Parliament to address these issues because it seems that this government has gone about as far as it is prepared to go within the body of Bill C–13. It has balked at over a hundred amendments proposed by my colleague from The Battlefords—Meadow Lake in an attempt to make it more directly enforceable and more directly applicable.

• (1710)

Here we are talking about the mediation section, but in any section you are talking about, it is quite clear that the definition of environment should have been at least as broadly expanded as that found by all of the Supreme Court justices in the Oldman decision of just over a month ago, which goes well beyond the definition that we find here in Bill C–13, and should make reference to social, economic, cultural or built environments.

One of the things that we do know, as I said earlier today, is that there are many existing structures, buildings, dump sites, impediments, river systems, and so on, that are on a daily basis causing more negative consequential environmental impact than many "new proposals" or "new projects" or "new constructions". Clearly, a piece of legislation such as this should have what might be described as some hindsight, a capacity to look at existing or historic human developments that might be having a negative impact on the environment.

Similarly, the definition of "environmental effect" should be amended to expressly include any direct, indirect or cumulative environmental impacts. Regrettably that does not seem to have sunk in yet on the government side.

The definition of "project" focuses almost entirely on physical works rather than government plans, programs or policies driving individual projects. This has been an ongoing debate. Although clause 46 on transboundary and related environmental effects might not be driven that often by projects that have a transboundary nature to them, I think increasingly as we get to understand things like acid rain that is transboundary, marine pollution that is transboundary, problems in the Great Lakes which are transboundary, the movement of diseases among plants and animals which is transboundary, airborne toxics, we come to realize that we need to look at the whole range of impacts, whether they are public or private sector.

Certainly in this House we can be particularly interested in and capable of catching up the environmental significance and environmental impacts of things far beyond simple structures, which is what this legislation and its consequential regulations seem to be driving at.

On meaningful public participation, one of the sections that the Minister of the Environment is attempting to amend at the moment is in relation to something that should have been meticulously included, which is the funding for interveners. There is a separate fund under the green plan but, as most people know, it is very much inadequate and relatively inaccessible. Even the Ontario legislation on participant funding is more clearly dealt with than this legislation. It might well be something that the minister would wish to have been here to speak about, why there was the split in the bill rather than having it carefully included now rather than waiting until some future date beyond the next election.

On the environmental assessment part, the legislation as it is presently being dealt with includes "the consideration of, the purpose of and the need for an undertaking; the alternatives to the undertaking; the alternative means of carrying out the undertaking; the environmental effects, advantages and disadvantages of the undertaking and alternatives; the mitigation measures necessary to address adverse environmental effects; the monitoring and other follow-up programs necessary to address environmental effects; and the public comments concerning each of the above noted factors". The assurance of those things that I have just delineated are not precisely enough dealt with in the bill. We know now that there will be some evaluation of alternatives to but not in