

*Government Orders*

regulatory provisions of legislation with the legislation at the time of its passage.

If the government does not include the regulations, then such as we found with the recent farms legislation, an opportunity is placed right within the legislation for regulatory scrutiny. Regrettably, the government has prohibited that opportunity so far. It still has an opportunity at this time to introduce such an opportunity.

It is very important where the regulatory spread is so wide and where so many people of good interest have urged the government to include the opportunity for policies to be evaluated through environmental assessment right at its initial promulgation. Just as with a project as policies are being developed they should be scrutinized, just as should be the budget and development projects outside of Canada that either make use of Canadian capital or resources, be it intellectual or direct development resources.

I would like to bring to the attention of the House some of the concerns that have been raised by the national environmental law section of the Canadian Bar Association in terms of some of the regulatory sections that are now being worked. There is out there for some consultative purposes a work book on regulations.

In what would appear to the public to be a good piece of legislation, one would assume in its mandatory study list to include things such as new nuclear reactor sites, new major hydroelectric dams, new major forestry proposals that would impact on an entire watershed. One would think that those sorts of things would be there.

I noticed under the nuclear and related facilities assessment section by the legal community the following was found. I will try to simplify it and just get to the nub of it. It is the kind of regulatory exclusion that the public would have some difficulty digesting.

It says that the limit for items (a) through (g) in the new section on regulations related to new nuclear facilities is not justified in the view of the definitions of projects under subsection (2)(1) of bill C-13.

In addition, NELS apprehends that almost all of the limits on inclusion of projects in the comprehensive study list under this heading have been imposed not on the basis of any environmental criteria but rather to ensure minimal interference of the environmental assess-

ment process with the ordinary course of business of the Canadian nuclear industry.

For example, the limit under (c) to nuclear reactors with a power capacity greater than 30 thermal megawatts would effectively remove from the comprehensive study the slowpoke reactors which Atomic Energy of Canada Limited has proposed for such densely populated and sensitive locations as hospitals and university campuses.

This is what we have. As I said earlier, the process began in 1974. We got our first cabinet directive for Canada in 1984 that was consolidated into the 1984 cabinet guidelines order.

In 1987 the Brundtland report *Our Common Future* recommended to all countries in the world that there be mandatory legislated environmental assessment processes that would include the public. By 1988 the gears had been put into forward motion here in Ottawa.

The bureaucracy was drafting, in justice and in other departments, legislation to come before the House. During that period 80 government departments and agencies were consulted. I have gone through one of these "for minister's eyes only" stamped "secret" documents for what was going on in there.

It is kind of alarming because we can go back three years and find on page 4 regarding departmental positions: "Energy, Mines and Resources supports the legislation", that is referring to the legislation before us today, "but opposes applying it to Petro-Canada and Atomic Energy of Canada Limited. Finances concerned about intervenor funding, the inclusion of Crown corporations and the magnitude of uncertainty of the costs of the proposal". On it goes.

As the consultative process was going on, we find different ministers and different agencies trying to pave ways within the legislative process where they can find ways to slip out of, slide out of, avoid having to undergo even an initial screening.

As many people have come to realize, the court judgments that were coming down on the 1984 cabinet guidelines order, whether it was on Rafferty-Alameda, the Oldman through the Supreme Court of Canada decision earlier this year, the court rulings in relation to the Great Whale or the court process involving Kemano II or the Kemano completion process in British Colum-