

*Government Orders*

intention of myself and my party to do everything we can to hold the minister's feet to the fire so that some of the substantive changes that this legislation requires are made. The more than 100 acts of Parliament that should be included, things like the Fisheries Act, the Railway Act, acts affecting Crown corporations and so on, should all be included and they have not been.

It is our understanding from evidence before the special committee that the Department of Justice and FEARO have nearly completed their work in listing all of the acts that have some environmental implication, the Navigable Waters Act and others, so that they could in fact be included in the legislation. That work is nearing completion and that should be done.

There should be nowhere near as many weasel phrases used in the legislation. That means that the sections that have so much leeway in terms of Order in Council powers should be specified in terms of very carefully delimiting regulations so that the public, corporations, industry, provincial, municipal, territorial and federal governments all know just exactly how the legislation should work, how it is triggered and so on. That is lacking.

Policy is not included. It clearly should be. As I noted in the ministerial recommendations from the FEARO documents that are for some strange reason stamped secret, I guess we can find in there some of the reasons why the policy has not been included. Many of the provinces met privately and some of the memos were leaked. We learned through that process that many of the provinces wanted to make sure that the kind of litigation that we have seen in relation to the Rafferty-Alameda, in relation to the Oldman River Dam, in terms of the litigation now under way, and in relation to Alcan's Kemano 2 project could not occur in the future.

I quote from page 22 of 40 pages of this so-called secret FEARO document where it states:

93. Advantages/Disadvantages: The principal advantage of legislation is that it represents a long-term commitment by the Government to good and open environmental planning while also obliging all departments to implement the Process, removing the basis for much criticism. It would ensure that the Government applies its best efforts to preventing environmental damage from its own activities or from those it controls. Some consider that this "advantage" is really a disadvantage in that it could constrain departments' discretion. Assigning authority to the Minister and, in the case of Department of Environment proposals to an agency

reporting to the Minister, for deciding on the level and form of assessment would enhance the credibility of the process.

Now comes the key part:

It is also clear that the public would favour the opportunity to seek legal remedies in the courts if the law is not implemented. Unlike the present Order, however, the legislation would, in effect, establish clear limits for court intervention. Assessments of policy proposals would not be vulnerable to such intervention.

This is the 18th draft. It took 18 ping-pong balls in terms of drafts from those who were drafting it in the Department of Justice and FEARO, on up through the system to the Privy Council Office and the cabinet, and back down again. It seems that every time it came up cabinet requested further limitations in terms of the legislation and more gopher holes.

Effectively it has reached the point now where almost any project imaginable can somehow or other be diverted by the minister's discretion out of the process, meaning that there is no known imaginable project that would with absolute certainty undergo a mandatory environmental assessment and review.

A good in point is what we see on the front page of *The Gazette*: headlines such as "James Bay might start without hearings, Bacon seems to be winner in battle for early start on work." It goes on to point out that the largest industrial project ever conceived of or proposed in North America is the James Bay II project, known as the Great Whale or *La Grande Baleine*, and the NBR. Those two projects combined are the largest industrial proposal ever in the history of North America.

Even though the courts have ruled that the 1984 cabinet guidelines order is mandatory and there are an abundance of federal jurisdictions impacted by the James Bay II project proposal, we have yet to hear a single strong statement from the government that before this project gets under way, before roads and airports are built, before forests are cut down, before construction of the dams begin and so on, the hearings must take place publicly and that that process must be completed.

Surely we have learned from the loss of environment and the loss of federal and provincial government credibility on the Rafferty-Alameda. The disputes seemed to end up with: what is safety related work, what is safety related construction, and what is completion construction? Now we find the premier of Saskatchewan dumping on the Minister of the Environment and the