

assessments. It was on impact assessments that many of our witnesses focused their comments, and it is clear to the Committee that the lack of a coordinated approach by federal and provincial governments to environmental impact assessment is not merely time-consuming and onerous on all the parties involved but is also counter-productive in terms of environment and sustainable development needs.

2.35 On other aspects, the evidence, as we have suggested, is less clear-cut. Reflecting on his own long experience in the petroleum industry, Mr. MacLeod (Shell Canada) commented that

We, industry, have spoken out a lot over the years about the difficulties within Canada of the playing-field not being level, overlapping jurisdictions, and multiple standard requirements, and I have participated in some of that complaining. I am not going to try to speak for any other industry; but in hindsight, when I sit down and ask myself what real problems it has caused, how difficult it has been to operate in the face of that de facto as opposed to in anticipation of the horrors, we have not had many problems. Governments, through shared jurisdictional framework in regard to the environment, have worked things out.³⁹

2.36 The Minister of the Environment went even further:

[A] certain amount of overlap is a reality, given the multifaceted interdisciplinary nature of our environment.

I know some people are, by nature, shocked by the idea that there may be overlap, and they read into it waste every time there is. . . But there is also another side to the coin of overlap. . . In some cases overlap may even be helpful to developing the process.

I think if there is one area in which we want to look at the overlap problem with those eyes also, the environment is one of them.⁴⁰

2.37 There is no substitute in the environmental field for concurrency and cooperation among all those with environmental powers. That is not merely the belief of this Committee; it was also the conclusion reached twenty years ago, before federal or provincial environment ministries were established, by Mr. Jim MacNeill. He had been invited by the federal government to consider how environmental issues might best be accommodated within the context of proposals for constitutional reform that were then being negotiated. Two decades later, the only significant change that appears necessary to his conclusion is the recognition that environmental action in Canada requires much more than federal-provincial cooperation. That apart, his findings seem undeniable and as relevant now as then.

³⁹ Issue 10, p. 18.

⁴⁰ Issue 15, p. 9. See also the witness from the Environmental Law Institute (Issue 9, p. 30):

Having just one person in charge and delegating authority has led to some unhappy consequences in other societies. Your system and our system are systems of mutual adjustment that coax areas of the civil society to come along with a lot of jawboning and bargaining. . .

I have come to the conclusion that redundancy, dispersed power and enforced bargaining are really the better path to wise decision-making.