

*Government Orders*

This decision and an earlier one handed down by the Federal Court on January 24, 1990—this was a case which involved the Canadian Wildlife Federation and the federal Minister of the Environment and had to do with the Rafferty-Alameda dam project in Saskatchewan—were landmark decisions that greatly influenced the federal government's decision to go ahead with this piece of legislation.

Many observers claim that these two Federal Court decisions have conferred on the guidelines order new powers which are fully backed by judicial precedence. It is against this new background that we have to balance and compare the provisions contained in Bill C-78.

This was a long-awaited bill. The people of Canada had been promised legislation over six years ago. They had been promised a bill which would take the oft expressed goals and ideals of the government and translate them into something concrete, into something that people could look at and say our government is really concerned. These people thought they were getting legislation of substance and with teeth.

The people of this country who are legitimately concerned with the state of our environment, who are legitimately concerned about the kind of world we are going to pass on to our children, who have listened time and time again to this government's boast that Canada is a world leader in environmental protection, are a very disillusioned group today. Their great expectations have been dashed. This bill has both disappointed and angered every environmental group in the country, including environmental law experts.

What has happened, Mr. Speaker? What has gone so wrong so as to provoke such a barrage of criticism, such a massive condemnation from individuals and groups with such expertise in environmental matters?

The flaws begin early. They begin in the preamble. An environmentally conscious public has demanded that we establish sustainable development as a major goal. This government has regularly paid lip service to this goal. Yet the term "sustainable development" does not appear. Much of the text alludes to sustainable development but we seem to have another example of aversion to precise terminology.

For several weeks the Minister of Finance refused to use the infamous *r* word; this despite the fact that everyone else in the country knew we were in a recession.

Everyone including the Minister of Finance discussed the policies that caused the recession. Everyone including the Minister of Finance discussed the economic horror stories that were beginning to unfold because of the recession, yet the minister refused to admit that we were in a recession. Finally, the minister has come to grips with reality. He finally used the terminology the country was familiar with. He finally admitted Canada was in a recession and further admitted it was a good thing for this country.

Now the Minister of the Environment says he is talking about sustainable development, but he refuses to use the term. Why such an aversion to precision, to a definition of terms? The Brundtland report defines sustainable development as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs."

Is this the definition that the Minister of the Environment is using or does he have a different one? I would think that if the overriding purpose of this whole legislative exercise is the fostering of sustainable development, then we should at least have established exactly what it is that sustainable development means. Such statements as "ensuring that economic development is compatible with the high value Canadians place on environmental quality" and "to ensure that the environmental effects of projects receive careful consideration" are so vague and so subject to interpretation as to be virtually meaningless.

In addition to a lack of clarity in the purpose of the bill, there are further problems with some of the terms, including the restrictive definition of the term "environment" especially when one looks at the definition of "environmental effects".

Also included in this category would be the term "federal authority". Why are the commissioners of the Territories and the Council of Indian Bands not included?

The conditions set out in clause V for the review of a project are even weaker and more restrictive than the guidelines order presently in existence. The four new conditions in this bill would be, first, that the federal government is the proponent or initiator of a project; second, that federal funding is involved in the project; third, that the project is on federal land or affects federal land; and fourth, that federal approval is required, that is, a licence or a permit, et cetera.