

ment. What are we going to do if it turns out to be the minister of transport—

Some hon. Members: Oh, oh!

**Mr. Clark (Rocky Mountain):** I make no personal reference to the present minister here, Mr. Speaker, but it might be that such minister, for reasons of his or her jurisdiction, would have an inclination to go easy on ships which might be likely to pollute.

I repeat the point I made earlier, Madam Speaker, that in this legislation there is a capacity for whichever minister is concerned to block the effectiveness of it. The apparatus we are establishing here can come into play only at the discretion of the minister. If the minister chooses not to exercise that discretion we are wasting our time in signing the accord or in passing this legislation. My colleagues seem prepared to celebrate the waste of time; we are not.

This is an important matter not simply as it applies to this particular piece of environmental legislation but as it applies to the whole question of the status of the Department of the Environment. Unfortunately, as we have seen in regard to environmental impact legislation and the attitude toward class actions and a number of other occasions, the Department of the Environment here does not have the standing relative to other departments that its counterpart has in our neighbour to the south, or that it should have in a country where environmental questions are as important as they are here.

We have so much to preserve in Canada in the way of offshore and coastal considerations, but the problem here is that we have established a minister whose discretion can cancel the effectiveness of this bill, and we have not specified which minister. We on this side of the House are concerned in any event with vesting in a minister that wide kind of discretion which can cancel the application of the bill. That is alarming enough in itself. What makes it even more alarming is the fact that it might not be the Minister of the Environment who can exercise that discretion, but some other minister with other priorities who has to heed other demands and jurisdictional questions.

If the Minister of the Environment is to have any credibility surely that minister must speak up, whatever the issue, on behalf of environmental quality. That is the justification for having a minister of the environment. That minister is supposed to be the spokesman in the cabinet for environmental quality. That assumes there are going to be, in a complex country like this with various interests, other ministers with other portfolios and other interests. The danger that exists in this legislation as it stands is that we can have a discretion to cancel exercised by a minister whose primary interest is not an environmental interest. I suggest that is an aspect that we will want to repair in the committee.

If some of my vociferous friends on the other side want to come to the committee I hope they will, and I hope to hear a rational explanation of the extraordinary step taken in this bill of not specifying which minister will be the effective minister, and of vesting in the minister a substantial discretion which would allow him or her, which would allow a minister of transport or a minister of

### *Dumping at Sea*

the environment, to cancel the effectiveness of the legislation.

**Mr. Bechard:** We have a strong Minister of the Environment.

**Mr. Clark (Rocky Mountain):** The chairman of the committee tells me we have a strong minister. The problem of the Minister of the Environment is not one of personal qualities but one of not having the legislative clout to do what must be done for the environment in this country. Even if the minister did have the legislative clout that she should have, there is no guarantee in this legislation that she will be the minister who can exercise the discretion which would be critical in putting the bill into effect.

Then there is the whole question of enforcement of the provisions of the bill. Will it be enforcement by reference to courts, international courts, or some body of international jurisprudence? Will some active attempt be made to police those parts of the Canadian sea which are within our jurisdiction? Does the government intend that the Department of National Defence, for example, will engage in enforcement activities? If so, what would that mean for the already limited budget of that department? Is it the government's intention to create some new kind of policing authority under the Department of the Environment perhaps, or some other department? The question is not how it will be done but whether it will be done. In the address of the parliamentary secretary I heard not one reference to that question, but it is one that should be elaborated on in committee.

There is one other matter which is more important to us than the other signatories to the convention or countries affected by it. That is the question of Canadian offshore areas in the Arctic. We have there a situation where the dangers of dumping can be much more severe than in southern climes. We share northern waters with only a few other countries of the world and probably only a few of the signatories to this convention. One of the matters on which we will need elaboration when this comes to committee is the special way in which this convention and this bill, which would allow Canada to give force to this convention, is going to be effective in the ecologically delicate areas of the Canadian Arctic. That is a matter on which both the parliamentary secretary and the bill have been silent. I advise the parliamentary secretary that it is a matter on which we are going to request considerable elaboration when it comes to committee.

● (2100)

Another factor that relates to the question of the potential use of National Defence ships and potential detection is whether, in carrying out the spirit of this convention, there is going to be any new emphasis upon detection of dangers arising from dumping, or any new development in the technology of cleaning up pollution problems caused by ocean dumping. There is no point to Canada simply signing a law and agreeing to a convention if that is all we are going to do.

If we are serious about preserving the quality of sea waters offshore to Canada, we have to do much more than simply pass this law or sign a convention. We will have to