

Government Orders

However, in the hopefully rare circumstances in which agreement cannot be reached, the Minister of the Environment will be able to stop a project from proceeding until he is satisfied that any serious adverse environmental effects will be mitigated.

Section 47 of the proposed legislation creates two ministerial orders which are enforceable by way of an injunction. The first order is made at the time a review panel is established and prohibits any work on the project until the review panel completes its assessment and the minister is satisfied that the project is not likely to cause serious adverse trans-border environmental effects or that any such effects can be mitigated or are justified in the circumstances.

The second type of order is made after the review panel has submitted its report indicating that serious adverse trans-border environmental effects will be caused by the project. This order will prevent any work from occurring on the project until the minister is satisfied that the serious adverse trans-border environmental effects will be mitigated.

This government recognizes that Canadians place an extremely high value on the quality of their environment. This government has demonstrated leadership in environmental protection by enacting the Canadian Environmental Protection Act in 1988.

Bill C-78 is a further manifestation of this government's commitment to move away from the outmoded practice of react and cure and toward the principle of anticipate and prevent. By ensuring that environmental factors are considered early in the planning process of projects, we increase the likelihood that projects will have a good record of compliance with environmental protection legislation such as CEPA.

The pay-off will be more than simply a reduction in the cost and burden of enforcing environmental protection legislation. It will be a healthier environment for all of us, our children, and their children to enjoy.

• (1800)

Mr. Jim Fulton (Skeena): Mr. Speaker, I was certainly interested in the remarks of the hon. member.

Clearly he is the designated expert on the government side in relation to the impact on first nations of Bill C-78, should it become law.

I would not agree with the member's assessment though, because we on the committee have heard the expert evidence of Ray Robinson, who is presently the chairperson and head of the FEARO operation, the Federal Environmental Assessment Review Office. He confirmed to the committee in his recent evidence that Bill C-78, as drafted, does not go as far as the 1984 cabinet guidelines order does.

As someone from Saskatchewan, the member would be well aware of the catastrophic implications of government interpretation of the existing 1984 cabinet guidelines order in relation to the Rafferty-Alameda situation and also the Oldman dam in Alberta, the Alcan Kemano completion project in British Columbia or the Point Aconi coal thermal project in Nova Scotia.

I would like to lay to rest on the basis of expert evidence, the member's allegation that Bill C-78 goes further than the 1984 cabinet guidelines order, because probably the most expert person in Canada who could give such a view has already set that one to rest. The member has obviously researched and written a very thorough paper on the matter of first nations. He listed reserve lands, settlement land, lands affected by self-government and lands in which first nations have an interest.

He went on to point out that those lands that are accepted by the Government of Canada for a comprehensive claim will be able to have an environmental assessment done once Bill C-78 becomes law. I am very interested in that from the perspective of both law, from having studied the bill, and where the member received such information. I would like to know what, in the member's view—speaking on behalf of the government—would trigger an environmental assessment into the 19 comprehensive claims accepted for negotiation in British Columbia, the eight that are being studied by the Department of Justice and the three that are on their way, let alone the 582 specific claims across Canada.

Since the member appears to be expert on this, what is it that triggers an environmental assessment into those comprehensive and specifically claimed lands?