

sition of the amendment to the other bill and, therefore, really it is not in accordance with the procedures of this House to raise this point of order at this stage of our proceedings.

Mr. Lundrigan: Mr. Speaker, I have two very brief points to make. Our remarks should not in any way be taken as belittling the importance of this legislation. The hon. member for South Western Nova (Mr. Comeau) indicated our feelings earlier today about this piece of legislation. My first point is in response to the suggestion of the hon. member of the NDP. The bill now before the House stands in the name of the Minister of Fisheries and Forestry (Mr. Davis). This, in itself, is very confusing because when one reads the bill he finds the minister of environment mentioned all the way through. I was surprised to find this to be the situation. I am sure many other members were confused by the way this bill was presented. It creates a false impression. I do not blame anyone but in fact, on the cover of the bill, there is a reference to the Minister of Fisheries and Forestry. Throughout the bill there is reference to the department of environment.

My second point relates to the remarks of the former House Leader, the present Minister of National Defence (Mr. Macdonald). The Minister of National Defence referred to a precedent set by a ruling of Mr. Speaker some time ago. That ruling would indicate that legislation which is anticipatory could be passed by the House. I contend that in the present situation we have a unique set of circumstances which cannot be decided upon the basis of the precedent cited by the minister. There is before this House a proposed amendment to the effect that there shall be a department of fisheries and environment. That amendment is vitally important to all marine areas in Canada on the Atlantic and British Columbia coasts. The amendment proposes that there shall not be a department of environment but that there shall be a department of fisheries and environment.

If we accept the bill now under discussion as it is drafted, we will be anticipating the results of proposed legislation. We will be anticipating that the House will create a department of environment. The amendment before the House in respect of Bill C-207 suggests there shall be a department of fisheries and environment. This bill refers to the minister of environment and, therefore, anticipates the establishment of a department which does not now exist.

If we agree to Bill C-224 we will be passing legislation that cannot be enforced because there is no such department and no such minister. If we vote for Bill C-224, then, in effect, we are voting against the amendment of the hon. member for St. John's East to Bill C-207. This is a reiteration of remarks made on February 17, but the situation now is more serious. If we pass this bill we are legislatively ruling out the possibility of accepting the hon. member's amendment to Bill C-207. If that happens, we might as well give up the ghost. I am not speaking as a Conservative Member of Parliament but as a Canadian legislator.

Clean Air Act

In respect of the remarks of the Minister of National Defence, I suggest the situation now before the House is not the same as the situation which resulted in the precedent to which he referred. The amendment before the House to Bill C-207 is completely different. While I support this legislation, I suggest it should be withdrawn until we conclude our discussion on Bill C-207.

● (2:20 p.m.)

Mr. McGrath: Mr. Speaker, would you permit me to make one further comment in relation to the remarks of the hon. member for Comox-Alberni (Mr. Barnett), as referred to by the hon. member for Gander-Willington (Mr. Lundrigan)? The front page of the bill now under discussion refers specifically to the Minister of Fisheries and Forestry and the body of the bill is anticipatory because it refers to the minister of environment. In this way, the government is anticipating a decision of the House of Commons. It anticipates that Bill C-207 will be passed without amendment and that clause 2 will be accepted. Clause 2 is now before the committee of the whole House and has not been voted upon. In this respect, I am surprised and somewhat disappointed that the custodian of the rules of the House of Commons, the hon. member for Winnipeg North Centre (Mr. Knowles), has not taken part in this very interesting debate. I had expected he would have been in the forefront of this debate to protect the rights of Parliament.

If I may continue, Mr. Speaker, I should like also to refer Your Honour to my point of order which was raised on February 17 and which can be found at page 3489 of *Hansard*. This was a point of order I raised in the committee of the whole House. It had to do with the government anticipating the actions of the House by bringing in estimates for the department of the environment, which is in effect the proposed department of the environment. Again the government was anticipating something which it had no right to anticipate, namely, that Parliament would give consent to the government's proposal and as a consequence thereof that Parliament would reject my proposal which is now before the committee of the whole House. My proposal is an amendment to the bill to change the proposed name of the new department from the department of the environment to the department of fisheries and the environment.

I submit to Your Honour that the government has no right to anticipate the actions of Parliament in this regard and, consequently, that the Chair has an obligation to protect our rights by ordering the withdrawal of this bill which is not properly before the House.

Mr. Knowles (Winnipeg North Centre): Mr. Speaker, I believe this is the second time this week my good friend, the hon. member for St. John's East (Mr. McGrath), has taunted me because I had not taken part in a debate on a procedural point. I may say to him that I believe it is very well known that when a point of order is raised by a member of the opposition and I stay in my seat, it is