

Water Resources Programs

water in Canada. I merely urge on Your Honour something that the hon. member for Winnipeg North Centre raised. If a general provision requiring the establishment of water quality standards is not beyond the scope of the bill, then I respectfully suggest that a motion which sets out the criteria for the water quality standards in some detail cannot be outside the scope of the bill either. The only difference is that in one case the Governor in Council is given the authority to set such standards. In the case of 7 or 14, the Governor in Council shall from time to time set specific water quality standards. Motion No. 2 merely defines water quality standards. Presumably if the three motions to which I referred were all passed, 7, 14 and 2, then 2 would merely be a definition of the quality standards which 7 and 14 empower the Governor in Council to establish. I therefore do not see how 7 and 14 can be in order and 2 be out of order.

● (3:50 p.m.)

I wish to make a brief reference to motion No. 5. This matter has been of concern to me on several occasions at the report stage. I refer to the question whether it is possible for the Chair to sever part of a motion from the rest of the motion if that part is in fact severable. I think Your Honour is better acquainted with the law, the severability of a part of a statute and the severability of a section of the British North America Act. I do this from memory. With an act as a whole, when there are sections of it which are in order or within the jurisdiction of a given legislature, either the Parliament of Canada or a provincial legislature, the court can sever the unconstitutional part without declaring the entire statute to be *ultra vires* or beyond jurisdiction.

The motion moved by the hon. member for Parry Sound-Muskoka contains in sections (a), (b), (c) and (d) material which, perhaps in error, I cannot see on what ground it could be said to be beyond the scope or in any other way out of order as far as the amendments to the bill before us are concerned. I can see the difficulties involved. I am sorry, I did not mean to say (d). I apologize. I meant sections (a), (b) and (c). I cannot see why sections (a), (b) and (c) are outside the scope of the bill.

I can see the difficulties that Your Honour has with respect to the establishment of a body, even though no expenditures are mentioned in the proposal, which is bound to engage the treasury, as the President of the Privy Council indicated.

[Mr. Lewis.]

If Your Honour agrees that subclause (d) is in a separate category from (a), (b) and (c), I wonder whether there is anything in the rules, or a logical interpretation of the rules, to prevent Your Honour from saying that (a), (b) and (c) may be debated and disposed of by this House, but for reasons Your Honour may give that (d) cannot be debated. I have looked at the rules. This has occurred to me on previous occasions. I have tried to understand the logic of the situation. Personally I have difficulty in understanding why it is not possible for the Chair to rule as I have suggested.

The hon. member for Parry Sound-Muskoka could just as easily have put down two separate motions. What could logically be done in that way could just as logically be done in the way I suggest to Your Honour. The hon. member could just as easily have had motion No. 5 dealing only with (a), (b) and (c). Because (d) is not really connected with the first part, he would have had a separate motion No. 6 dealing with that. Assuming Your Honour agrees with my suggestion that 5 is in order and 6 is not, Your Honour would have no difficulty in that case.

Possibly it would be useful in the future if Your Honour considered establishing the precedent that when we have a motion, the parts of which are disparate and are not related or connected with each other, that Your Honour could sever one part of the motion rather than declare the whole of it out of order in that kind of situation.

Mr. Lloyd R. Crouse (South Shore): I rise to speak briefly on the amendments presently before the House. I listened with considerable interest to the remarks made by the President of the Privy Council (Mr. Macdonald) with regard to these amendments and the special reference to motion No. 2 moved by the hon. member for Vancouver-Kingsway (Mrs. MacInnis). If I recall correctly, he said that as far as this motion is concerned, it represented no contest to the government side of the House.

Mr. Macdonald (Rosedale): I said I did not contest it on procedural grounds.

Mr. Crouse: I thank the President of the Privy Council. I would like to have him define his interpretation of the meaning of the word "waste" in this bill. The word appears on a number of pages. It is defined on page 3 in clause (k). The hon. member for Vancouver-