

Yukon Minerals Act

colleague from Comox-Alberni has cleared up that point. That is always a fine point. The subject of a reasoned amendment has to be relevant to the bill. Somehow it has to touch on the subject that is touched on in the bill, or you cannot raise it. But, if it is an amendment that seeks to do something which could be done by amending a clause in the bill, then you cannot do it. That is one of the reasons why reasoned amendments have always been so difficult from a procedural point of view.

We must also consider another point which has been raised both ways. I think I heard the Parliamentary Secretary to President of the Privy Council say that this amendment was wrong in that it was opposed to the bill. Usually, the ruling of the Chair is—

Mr. Jerome: In that it is not opposed.

Mr. Knowles (Winnipeg North Centre): In that it is not opposed? That is fine. I accept the correction. The hon. member says that it is not opposed to the bill. I do not see how he can adopt that position because, after all, if the amendment were passed it would defeat the bill right there. That would be the end of it for this session, and if that is not opposing the bill I do not know what is. That meets the condition that has been frequently laid down from the Chair, namely, that when one presents a reasoned amendment one cannot just beat around the bush and talk about things that are interesting to talk about. The mover of that amendment must be clearly opposed to the bill.

As I say, Mr. Speaker, this is a mixed up kind of subject. If I may speak for 30 seconds about my own views on the substance of the matter, may I say that I should like to see the question of aboriginal rights, and so on, discussed by the House. On the other hand, I do not want to see the bill blocked. I should like to see the bill get through. Nevertheless, I defend the right of my friends to my right to take the position that I think they are taking, namely, to use the words of Citation 382, to oppose the further progress of the bill at this time.

Mr. Olson: Mr. Speaker, may I very briefly speak about the matter that Your Honour raised. In case Your Honour has been persuaded or influenced by some of the arguments which have been put forward, may I draw to your attention Citation 203 of Beaulac which I think is the essential one. The essential question is not whether there is relevancy. Although every member knows that is a requirement. An amendment is ruled out of order if it raises a new question which can only be considered on a distinct motion after notice. I think this amendment raises a new question within the context of the motion that is before the House. I do not want to expand further on that, although authorities and citations can be found at the bottom of page 527 and on page 528 of May's Seventeenth Edition.

● (12:50 p.m.)

There is one other essential point in view of the arguments that have been made. It is with respect to citation 382, to which the hon. member for Winnipeg North Centre referred. That is that it is competent for a

[Mr. Knowles (Winnipeg North Centre).]

member to move an amendment where he is opposed to any further progress being made on the bill. I am sure Your Honour will recognize that there are appropriate ways to move an amendment for that purpose. This is not one of them. Even if it were one of them, the House has already taken a decision on that kind of amendment.

Yesterday we voted on an amendment that invoked the six months hoist. I think that is the most direct way to get the sense of the House as to whether members wish to make further progress on the bill before the House. I suggest that determination has already been made by a decision of this House.

Mr. Speaker: I thank hon. members for their valuable guidance in connection with this very interesting point of order. I took the initiative of indicating to hon. members that I had serious doubts as to certain procedural aspects of the amendment. The hon. member of Winnipeg North Centre has pointed out the difficulty with which hon. members are met in drafting so-called reasoned amendments, and the difficulty with which the Chair is faced in determining whether such amendments fall within the four corners of the established practice in relation to reasoned amendments.

I indicate nothing new to hon. members when I remind them that there are not very many kinds or types of amendments that can be moved on second reading. The scope or range of such amendments is very limited. Hon. members know that, generally speaking, they can move what is termed the six months hoist which was moved earlier in connection with this bill. Hon. members can move, by way of an amendment on second reading, that the subject matter of a bill be referred to a committee and they can move a reasoned amendment. That is about the limit of the amendments that can be proposed.

Reasoned amendments are not frequent in our practice. They are used more liberally in the British House, and to some extent we have to rely on the British practice to determine whether such amendments moved as reasoned amendments can be accepted. The hon. member for Yukon has very helpfully referred to May's Seventeenth Edition which specifies the conditions which govern a reasoned amendment.

Other hon. members have referred to the matter of relevancy. I indicated earlier that I had some difficulty determining whether the hon. member for Brandon-Souris, in the course of his contribution to the debate on second reading of this bill, was entirely relevant. Having made that admission, I find it a little difficult to make a ruling on the relevancy of the amendment which applies the line of argumentation proposed earlier by the hon. member for Brandon-Souris.

I have some reservations. Looking at the amendment and the title of the bill, I find that there may be some difference between the two, but I do not think that I should make a ruling on this basis. What worries me more seriously is whether this amendment as drafted imposes a condition precedent. Hon. members know very well that it is not competent to move an amendment which imposes a condition precedent, that is a reasoned amendment based on such conditions. I refer hon. mem-