

Combines Investigation Act

In fairness to Your Honour I do not think it should be something that is left to you to decide. It seems to me that the house itself should reach a decision as to what are the rights of hon. members in these circumstances.

I would point out, sir, that when you gave your ruling on November 14 on the point raised by the Prime Minister (Mr. St. Laurent) the discussion had been only with respect to the point that the Prime Minister raised. I would remind you that the point raised by the Prime Minister was whether or not we should discuss on the second reading of the bill any matter that had been discussed on a motion to go into supply. When you ruled, sir, that that point of order was not to be sustained, you gave an alternative objection to wide latitude, namely, the principle of relevancy to the second reading of a bill. The restrictions you suggest that the hon. member for Lake Centre should now observe arise from the suggestion Your Honour made that on second reading of an amending bill we should confine the discussion to the clauses of the act that is being amended.

Mr. Speaker: Order. May I say to the hon. member for Lake Centre that I do not recall at the moment whether my ruling was appealed. If my memory serves me correctly, no one took exception to it, and I do not think I should be asked to change it now.

Mr. Knowles: I am not asking you, sir, to change it.

Mr. Speaker: After a ruling has been made, no further debate is allowed. I think the hon. member for Lake Centre will agree with me as to that. My ruling could have been appealed, but it was not, and I do not think I should allow further discussion of it at this time. The hon. member for Lake Centre has the floor.

Mr. Diefenbaker: Mr. Speaker, in view of your ruling—and there was no appeal from it—I now move in amendment to the motion for second reading of the bill, seconded by the hon. member for Vancouver-Quadra (Mr. Green):

That all the words after "that" to the end of the question be deleted and the following be substituted therefor:

"While this house is at all times anxious to assist in remedying any defects in the law with respect to combinations in restraint of trade that operate against the public interest, it regrets that His Majesty's ministers have failed to comply with the mandatory requirement of publication of reports under the Combines Investigation Act and that before inviting parliament to enact the said bill have failed to give any assurance that there will be no similar breach of the constitution in respect of this or any other act passed by the parliament of Canada."

[Mr. Knowles.]

Mr. Pouliot: Mr. Speaker, on a point of order, I should like to say that the amendment is out of order from the point of view of common sense. I appeal to the common sense of all hon. members, including the hon. member for Lake Centre (Mr. Diefenbaker) and the hon. member for Winnipeg North Centre (Mr. Knowles). The first part of the amendment indicates that the hon. gentleman and his seconder are anxious that a remedy should be provided to restrict the operation of combines, and yet by the amendment and their speeches they delay that being done. The amendment comprises three suggestions made by Mr. McGregor. He was either right or wrong.

Some hon. Members: Order.

Mr. Pouliot: If in the opinion of the hon. gentleman he was right, hon. members opposite cannot oppose the legislation. They have no common sense.

Mr. Speaker: It appears to me that the amendment may be out of order because it does not relate to the bill. I think the hon. member is moving his amendment under citation 657 of Beauchesne. Even if it came within that reference, it would still have to relate to the bill. May, thirteenth edition, page 391, makes it quite clear that "the principle of relevancy in an amendment governs every such proposed resolution". I rule that the amendment is not in order. Shall the motion carry?

Mr. Diefenbaker: Mr. Speaker, have you made a ruling already?

Mr. Speaker: Yes.

Mr. Diefenbaker: Surely in this house we have the right to argue a case.

Mr. Speaker: I thought I gave the hon. member the right.

Mr. Diefenbaker: With the greatest of deference, no.

Mr. Speaker: Far be it from me to try to prevent an hon. member from expressing his opinion if he thinks a motion is in order. I waited, and the hon. member did not rise. I think I should hear the hon. member for Lake Centre.

Mr. Diefenbaker: There has been no change in this regard since 1858. In that year a similar amendment was presented to the British House of Commons; it is to be found in the *Commons Journals*, 1857-58, at page 65. It is also quoted in May as still being in effect. The entry to which I refer reads as follows:

The order of the day being read, for the second reading of the Conspiracy to Murder bill;

And a motion being made, and the question being proposed, that the bill be now read a second time;