

Legislation Respecting Railway Matters

had before it consideration of railway legislation introduced by the government of that day dealing with an industrial dispute. This was legislation to postpone that dispute and continue the operation of the railway.

At the end of his speech the then leader of the opposition, now Prime Minister, moved an amendment. This was during the debate on second reading in which he put forward the position and the attitude of the then Liberal opposition. The amendment is as follows:

This house declines to proceed with the second reading of a bill the provisions of which establish a compulsory and discriminatory wage freeze for railway employees contrary to the recommendation for a wage increase made by a board of conciliation appointed under the Industrial Relations and Disputes Investigation Act.

That was the sum total of the amendment. Later in the discussion concerning the admissibility of the amendment it was pointed out that it did not contain the operative words with which any such amendment must be introduced, namely, "that all the words of the motion after 'that' be deleted and the following substituted therefor". Mr. Speaker Michener, the Speaker of that day, ruled that this was a technical omission and in effect, with the consent of the house, added those preliminary words and then allowed the motion to stand, to be debated, and to be voted on.

Your Honour will appreciate that the amendment which has first been submitted to the house by the Leader of the Opposition is, in so far as the technicalities or legalities of it are concerned, practically on all fours—not in substance but procedurally in relation to the motion for second reading—with the amendment which was sustained by the Speaker of that day.

In so far as the argument is concerned that the content of the amendment could be moved at various stages in committee of the whole an argument based on the principle enunciated that amendments on second reading should not be in a form which can be made in committee of the whole—I should like to point out that the strict application of that ruling would apply also to the amendment of 1960. One could have made a technical argument that the content of that amendment might have been made as an amendment to a clause in committee.

Your Honour, however, knows the difficulty involved in moving amendments in committee. In committee you cannot assert a general

[Mr. Fulton.]

principle; you must move a specific amendment strictly related to the section under discussion. So I would say now that just as that argument was not used and did not apply with respect to the amendment of 1960, it is not applicable to the amendment moved today.

On the basis of the precedent that was established by the attitude and the conduct of this house itself just six years ago, I have no hesitation in submitting to Your Honour that this amendment is in order and has been sanctioned by the house itself.

Mr. Knowles: Mr. Speaker, I too should like to say a few words in support of the validity of the amendment moved by the right hon. Leader of the Opposition. In just a sentence may I emphasize the strength of the argument used by the hon. member for Kamloops in drawing your attention to the amendment that was moved on November 30, 1960, by the right hon. gentleman who now is the Prime Minister of Canada, an amendment practically the same in form as the one now proposed. That amendment was allowed by the Speaker of that day and voted on by the house. It does seem to me that Your Honour will have to give serious consideration to the weight of that precedent.

The second point I should like to make relates also to the use—if I may say so, I think frequently the misuse—that is made of citation 382. The Minister of National Health and Welfare reads citation 382 as though every qualification mentioned therein has to be met by an amendment of this character. I draw Your Honour's attention to the fact that the word "or" appears half a dozen times. In other words, there are several different things that an amendment of this kind may do, even if it does only one of them, and be in order under the provisions of citation 382.

It is not necessary in all cases for such an amendment to be moved by one who is completely opposed to second reading of the bill. I happen to be opposed to second reading of the present bill as it now stands, but it seems to me that has no relevance to the question of whether or not the amendment is in order. If it is an amendment which states a resolution declaratory of some principle adverse to or differing from the principles, policy or provisions of the bill, it is in order. On the other hand, if it is an amendment which expresses opinions as to any circumstances connected with its introduction or prosecution, it is in order, or if it is otherwise