

Legislation Respecting Railway Matters

is given in the title, and it has been demonstrated, both in the speech by the Prime Minister and in the speech by the Leader of the Opposition, that this is the principle of the bill. It is a well-established rule of the house that any amendment on second reading must declare a principle that is opposed to the principle of the bill under discussion. In other words, the amendment must assert a principle that is opposite to the principle in the bill.

Mr. Fulton: What authority are you relying on?

Mr. MacEachen: If the hon. member wishes me to refer to citations, among others there is citation 382 in *Beauchesne*:

It is also competent to a member who desires to place on record any special reasons for not agreeing to the second reading of a bill, to move as an amendment to the question, a resolution declaratory of some principle adverse to, or differing from, the principles, policy, or provisions of the bill—

There are other citations which make the proposition even clearer that an amendment on second reading, in order to be declared regular, must directly oppose the principle provided for in the bill. The main principle here is to establish the resumption of railway operations, and I suggest on that ground that the amendment moved by the right hon. gentleman does not meet the provisions of the rules of the house.

I would raise a further objection to the amendment, namely, that there is also a procedural necessity involved in that in moving an amendment on second reading it is not possible to anticipate amendments that may be moved in the committee of the whole. I refer to citation 389 in *Beauchesne*:

A motion opposing the second reading of a bill must not anticipate amendments which may be moved in committee. Alterations which may be affected by amending the clauses of the bill cannot be moved on the second reading. On the 8th March, 1934, when the motion for the second reading of an act to incorporate the Bank of Canada was under consideration, a member moved in amendment "that all the words after 'that' be struck out and the following substituted therefor—

Farther on the citation reads:

The Speaker ruled the proposed amendment out of order because clauses of the bill provided that the stock in the bank be allotted to the public and that the directors be appointed by the shareholders. The member could serve his purpose by moving amendments to those clauses in committee on the bill.

I suggest there is one term selected from the report of Mr. Justice Munroe, namely, the wage term, which is included in the clauses

of the bill, and it is open to the Leader of the Opposition to vary that particular clause by amendment in committee. It is open to him to achieve the same purpose in committee, but in this amendment he is really asserting that there is a wide departure from the terms of the report of Mr. Justice Munroe. I contest that as an inaccurate statement. However, it is not relevant to the argument on procedure. If there is a wide departure from the terms of the report then it is open to the right hon. gentleman to close the gap or remove the departure by moving an amendment in committee. So I suggest on that ground that the amendment as put forward by the Leader of the Opposition is deficient.

● (4:00 p.m.)

I believe that the same argument could be raised with respect to other items in the amendment, but I simply assert that the amendment does not declare any principle contrary to the main principle of the bill, which is to resume railway operations. That is the first point. If that point is not persuasive enough, I submit that any of the terms posed in the amendment can be effected by possible amendments at the committee stage of the bill. I suggest that for this reason also the amendment moved by the right hon. gentleman is deficient.

Mr. Fulton: Mr. Speaker, in respect of the argument advanced by the Minister of National Health and Welfare I should like to refer first to the first citation quoted, namely, 382. He appeared to take the position that the only amendment which could be moved was an amendment asserting a principle which is diametrically opposite to the principle in the bill. In so far as he has based his position on citation 382 he has completely misconstrued that citation, because citation 382 at page 277 of *Beauchesne*, fourth edition, starts with the words "it is also competent to a member." Nothing could make it clearer that this is but one of the alternatives available to members of this house in moving amendments and not, as the minister suggested, the only kind of amendment that can be moved.

In support of the propriety of the amendment moved by the Leader of the Opposition I should like to refer Your Honour to what I am sure you will regard as a very convincing, if not indeed binding authority, namely, an amendment moved by the present Prime Minister when leader of the opposition, on November 30, 1960, as found on page 350 of *Hansard* of that date. At that time the house