

Yukon Minerals Act

Your Honour had an opportunity of acquiring, might I point out that Part II of the bill deals with the acquisition and recording of mineral claims in the lands of the Yukon Territory. In that Part, there are specific proposals that certain lands may or may not be acquired for this purpose. It seems to me, Mr. Speaker, that if the question of relevancy is being raised, the principle of the amendment is on all fours with the basic principle of the bill. The bill deals with the acquisition and recording of claims or, to put it in reverse language, with the sale of mineral rights in the Yukon. It is quite within the ambit of the discussion of the basic principle of this bill for this House to have an opportunity of declaring itself on whether the terms and conditions with respect to the acquisition of these claims should be determined in light of the previous action of this House which is mentioned in the amendment.

• (12:30 p.m.)

I would therefore submit that, in substance, the amendment is on all fours and lies within the ambit of the basic principle of the bill.

Mr. Baldwin: I just arrived in time to hear the golden words of wisdom falling from Your Honour—

Mr. Greene: That will do you no good.

Mr. Baldwin: The Minister of Energy, Mines and Resources has obviously been attempting to use the same steps without any success.

As I heard Your Honour, you indicated the doubts you have and indicated what should be the practice with regard to amendments of this type. In response to the hon. parliamentary secretary, I would say that as usual the government approached this with a simple childlike faith that all things must be in order and in strict accordance with what has been done in the past so far as the form of amendments is concerned. If there is any deviation at all—and I use the word in its very best sense, Mr. Speaker—ministers, parliamentary secretaries and others are shocked and horrified. They say that it cannot be done because, although the principle and the idea is the same, a form of wording is used which they do not understand.

As I understand the practice it is very simple. No amendment can be moved, the objective of which could be achieved in the same way by voting against the measure. That leaves it to the ingenuity of those who see some value in the motion being considered by this House, but whose appreciation of that value is diminished by the fact that there should be some other principle expressed by the House. This principle need not necessarily be repugnant to the measure which the House is considering but should at least be at variance with it. Hon. members are then saying, "While we would like to vote for the passage of this bill, and while we do not want to vote against it, we would ask the House to adopt a principle which is somewhat different and which involves an acceptance of a fact which would otherwise be neglected by the passage of the original motion to adopt the bill for second reading."

[Mr. Barnett.]

I think this is the effect of the amendment moved by the hon. member for Brandon-Souris (Mr. Dinsdale). He is saying, "We do not want the bill read a second time," but suggests this House resolves that it accepts a principle which the House a great many years ago had apparently adopted. With the adoption of that principle by the House, then we are inclined to say that the bill may have second reading. However, without the adoption of the measure contained in the amendment moved by the hon. member for Brandon-Souris, we are not so inclined.

At this time hon. members find themselves in a quandary. Do we vote against second reading of the bill or do we vote for it? We say we suspend our decision on that until the House has dealt with this amendment which contains a principle not contrary to but at variance with the original bill which the House is considering.

Mr. Nielsen: Mr. Speaker, the effect of the amendment moved by the hon. member for Brandon-Souris (Mr. Dinsdale) is to propose that Bill C-187 be not now read a second time but that the House proceed to resolve that the claims of the Indian tribes in the Yukon Territory "be considered and settled in conformity", and so on, as the resolution reads.

In my submission, Mr. Speaker, this practice follows the authority of May's Seventeenth Edition, pages 526 and 527 under the heading "Reasoned Amendment" at the foot of page 526, and I quote:

It is also competent for a member who desires to place on record any special reasons for not agreeing to the second reading of a bill, to move what is known as a "reasoned amendment." This amendment is to leave out all the words in the main question after the word "that" and to add other words; and the question proposed upon the amendment is, that the words proposed to be left out stand part of the question.

Under the first subparagraph of that citation, Mr. Speaker, appear these words:

It may be declaratory—

That is the amendment.

—of some principle adverse to, or differing from, the principles, policy or provisions of the bill.

In my submission that effectively disposes of the submission of the parliamentary secretary that such an amendment cannot be adverse to the principle of the bill, even if the hon. member for Peace River (Mr. Baldwin) was right in restricting the effect of the amendment to the expression of a variance with the principle of the bill. May goes on further and stipulates that such an amendment may be declaratory of some principle adverse to or differing from the principle of the bill.

The same conclusion is reached if one refers to Beauchesne's Fourth Edition, page 168, paragraph 201, which reads:

The object of an amendment may be to effect such an alteration in a question as will obtain the support of those who, without such alteration, must either vote against it or abstain from voting thereon, or to present to the House an alternative proposition either wholly or partially opposed to the original question. This may be effected by moving to omit all the words of the question after the first word, "That", and to substitute in their place other words of a different import.