

Private Bills

Mr. Max Saltsman (Waterloo) moved:

That clause 1 of the said bill be deleted.

Mr. Speaker: As hon. members may know, the Chair has some doubt whether this proposed amendment is in order. There have been informal discussions about the very interesting point of order that has arisen as a result of the proposed amendment, particularly in view of the new rules under which the house operates. I would invite hon. members who may have comments to make in connection with this amendment to argue the case.

Briefly, the objection that the Chair might have to the bill is that the amendment proposes the deletion of clause 1 of the bill. There is, of course, only one clause to the bill. Perhaps this is an indirect way of inviting hon. members to vote against the bill. That is the difficulty, a difficulty of some substance, with which the Chair is faced at the moment.

Mr. Blair: Mr. Speaker, I think you have stated the problem that arises from the amendment moved by the hon. member for Waterloo (Mr. Saltsman). I do not think it was ever contemplated by the special committee on procedure that Standing Order 75, subsection 5, would be used in a case of this type. As the house is aware, one of the effects of the new Standing Orders adopted just prior to the Christmas recess was to add what is called the report stage to the consideration of any bill, be it public or private. It was provided in Standing Order 75 that at the report stage the issue would be put immediately without debate, whether or not the bill had been amended in committee. It was also provided that only in the event an hon. member had put down a motion at least 24 hours prior to the consideration of the report stage could there be any debate whatever.

I should think that the difficulty, if there be any, about the procedure at this stage might arise from the wording of subsection 5 of Standing Order 75, which reads as follows:

If, not later than twenty-four hours prior to the consideration of a report stage, written notice is given of any motion to amend, delete, insert or restore any clause in a bill, it shall be printed on a notice paper.

It might be considered by some hon. members, as indeed it may well have been considered by the hon. member who has proposed this amendment, that the inclusion in this subsection of the word "delete" gives authority to the house at this stage to consider his motion. It is my submission that this would be an incorrect and imprudent interpretation of the new rule which all of us had

hoped would commend itself to the house and facilitate the procedure in this chamber in connection with both public and private bills.

It appears to me, and it is my submission, that the motion which is now before the house offends against the Standing Orders on at least three grounds. First of all, it is, as Your Honour has pointed out, apparently in contrast to the established practice of the house with respect to amendments. Second, it is my submission that it is offensive to the common sense of members in that it asks them to vote twice on a proposition which could be decided on one vote. Third, it is my contention that this type of amendment is not only contrary to the letter of the Standing Orders but certainly contrary to the spirit of the Standing Orders as amended.

May I now refer you, Mr. Speaker, to some of the authorities, with which you are undoubtedly familiar, in support of these arguments. First of all let me refer you to the 17th edition of Erskine May's Parliamentary Practice, page 414. Here the learned author sets out the purpose of an amendment under the heading "Object of an amendment and effect on debate". He states:

The object of an amendment may be either to modify a question in such a way as to increase its acceptability, or to present to the house a different proposition as an alternative to the original question.

My first submission is that the motion to delete the only clause in a one clause bill does not present this house with an alternative to the original question.

The second citation from the same volume to which I wish to refer is to be found at page 418 and deals with the type of amendments that are declared to be inadmissible by the established practice of parliament. One of the species of inadmissible amendments is covered by this statement:

The Speaker has also ruled that an amendment that was merely an expanded negative... could not be proposed—

Then there are extensive references to decisions of Speakers of the British house to be found in the footnotes to page 418.

Again I submit that there can be no question about the nature of this amendment. It is in exactly the same form as the vote on the substantive issue which would arise if we were permitted to proceed with the vote at the report stage.

I wish also to refer you, Mr. Speaker, to page 550 of the same volume, where the learned author discusses the proceedings in