

Transportation

Bourinot must have known who was going to be Minister of Transport some day when he used that language, that one has to be very careful "in order to guard against a palpable violation of a wholesome rule."

Therefore, Mr. Chairman, I submit for your consideration that there cannot be any argument as to what the citations say is the rule. The rule is that when we are in committee of the whole on a bill and we have negated a proposition we cannot be asked to vote again on that same proposition by another amendment somewhere else in the bill. This is precisely what the government is asking, and it is clearly out of order.

There may be ways to get around this. There is the device which the opposition frequently uses of an amendment on third reading to refer back to the committee of the whole for reconsideration, and there is the device under which a vote that has been taken can be rescinded. However, the minister does not seem willing to try these devices that are provided in the rules. Rather, he seems to want to try to do something which some of us contend is against the rules.

I said that the first part of my remarks would deal with the citations and I think that those of us who have dealt with this matter, the hon. member for Bow River, the Leader of the Opposition and I, in giving these citations have made it clear that an amendment at another place in the bill to reverse a decision already made, an amendment to put in something that has already been negated, is clearly out of order. It is perfectly proper, however, to ask whether the amendment now proposed by the Minister of Fisheries is substantially the same as what was thrown out in the 59-58 vote that took place in the committee last Wednesday. I draw Your Honour's attention to all the citations we have read. They all refer to language that is similar, that is substantially the same. They do not just say that an amendment is out of order only if it uses exactly the same words. They say clearly that, even though the words may be changed, if the object is the same then the amendment violates the rule.

What was the object of new section 329 in clause 50? The object was to provide for a review by the Canadian Transportation Commission of the Crowsnest pass rates.

Mr. Woolliams: Right.

Mr. Pickersgill: No.

Mr. Knowles: Oh, yes. And what is the object of the proposed amendment to clause

74? The object is to make possible a review of the Crowsnest pass rates.

Mr. Woolliams: Right.

Mr. Knowles: In the former case it was compulsory in the sense that parliament was directing the commission to take the action of holding a review. Is there any difference now? Sometimes the more things are different the more they are the same. Now the railways have to ask for a review, but having asked for it the language of the amendment moved yesterday by the Minister of Fisheries makes it clear that an investigation will be held and so the net result is precisely the same.

I suppose it might be argued that there is a slight difference. In the former case a review could not take place until after three years. Now it can take place after two years.

Mr. Pickersgill: The hon. gentleman should get his facts right. In the amendment which was thrown out a compulsory review was required within three years.

● (4:30 p.m.)

Mr. Knowles: I accept the correction. In the former case a review was compulsory within three years. In other words, it was not necessary to have it until two years and 11 months had gone by. Now, it is possible to have it when two years have gone by. So we are arguing about a few months. Surely the net result is precisely the same, namely, a review of the Crowsnest pass rates. The minister says that this is different. He said that the commission could go into all the other statutory regulations and other rates which might be set between now and some future date. If Your Honour will again look at some of the citations you will see that it is in order to bring in an amendment which relates to something which has been before the house previously when it comprises only a part and not the whole of the resolution previously voted on by the house. The minister attempts to say that this is different because there are a lot of other things in it which were not in the previous one, that is, that all the statutory rates are in it and not just the Crowsnest pass rates. But that does not bring it within the exceptions which Bourinot provides. So far as what was there before is concerned it is there again in the amendment which is now before us.

The minister said that what the house was arguing against when section 329 was before us was a presumption that because it was in the act these rates were possibly not compensatory. Yesterday when he was indulging in a