

Legislation Respecting Railway Matters

[English]

Mr. Speaker: Order, please. I am in a position now to express an opinion with regard to the very interesting arguments which have been put forward to enlighten the Chair. Perhaps I may deal first with the objection just raised by the hon. member for Lapointe.

[Translation]

The motion provides that the bill be not read a second time. The amendment does not refer to the bill itself but to the motion for second reading. I believe there is only one "that" in this motion.

[English]

The objections raised by the Minister of National Health and Welfare and the Minister without Portfolio were, of course, of a very serious nature and require appropriate consideration. I have also taken into account all the arguments put forth by other members of the house. I might say right now, to relieve the anxiety of some hon. members, that I feel the amendment should be accepted for a number of reasons.

The first objection raised by the Minister of National Health and Welfare and supported by the Minister without Portfolio was that this is a reasoned amendment and that a reasoned amendment must be declaratory of a principle adverse to or opposed to the principles of the bill. This objection has been answered effectively, I believe, by the hon. member for Kamloops and the hon. member for Carleton in that this is only one of the several possible forms of a reasoned amendment.

There is an enumeration, as stated in May's 17th edition at page 527, of the several forms of this type of amendment. The first is:

It may be declaratory of some principle adverse to, or differing from, the principles, policy or provisions of the bill.

Then we find:

2. It may express opinions as to any circumstances connected with the introduction or prosecution of the bill, or otherwise opposed to its progress.

3. It may seek further information in relation to the bill by committees, commissioners, the production of papers or other evidence.

The Minister without Portfolio referred to citation 393 of *Beauchesne*, which seems to be in contradiction to *May*. This matter was brought to my attention on a number of occasions previously, namely, that there was obviously a contradiction between *May* and *Beauchesne*. Consequently a search was made

[Mr. Grégoire.]

of the authorities upon which citation 393 of *Beauchesne* was based. This search was not too fruitful. It seems that citations 393 (1), (2) and (3) of *Beauchesne* constitute the rule as it existed perhaps some years ago. However, it has not been followed more recently. I suggest to hon. members that the rule which should be followed is as expressed in *May's* 17th edition.

● (4:30 p.m.)

The other serious objection submitted by the hon. ministers, which was supported, of course, by other hon. members, was that an amendment must not be concerned with the provisions of the bill upon which it is moved nor anticipate amendments thereto which may be moved in committee. In relation to this particular objection, the amendment appears to be a borderline case.

Hon. members are aware of the citation in the 17th edition of *May's Parliamentary Practice*, page 528, which reads as follows:

The amendment must not be concerned in detail with the provisions of the bill.

I feel there is a distinction to be drawn here. In my opinion this amendment does not refer in detail to the provisions of the bill before the house. For this reason I think I can feel free not to accept the objection of the ministers to the amendment.

We have before us a reasoned amendment and the principle of a reasoned amendment is set out very clearly in *Abraham* and a *Hawtreys Parliamentary Dictionary* at page 162, which states in very clear terms what a reasoned amendment is. It reads:

This form of amendment seeks . . . either to give reasons why the house declines to give a second or third reading to the bill, or to express an opinion with regard to its subject matter or to the policy which the bill is intended to fulfil.

This language is extremely general in nature and I believe would include the type of amendment which has been moved by the right hon. Leader of the Opposition.

Lastly, it has been brought to my attention that an amendment in many ways similar from a procedural standpoint was moved in 1960 and accepted at the time. I believe there is no substantial procedural distinction between the two amendments.

For all these reasons and from the procedural standpoint I accept the amendment moved by the right hon. Leader of the Opposition.

Mr. T. C. Douglas (Burnaby-Coquitlam): Mr. Speaker, there can be no doubt that the present railway strike constitutes a crisis for