

*Columbia River Treaty*

our rules as they now exist this is the situation, and to that extent I support the position taken by the parliamentary secretary.

**Mr. Knowles:** Mr. Speaker, the hon. member for Greenwood (Mr. Brewin) has already stated that you are faced with a ruling on a new situation, for if the hon. member for St. Lawrence-St. George (Mr. Turner) is correct, that on no previous occasion of this kind has any amendment been offered, then this is the first time the Chair will have had to rule on this point.

**Mr. Martin (Essex East):** In this debate.

**Mr. Knowles:** According to the parliamentary secretary this will be the first time in Canadian history.

**Mr. Martin (Essex East):** No, no.

**Mr. Knowles:** The Secretary of State for External Affairs (Mr. Martin) shakes his head and says no, but if he knows of an occasion when a resolution to ratify a treaty was subjected to an amendment he should so inform the hon. member for St. Lawrence-St. George.

**Mr. Martin (Essex East):** On four different occasions.

**Mr. Turner:** On the point of order, I would draw to the attention of the house that an attempt was made to amend the agreement between the United Kingdom and Canada in 1932, and the Speaker rejected the amendment.

**Mr. Martin (Essex East):** There were three other occasions before that.

**Mr. Knowles:** The parliamentary secretary said this was the first time in the history of the country, in the case of a treaty.

**Mr. Turner:** The first time since 1945, when the standing committee on external affairs had been set up.

**Mr. Knowles:** All right, that creates a new situation for Mr. Speaker. The parliamentary secretary to the Minister of Northern Affairs and National Resources says that the full power to make and ratify treaties rests with the executive and that the executive does not need to bring the matter before parliament. He quoted MacGregor Dawson on this point, and apparently he quoted with approval Dawson's suggestion that this is sometimes done for convenience and political strategy. I suppose it is under that heading that this has been done.

[Mr. Baldwin.]

**Mr. Martin (Essex East):** No.

**Mr. Knowles:** At any rate the hon. member for St. Lawrence-St. George rests his case on the proposition that the executive did not need to bring this matter before parliament.

**Mr. Martin (Essex East):** In law.

**Mr. Knowles:** Then he said that the executive had waived its prerogative, that it had waived its right to do it on its own. I submit that either the executive should have done this entirely on its own without bringing the matter before parliament at all or, if the question were brought before parliament, parliament should be allowed to decide whether or not it has the right to express an opinion. This, it seems to me, is the point with which Your Honour has to deal. It is not for you to accept the word of a parliamentary secretary as to how far the government is prepared to waive its rights. Let parliament express an opinion. The government says parliament may say yes or no. But the matter is before parliament and surely it is in our hands to decide how far parliament may express an opinion.

I have a copy of Beauschêne here and I am interested in what is said on page 232. This is the second paragraph of citation 284, and it reads as follows:

When a treaty, which does not involve fiscal changes or the expenditure of public moneys,—

And, presumably, this would include the present one because we have had no motion involving the expenditure of public moneys placed before us.

—has to be approved by parliament, a bill to that effect must be passed—

If this is a treaty to be brought before parliament, then obviously we need a bill, not just a resolution. However, the citation goes on:

—as parliament can only express its opinion by the joint consent of its three constituent parts, namely the crown, the Senate and the House of Commons; but the adoption of a resolution is not required before introduction of that bill.

That last phrase is obviously precautionary, since the bill in this case refers to a treaty not involving the expenditure of public money. The quotation continues:

Notice is given under standing order 41 and the bill goes through its ordinary stages. On the second reading a member may move either the six months hoist or an amendment declaratory of some principle adverse to, or differing from the policy of the bill or expressing any opinion as to