

Transportation

I do not think I would allege that either, though one might say it was inconsistent with what was done when we were on clause 50.

—or substantially the same as a clause previously negated.

That last phrase is clearly applicable. It is our contention that the new clause which the Minister of Fisheries is now seeking to put into the bill is substantially the same as section 329 which was negated when we were dealing with clause 50.

• (4:20 p.m.)

Let me give you another citation, Mr. Chairman, No. 406 on page 285 of Beuchesne's fourth edition. There are five parts to this citation but it is part (c) which is appropriate:

Amendments are out of order if they are...

(c) inconsistent with a decision which the committee has given upon a former amendment.

There was an amendment to clause 50 which took out the proposed review of certain statutory rates and it seems to me that this proposition, which brings in by another amendment something that is inconsistent with the decision we took when we were on clause 50, is therefore clearly out of order.

Mr. Pickersgill: May I ask the hon. gentleman a question?

Mr. Knowles: Certainly.

Mr. Pickersgill: Has he considered the point raised by the hon. member for York South that that provision was redundant because the house had already taken a decision on the same point in clause 15? If that is the case, surely it could not be argued that it was inconsistent with a decision taken by the house in one case rather than the other?

Mr. Knowles: The minister strikes me as a drowning man grasping for a straw in trying to see the problem as between clause 15 and clause 50 as having any relationship to the problem now before us.

Mr. Pickersgill: The hon. member for York South argued that the clause was quite unnecessary because we had already accepted exactly the same proposition in clause 15.

Mr. Knowles: If the minister is going to rely on that argument—

Mr. Pickersgill: I just thought the hon. member would try to be consistent with the hon. member for York South.

[Mr. Knowles.]

Mr. Knowles: If the minister is putting that argument forward then he should argue that what he is now proposing in clause 74 is not necessary at all.

Mr. Pickersgill: I am arguing that what I am proposing is different. That is the precise point.

Mr. Knowles: Mr. Chairman, when I started to speak I said I would divide my remarks under two headings, the first dealing with the citations which lay down the law on this point and the second dealing with the question of whether the new proposal is substantially the same as the one which was rejected the other day.

I would refer hon. members to Bourinot's fourth edition. On page 329 there is a fair amount of material on the question of reversing a former decision. Bourinot says:

But when a question has once been negated, it is not allowable to propose it again, even if the form and words of the motion are different from those of the previous motion.

A few moments ago the Leader of the Opposition quoted something from Beuchesne's third edition which is also in the fourth edition. It is citation 63 in the fourth edition. I think it is extremely relevant and it is similar to what I have just quoted from Bourinot. It says:

A mere alteration of the words of a question, without any substantial change in its object, will not be sufficient to evade the rule that no question shall be offered which is substantially the same as one which has already been expressed in the current session.

I want to come back to that language again when I compare the two motions, because I think the word "object" in the citation which the Leader of the Opposition read, and which I have reread, is crucial to the discussion.

Let me go back again to Bourinot and point out that on pages 328, 329 and 330 of this fourth edition he deals with this matter and points out that it is something which comes up very often in committee of the whole on a bill. In other words, these citations deal precisely with the kind of situation in which we now find ourselves. At one point Bourinot says:

The English journals are full of examples of the evasion of the rule which the house has permitted. In all such cases, the character of the motion has been changed sufficiently to enable the member interested to bring it before the house. Such motions, however, must be very carefully considered, in order to guard against a palpable violation of a wholesome rule.