

*Columbia River Treaty*

The fundamental rule that debate must be relevant to a question necessarily involves the rule that every amendment must be relevant to the question on which the amendment is proposed. Stated generally, no matter ought to be raised in debate on a question which would be irrelevant, if moved as an amendment, and an amendment cannot be used for importing arguments which would be irrelevant to the main question.

The difficulty, of course, is that if an amendment proposes nothing new it is a nullity and if it does introduce a new proposition not covered in the motion it becomes irrelevant. In this instance the proposed amendment does import a new argument and thus contravenes the rule of relevancy.

Another point made by the hon. members for Peace River and St. Lawrence-St. George is that the amendment is an expanded negative. It seems to me that acceptance of the amendment negatives approval of ratification of the treaty, since it proposes re-opening negotiations with a view to changing the terms of the treaty itself. Our rules provide a way to negative a question, and this must be done not by way of amendment but simply by voting against the main proposal.

Furthermore, the Chair agrees with the suggestion made in the course of argument this afternoon that one cannot propose an amendment which does not oppose or alter the main motion but attempts to approve of it on a conditional basis. The reference made this afternoon was to citation 201 of Beauchesne, fourth edition.

Lastly, it would appear to the Chair that the amendment proposed by the hon. member for Greenwood is in the nature of a substantive motion requiring notice.

Perhaps in concluding I should refer hon. members to a very similar situation which is reported in the *Journals* of the House of Commons and which rebuts the suggestion made this evening that we are now breaking new ground. I would refer hon. members to the *Journals* of the House of Commons for Wednesday, the 11th day of June, 1958, at page 132. On that occasion the house was considering the following motion:

That it is expedient that the houses of parliament do approve an exchange of notes constituting an agreement between the government of Canada and the government of the United States of America...and that this house do approve the same.

At the time an amendment was proposed by Mr. Howard, seconded by Mr. Martin (Timmins), as follows:

That the motion be amended by adding thereto the following words:

"And in the opinion of this house consideration of the interests of collective security and the principles of the United Nations make it advisable for the government to give consideration to the taking of such steps as are necessary to integrate these agreements within the structure of NATO."

Mr. Speaker Michener made the following ruling:

I concur the view he—  
—the Acting Speaker—

—tentatively expressed as to the irrelevance of the proposed amendment which I think is apparent from a consideration of the motion itself which calls for two things; first, that it is expedient that the houses of parliament do approve the agreement and, second, that the house do approve the agreement. That is all that the motion puts forward. In effect, if the motion is affirmed it will approve the agreement and if it is negated it will disapprove the agreement. If the amendment has the effect of denying the motion it is unnecessary and irrelevant because those members who wish to disapprove the agreement have only to vote against the motion as it stands. If the amendment adds something to the motion in a positive way it is a declaration of principle.

Then, a few lines further on:

Assuming that the amendment and the motion were accepted you would have the agreement approved but you would have added to it a declaration of this independent principle which is not related to the motion nor is it necessary for the decision of the motion in question.

That view is reinforced by a consideration of the limited number of cases where it is possible to introduce a principle by way of an amendment.

Speaker Michener here refers to a ruling of a previous Speaker, to which the hon. member for St. Lawrence-St. George referred this afternoon, in which he said:

May, Bourinot and Redlich indicate that the only motions upon which amendments declaratory of principle may be moved are motions for an address in reply to the speech from the throne, motions to go into committee of ways and means and supply and for the second reading of public bills.

For these reasons and on these grounds I must declare the amendment out of order.

**Mr. Brewin:** Mr. Speaker, in view of the importance of the matter, and with the very greatest of respect to you, I must appeal your ruling.

**Mr. Deputy Speaker:** The house has heard the decision of the Chair from which the hon. member for Greenwood has appealed to the house. Those in favour of sustaining the decision of the Chair will please say yea.

**Some hon. Members:** Yea.