

*Transportation*

An amendment was introduced last night but no motion has been moved in respect of it. The amendment to clause 74 was merely read; and the record, which is to be found at page 12119 of *Hansard*, will disclose this fact. First of all, I object to the moving of this motion on a procedural basis. I object to this amendment because I question its validity. The minister is trying to deal again with the same matter when it has already been disposed of by the house. In brief, he is trying to take two bites at the same apple, in violation of our rules.

The rule in this regard is very clear. I will read the rule as written in our original procedures in 1953 and as amended in 1958. It is to be found in Beauchesne's third and fourth editions. I shall refer to both rules because there has been an historical development as far as our procedure in this regard is concerned.

I said that in brief the minister is trying to take two bites at the same apple, when the rules say he cannot do this. He is trying to take two cracks at the same cat, when he is entitled to only one. What does the rule say in this regard? It is very clear. It is that a question being put once and carried in the affirmative or negative—in this case it was the negative—cannot be questioned again, but must stand as a judgment of the house, particularly in respect of one bill and more particularly in respect of one clause.

The minister by his amendment to clause 74 is really trying to repeat what was set out in section 329. The principle is identical in these two cases. Before I go into the meat of the amendment and section 329 I should like to refer to the rules. I would refer first of all to the third edition of Beauchesne's *Parliamentary Rules and Forms*, 1943, page 113. I shall read from citation 284:

A resolution may be rescinded and an order of the house discharged, notwithstanding a rule urged—

I have quoted this rule.

—"that a question, being once made and carried in the affirmative or negative cannot be questioned again, but must stand as a judgment of the house."

My first submission on this point of order is that section 329 provided that the Crowsnest pass freight rates be investigated with a view to ascertaining whether the railways were showing a profit or loss in regard to the hauling of grain within the definition of "grain" in Canada. In this respect a decision of the house was arrived at; a vote was taken

[Mr. Woolliams.]

on the section and it was struck out of the bill.

Last night the minister asked us to consider an amendment to clause 74, wherein is contained the same principle as there was in section 329. All the minister has done is replace the words "Crowsnest pass freight rates" with another term. I should like to quote from the amendment to clause 74. It says in part:

Subject to subsection (3), a railway company under the jurisdiction of parliament may make an application to the commission to investigate the revenues and costs attributable to the carriage of any commodity by the company at a statutory rate or substituted rate.

The statutory rate is the Crowsnest pass freight rate. The amendment to clause 74 deals with the identical matter; it means the same thing in principle. In order that the committee may fully understand my point of order I would read further from the rules. This passage is to be found in our former rules of 1943, at page 113 of Beauchesne's third edition:

To rescind a negative vote, except on the different stages of bills, is a proceeding of greater difficulty—

Beauchesne says that to attempt to do this puts one in great difficulty. You cannot substitute the same principle with similar words. In other words, if the minister wishes to bring in an amendment he will have to bring in a brand new amendment on a brand new principle. He has failed to do this. On these grounds I say that the amendment is not valid and cannot be accepted. The citation from Beauchesne's third edition continues:

The only means, therefore, by which a negative vote can be revoked, is by proposing another question, similar in its general purport to that which has been rejected, but with sufficient variance to constitute a new question—

It will take but a few moments to deal with that matter. There is not sufficient variance in this amendment to constitute a new question. The principle is the same. To permit the minister now to move the amendment to clause 74 would allow him to do through the back door that which he could not do through the front door when he was unable to call into the chamber sufficient hon. members to support the government's position in respect of section 329.

I should like to read further from the rules. I think it is necessary to do so in order that the record be straight. This is a most serious matter, in that the minister is trying to put something over on the people of western Canada. Citation 285 of Beauchesne's third edition says in part: