

Maintenance of Railway Operation Act

Then there would follow the substantial form of amendment that is there. Is that procedure acceptable to the house?

Mr. Churchill: Mr. Speaker, I had intended raising this point but you recognized the hon. member for Port Arthur (Mr. Fisher) before I had the opportunity to do so. Before this precedent is established of accepting as an amendment what is merely a negative, I think it should be carefully examined.

Mr. Pearson: It is a little bit late to ask that now.

Mr. Churchill: I do not consider it to be too late to draw the matter to your attention, Mr. Speaker. I think the hon. member for Port Arthur was out of order.

Mr. Martin (Essex East): I rise on a point of order.

Mr. Churchill: I am speaking on a point of order.

Mr. Speaker: The hon. member is speaking on a point of order and I will hear the hon. member.

Mr. Churchill: I think the hon. member for Port Arthur was out of order because he was discussing—

Mr. Martin (Essex East): I rise on a question of privilege.

Some hon. Members: Sit down.

Mr. Speaker: Order. I do not know how a question of privilege could arise at this point but if the hon. member wishes to introduce a question of privilege I will hear him.

Mr. Martin (Essex East): My question of privilege is this. Having listened to what the hon. member for Bonavista-Twillingate (Mr. Pickersgill) said I contend that there can certainly be no raising of the kind of question that is now being raised by the Minister of Veterans Affairs (Mr. Churchill). The amendment is now before the house. The Minister of Veterans Affairs had his opportunity. He did not rise in time and he cannot now take advantage of a situation in order to do that which, under our procedures, is denied him.

Mr. Speaker: There is some point in what the hon. member says, except that I myself, after putting the amendment before the house, recognized the deficiency in the preliminary wording and I either wanted the amendment to be withdrawn and be reintroduced in proper form or to have the house accept the additional words which would be desirable in order to give it the effect which it is intended to have. I rather understood, when the Prime Minister proceeded, that the

Mr. Speaker: If the hon. member is raising a point of order, I will hear him.

Mr. Pickersgill: The point of order I am raising is that Your Honour, by a long pause before putting the motion, gave ample opportunity to every hon. member of the house to raise a point of order and that any opportunity for raising a point of order has now passed since the motion is before the house.

Mr. Speaker: I did not understand the Prime Minister to contend that the amendment should not be debated.

Mr. Diefenbaker: No.

Mr. Chevrier: Oh, yes.

Mr. Speaker: Since the point has been raised, perhaps it would be well if I clarified the basis on which I accepted the amendment. I accepted it as being in substitution for the motion before the house, namely that the bill be read a second time, and as though it contained the words "that all the words after 'that' be struck out and the following added." In fact, that formal part of the motion is not there. In proceeding to debate this amendment as it stands, in order to have it make complete sense I think the house should accept that interpretation with the addition of the formal words which are usually there or that it should be moved again in the corrected form so that we have an amendment which makes complete sense.

Mr. Diefenbaker: I did not want to go that far and say that it was an amendment that did not make sense, although I am indebted to Your Honour in that regard. However, I am certainly not going to engage in argument on that score. I can understand why the hon. gentleman raises the point of order because, as the matter stands, there is no amendment. However, if the architects of the so-called amendment proceed to restore it and make it read sensibly, then no doubt it can be an amendment. However, in its present form it is meaningless as an amendment.

Mr. Pearson: I rise on a point of order. The Prime Minister has said that there is no amendment, Mr. Speaker. I think we are entitled to a ruling from you as to whether there is or is not an amendment.

Mr. Speaker: I take it that the house concurs in the reading of the amendment with these preliminary words included so that it is before the house properly. Otherwise I would have to reverse the proceeding. In other words, the amendment as moved by the Leader of the Opposition, seconded by the hon. member for Laurier would be:

That all the words after "that" be struck out and the following substituted therefor: