

Transportation

Beauchesne's third edition, citation 285 on page 113, states:

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.

We have the minister's own admission—I take it from his argument—that no substantial change has been introduced. The citation goes on:

It is possible, however, so far to vary the character of a motion as to withdraw it from the operation of the rule.

That has not been done. The rule is clear. What is being sought by the minister today is an opportunity to repair the damage done to the government as the result of their amendment having been voted down by the substitution of an amendment containing a few extra words but with the same intent, thereby endeavouring to save face in consequence of the inexcusable failure of the membership supporting the government to be present to assist the valiant efforts of the minister. There were times when he stood over there like the boy on the burning deck whence all others had fled. He wants another opportunity to get the boys back so that he can save himself.

Mr. Pickersgill: I don't want the deck to burn.

Mr. Knowles: Mr. Chairman, I should like to speak in support of the point of order raised initially this afternoon by the hon. member for Bow River. At the outset may I deal briefly with the point which has been mentioned, though admittedly not pressed, to the effect that this point of order was not raised at the earliest possible opportunity, which would have been yesterday. I recognize that the minister did not press the point, but it was mentioned and the Chair might be thinking of it. May I, therefore, draw Your Honour's attention to citation 405(1) on page 285 of Beauchesne's fourth edition. It reads as follows:

If it should appear in the course of discussion that an amendment which has been allowed to be moved and which has not yet been agreed to, is out of order, the Chair directs the committee's attention to the fact and withdraws the amendment from the consideration of the committee.

It seems to me we are in that position. The amendment was moved yesterday, but for the obvious reason that time was needed in order to consider such a lengthy amendment the

point of order was not raised until today. There has been some discussion of the amendment but it has not been agreed to and I therefore submit that it is in order to question its validity at this time.

Now, Mr. Chairman, I should like to draw your attention to a few citations which I believe to be relevant in this case. One or two have already been noted. I have two or three which have not yet been quoted. Having presented to you citations which in my opinion make it crystal clear that one cannot in committee seek to reverse a decision which has already been made, I will deal with the question whether or not the amendment now proposed by the Minister of Fisheries is substantially the same as the proposition which was defeated on Wednesday of last week.

Under the first heading, namely citations which should guide us in our discussion, may I first read from Beauchesne's fourth edition citation 200 (1) which is to be found on page 167.

An old rule of parliament reads: "That a question being once made and carried in the affirmative or negative, cannot be questioned again but must stand as the judgment of the house." Unless such a rule were in existence, the time of the house might be used in the discussion of motions of the same nature and contradictory decisions would be sometimes arrived at in the course of the same session.

And there is, of course, citation 288 which makes it clear that the rules that apply in the house apply also in committee of the whole house. Therefore the rule I have quoted, though it refers to the house, applies also to the committee of the whole.

But let me go on to quote from citation 402 (2). I ask that particular attention be paid to these words:

A new clause will not be entertained if it is beyond the scope of a bill, inconsistent with clauses agreed to by the committee, or substantially the same as a clause previously negatived.

That is brief, to the point, and as clear as it can be. I believe even the Minister of Transport must realize how clear it is. That citation is to be found on page 284 of Beauchesne's fourth edition. It is one which has not been quoted so far.

A new clause will not be entertained if it is beyond the scope of the bill—

I do not allege that.

—inconsistent with clauses agreed to by the committee—