

Legislation Respecting Railway Matters

to all three paragraphs. The first reads in part as follows:

An amendment purporting to approve the principle of a bill and at the same time enunciating a declaration of policy cannot be moved to the second reading. It must oppose the principle of the bill.

The second paragraph reads:

An amendment to the second reading of a bill which accepts in part the principle of the bill and suggests that it may be improved by provisions which can only be moved in committee of the whole is out of order.

The third paragraph reads:

An amendment which is not adverse to the principle of a bill but proposes that certain provisions be added to the bill cannot be moved on the motion for second reading.

The principle of this bill is to provide for the resumption of the operations of the railways and the early settlement of existing disputes.

Mr. Graftey: That is not what the Prime Minister just said.

Mr. Turner: There is nothing in the amendment introduced by the right hon. Leader of the Opposition which is adverse to or attacks the principle of the bill. All it does is add certain provisions which in the opinion of the official opposition would improve the provisions of the bill, namely, the incorporation of further items of the Munroe and Freedman reports.

I submit to Your Honour that if that is the opinion of the opposition hon. members will have an opportunity to append suggestions such as they are now making when dealing with the individual clauses of the bill, and I refer specifically to clause 6 regarding the Munroe report and clause 10 and other clauses regarding the Freedman report. With the greatest respect, they cannot have things both ways. They cannot in fact approve the principle of the bill, which I am sure everyone approves, that is, to achieve the resumption of the operations of the railways, a cessation of the strike and a settlement of the dispute, and at the same time move an amendment to the declaratory principle. That can quite appropriately be done during the committee stage when we are dealing with the clauses of the bill.

Mr. Olson: Mr. Speaker, I think we have to look at the first few words of the proposed amendment of the Leader of the Opposition which state:

This house declines to proceed with the second reading of a bill—

[Mr. Turner.]

The amendment then goes on to spell out a number of reasons why the house should decline to proceed. It seems to me that if the amendment were passed it would have the effect of killing the bill. There is no doubt in my mind about that. The Leader of the Opposition went on to suggest that the government should come forward with a new bill.

It is my opinion that we must also decide whether or not, on the basis of the arguments that have been advanced up to this point, the purpose of the bill is the same as the principle of the bill. I suggest it is not. Surely the purpose of the bill is to put into effect an act which would result in a resumption of the operations of the railways. It seems to me that the principle of the bill involves more than simply that. It involves the manner in which this is to be done.

In the citation referred to by the Minister without Portfolio, citation 393, particularly paragraphs 2 and 3, it is very clearly stated that an amendment to the second reading of a bill which accepts in part the principle of the bill and suggests that it may be improved by other provisions is not in order but must be moved at the committee stage during the consideration of the particular clauses which are disagreeable.

Paragraph 3 of that citation states:

An amendment which is not adverse to the principle of a bill but proposes that certain provisions be added to the bill cannot be moved on the motion for second reading.

The last three sentences of citation 386 are as follows:

The house cannot both refuse to give the second reading and refer some provisions of the bill to a committee. It shall have to make its choice. The amendment was ruled out.

I suggest that the question Your Honour must decide is whether there will be anything left to proceed with if this amendment is accepted. I suggest that the amendment will completely kill the bill if accepted and therefore is not in order at this stage.

● (4:20 p.m.)

Mr. Bell (Carleton): Mr. Speaker, may I submit very briefly that the whole matter is set forth with great clarity at page 530 of the 16th edition of May. This type of amendment falls within the definition of what is called a "reasoned amendment" in the House at Westminster. May says at page 530:

A reasoned amendment is placed on the paper in the form of a motion and may fall into one of several categories.