

*Columbia River Treaty*

I should like to draw attention to paragraph 14 of the citation. I quote:

An amendment which would produce the same result as if the original motion were simply negatived is out of order.

The effect of the amendment proposed by the hon. member for Greenwood would be to negative the resolution because the resolution calls for either approval or rejection of the treaty. Any contamination of the resolution is a negating of it.

Then, if I may, I should like to draw Your Honour's attention to paragraph 15 of that same citation. I quote:

An amendment approving part of a motion and disapproving the remainder is out of order.

I suggest, with respect, this is what the hon. member's amendment is trying to do. It approves the treaty and protocol subject to certain further clarification so, by inference, it approves part of the resolution and disapproves another part. The citation goes on to refer to an incident which occurred in this house on October 20, 1932 when the prime minister at that time moved that the house approve a trade agreement entered into between Canada and the United Kingdom. An amendment was moved that the house welcomed certain terms of the agreement and condemned several features of it. I quote:

The Speaker ruled it out because (a) the portion of the amendment which approved the agreement was useless as it suggested no change in the main motion, and also, (b), an amendment to disapprove what the main motion approves is nothing but an expanded negative.

This incident occurred in 1932, Mr. Speaker, and I should like to refer to *Hansard* containing the debate at this time. It is found in volume I of the session of 1932-33 at pages 386 and 387. At that time the trade agreement between Canada and the United Kingdom was before the house and the Hon. J. L. Ralston, who was then the member for Shelburne-Yarmouth, moved an amendment to the resolution which called for ratification of the agreement, but amended it in five ways. Paragraph 4 of the amended resolution was similar in form to the resolution introduced by the hon. member for Greenwood and stated, in effect, that the house was not satisfied with the ratification of the agreement and suggested some additional assurances be sought. Mr. Speaker said:

Paragraphs 4 and 5 affirm general principles which cannot be moved as amendments to motions of this sort but which could be moved on other occasions.

[Mr. Turner.]

Now, Mr. Speaker, basing myself on these two arguments and also on the fact that before the committee the hon. member had a full hearing of the particular argument which he has introduced in the house this afternoon, I would ask Your Honour to rule the amendment out of order and inadmissible.

**Mr. Brewin:** I rise on a point of order, Mr. Speaker. The contention put forward by the hon. member would have the effect of seriously limiting the sovereignty of this parliament. What he says is true, that the executive has initially the treaty making power, but in accordance with the very salutary observation of the former prime minister Mackenzie King, governments of the day have not exercised that prerogative and have seen fit to submit to parliament for ratification or approval the treaties that the executive can make. I concur in the view that they are not bound to do so. However, once they have done so, there is no limitation upon the power of parliament to deal with the matters submitted to it. It can accept them, reject them or attach whatever terms it likes. To argue in any other way makes a mockery of the submission to parliament.

I, for one, contend strenuously against the argument that once a matter is laid before parliament, then parliament's hands are to be tied; we are not even to be allowed to suggest to the government a formula amending the resolution for clarification of the treaty that is being made. I suggest that if the words of a former prime minister of Canada, Mr. Mackenzie King, which I quoted earlier, are to be taken seriously, namely that parliament should have the full right to inquire into these matters, then the arguments my hon. friend made are wrong.

Now, Mr. Speaker, he said that in a number of cases where treaties were introduced into parliament, where approval had been asked for from parliament, there has been no instance of an amendment having been made. The answer to that, then, is that there is no precedent in respect to it and you, Mr. Speaker, are faced with the obligation of deciding this as a new matter; and I urge that you should not make a decision limiting parliament's rights.

The second point is that the amendment negatives the original resolution. I submit there is nothing in that point at all. The amendment accepts the resolution, and it merely adds a proviso which is well within