

*Railway Act***GOVERNMENT ORDERS**

[English]

RAILWAY ACT

MEASURE TO AMEND AND REPEAL CERTAIN STATUTES

The House proceeded to the consideration of Bill C-17, to amend the Canadian National Railways Capital Revision Act and the Railway Act and to amend and repeal certain other statutes in consequence thereof, as reported (with an amendment) from the Standing Committee on Transport and Communications

Mr. Speaker: Order, please. There have been some indications of a procedural argument with respect to the first motion in the name of the hon. member for Winnipeg South Centre (Mr. McKenzie).

Hon. Otto E. Lang (Minister of Transport): Mr. Speaker, I did want to raise a point of order in connection with the first motion standing in the name of the hon. member for Winnipeg South Centre (Mr. McKenzie). The motion deals with a matter which has frequently concerned hon. members in dealing with pensions, a matter which is negotiated from time to time between the railway and the unions representing the workers in the railway, and from that point of view there might be much interest for hon. members. But it does seem to me that there are two points against it in terms of its being presented to the House at this time. One is that it is completely foreign and strange to the bill itself, which does not deal with the issue to which the amendment directs itself. Therefore, it seems to me to have problems of relevance.

Second, and very briefly, it seems to me that it is clear that the motion fails at this point because of the financial implications involved and the requirement that would be present for a royal recommendation. The amendment appears to require the spending of certain sums by Canadian National, a Crown corporation which is wholly owned by the Government of Canada, and the debts of which are significantly held by the government. Some of those debts are guaranteed by the government, and in that way the proposed amendment involves quite a direct implication financially for the government and for the consolidated fund.

It seems to me, therefore, that on both those grounds the proposed amendment does fail.

I do not propose to raise a similar point of order with regard to the second motion. It is probably closer to being all right on grounds of relevance because it deals with a section which also deals with auditors. On one reading it might be thought to involve some additional expenditure, but I would say that that, at the very least, would be extremely minor because it is a practice which is not uncommon at all with the railway which is here being embraced. Indeed, the second motion is a motion which I probably can for that reason support, even though it adds very little. However, I think the first one does fail on the grounds of relevance and of involving expenditures of funds which have a direct relationship to the fish.

[The Acting Speaker (Mr. Turner).]

Mr. Speaker: The hon. member for Winnipeg South Centre will want to argue, I am sure, in support of the procedural regularity. I read his motion as adding to the proposed clause 2 on page 3 some language which would require that the financial statement, as it were, of revenues of the CNR be altered so as to accommodate whatever payments would have to be made by the company to the pensions of former CNR employees or, as the hon. member has put it, to the equalization of benefits for CNR pensioners. Obviously if it did not require a payment, the hon. member would not have put the motion. Since it will require a payment, it may cause difficulties. In fact, if some other revenues have to be subtracted from the total financial picture of the CNR, obviously the public treasury will have to make up the difference.

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The other matter to which the hon. member will want to address himself is that the final financial picture, as I read clause 2 on page 3 of this amending bill, is determined first by totalling the revenues or the earnings of the national system, and then subtracting those payments which are required by section 9 of the parent act. After that, the balance remains in the hands of the company. The effect of the hon. member's amendment would be to change that, so that an additional charge or obligation would be placed upon the funds which would be called earnings in the system. An additional obligation would be placed on those funds. If that is going to be done, I am wondering whether it should be done by way of an amendment to section 9 of the act and not to this clause of the amending bill.

Therefore, those are the points I want the hon. member to argue.

Mr. Dan McKenzie (Winnipeg South Centre): Thank you, Mr. Speaker. As I understood the Minister of Transport (Mr. Lang), he indicated that he would accept the second motion. I will be able to make my contribution and raise all my points as to why the two motions have been presented when the second motion is debated. Will Your Honour be making a ruling on the second motion tonight, and then we will enter into debate on that motion?

Mr. Speaker: No, I see no difficulty in respect of the second motion. The second motion raises some concerns which are not serious enough to set it aside on procedural grounds. The minister has indicated that motion will raise some possibility of additional expense in terms of an auditor or an auditing practice. It is not of such a major nature that anyone would consider it to embrace the kind of financial initiatives which would require royal recommendation.

I think the hon. member is inviting me to make a ruling on this motion now. Any ruling I would make on his first motion is without prejudice entirely to his ability to argue on his second motion which may be accepted. Nevertheless, even if it is accepted, certainly he will be provided with a chance to make a contribution at that time.