

Retirement Age for Senators

As I have said, Mr. Speaker, the part of citation 382 that is relevant is the first part, the part I read before I interrupted myself. I suggest that if you examine the amendment proposed by the hon. Member for Burnaby-Richmond you will find that it comes completely within the provisions of the first part of citation 382, and I would add it is in line with many such amendments that have been moved to the second reading of bills over the years.

My hon. friend wishes to place on record reasons for not agreeing to the second reading of the bill, and I may say that Speakers have ruled from time to time that if a Member moves such an amendment to second reading he must be opposed to the bill. The hon. Member for Burnaby-Richmond is opposed to the bill. In that circumstance he is entitled to move as an amendment a resolution declaratory of some principle adverse to or differing from the principles, policy or provisions of the bill. That is exactly what my hon. friend's amendment does. He states clearly that he is opposed to the bill. He does not want it to be given second reading. Instead he wants the House to express itself on a resolution which declares a principle that is different from the one proposed by the Government. As a way of dealing with the Senate the Government proposes to bring in a compulsory retirement age of 75. My hon. friend proposes as an alternative that we deal with the Senate by asking the House at this stage to express its opinion in favour of its abolition.

When Your Honour invited comment from the floor with regard to whether the amendment was in order I was not sure what question might be in your mind. I thought there might be one relating to the fact that I have a bill on the Order Paper, Bill No. C-54, an act to amend the British North America Act, 1867, abolition of the Senate. I wondered whether you might contend that because that bill is on the Order Paper this amendment is not in order at this time. The answer to that, of course, is found in citation 131 of Beauchesne, fourth edition. It is a lengthy citation but I need to read only the first sentence:

In determining whether a discussion is out of order on the ground of anticipation, regard shall be had by Mr. Speaker to the probability of the matter anticipated being brought before the House within a reasonable time.

My private member's public bill is Bill No. C-54. Its present position is item No. 52 on the list of private members' public bills, and

[Mr. Knowles.]

I am afraid the chances of its being reached in this session are somewhat remote. Therefore, in the light of the whole of citation 131, it could not be used to block the presenting of this amendment at this time.

As I say, Mr. Speaker, had I thought you would raise any question about this amendment I would have looked up the number of times this kind of motion has been moved as an amendment to motions to go into supply. I submit to the hon. Member for Carleton that on previous occasions the House has had the free right to express its opinion as to what should be done, which is quite a different question from trying to abolish the Senate by a bill that goes through only one House. Obviously that could not be done. That is not what is before us. In the light of the wording of citation 382 what is before us is a resolution embodying a declaration of principle that we think the House should consider.

Hon. J. W. Pickersgill (Minister of Transport): I should like to put a question to the hon. gentleman. I am not rising to speak on the point of order. Has the hon. gentleman given consideration to whether citation 382 should be read as referring to the declaration of some principle that it is within the scope of Parliament to carry out? The principle that it is sought to embody in this resolution is something that is clearly beyond the scope of the Parliament of Canada under the constitution as it now exists. Therefore, just at first blush it would seem to me to be beyond the scope of the bill.

The hon. gentleman is such an expert and I am so inexperienced in these matters that I would be interested to have his view with regard to whether it is envisaged, when a Member moves that a bill be not now read the second time but that some principle opposed to the bill be asserted instead, that the amendment should be something that it is within the capacity of the House to be opposed to and is *intra vires* of the House. Clearly what the hon. gentleman proposes to assert is not.

Mr. Knowles: Mr. Speaker, the first comment I must make is that this is the second time today that the Minister has had a first blush, but in reply to his question may I point out that the Senate is provided for by the constitution of Canada, and in order to abolish the Senate the constitution of Canada would have to be amended. It has been amended a number of times. Even this