

and ratify actions of the government in making advances in excess of the statutory limit. There is nothing in clause 1 or clause 2 which attempts to do anything of that kind. It is not there.

Mr. Nielsen: You say.

Mr. MacEachen: I suggest that a reading of clause 1 or clause 2 will sustain that. I believe the amendment is quite irrelevant. It merely strikes out the repealing section which will make it possible after the expiry of the warrants in February to make advances. It does not have anything to do with what happens up until the moment of February 8 to legalize or not legalize.

Clause 2 merely asks the House to treat the proposal that is made in the supplementary estimates as an advance rather than as an appropriation. If that is not clarified and if the supplementary estimates and the subsequent appropriation bill are approved, the advances "authorized by the warrants" will find their way into the fund. Under the section of the Unemployment Insurance Act, if they find their way into the fund, they can only be used for payment out of the fund for administrative costs because they will be thereby defined under the section of the Unemployment Insurance Act as an appropriation. This is really to remedy that. It has nothing to do with an effort to legalize and ratify any alleged improper and illegal action of the government. Of course, I do not make a political argument that can be made as to the use of this kind of pejorative language in an amendment, improper and illegal action of the government. That is not an amendment. That is florid debate. I am surprised that a lawyer of the standing of the hon. member for Peace River (Mr. Baldwin) would use such language in a purely legal framework.

Mr. Deputy Speaker: The hon. member for Yukon on the same point of order.

Mr. Nielsen: Mr. Speaker, normally when we listen to the Government House Leader, we hear a more useful contribution on points of order such as this. This amendment does not deal with sections, as he is asking hon. members to believe. It does not deal with any specific sections of the bill, as he suggests. It is a general amendment which seeks to decline approval of this House to extending the purpose of the legislation, which is twofold.

The bill before us seeks to extend the ceiling that is now imposed by section 137(4) of the Unemployment Insurance Act. It also seeks to legalize something which, on the face of it, is unlawful. The minister indicated that he does not agree with this. He placed his argument on the basis that the second part of the amendment is not relevant.

The minister has been here and in government long enough to know that what he asked members to believe a moment ago, that once the supplementary estimate is approved and an appropriation bill is passed by the House, the money, by way of advances, would find its way into the unemployment insurance fund, is not correct. He knows very well that the money advanced by that warrant has already been spent under that vote of the estimates. With regard to the money advanced by the second warrant, a portion has been spent since January 4.

Unemployment Insurance Act

The illegality lies in the fact that payments are made by virtue of payments made under section 23 of the Financial Administration Act and any future requirements. One must take judicial notice of section 23 of the Financial Administration Act. On the face of it, the action is illegal. The vote of the House referred to the Standing Committee on Miscellaneous Estimates is an ill description in terms of the law applying in terms of section 23 of the Financial Administration Act.

In my submission, what the amendment seeks to do is perfectly in order. It seeks the approval of this House to decline to ratify something which was done in a manner that was patently wrong. Let us forget about the terms illegality and impropriety. What the government has done is manifestly wrong on the basis of the existing Statutes of Canada. All the amendment seeks to do is obtain the approval of the House to reject the government's attempt, first to take away the parliamentary privilege of improving all appropriations and, second, to retroactively cure something they were not authorized to do in the first place.

Some hon. Members: Hear, hear!

Mr. Knowles (Winnipeg North Centre): Mr. Speaker, I wish to submit for Your Honour's consideration that this amendment does not meet the rules that normally apply to a reasoned amendment on second reading. One of the standard principles with respect to such amendments is that they cannot have it both ways. They cannot both approve and disapprove of a measure before the House. This amendment is drawn in language that suggests that the movers of it accept a certain aspect of the legislation, namely the need to supply funds, but they are opposed to what the bill actually does. I submit therefore that it falls on that ground.

• (1700)

The second point I should like to make is in support of the remarks made by the President of the Privy Council (Mr. MacEachen), although I shall bring forward a couple of citations. In looking at page 170 of Beauchesne's Fourth Edition, paragraphs (12) and (14) of citation 202, I find that paragraph 12 reads as follows:

An amendment proposing a direct negative, though it may be covered up by verbiage, is out of order.

Then paragraph 14 reads:

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

I submit that is precisely what this amendment is. It is nothing more nor less than a direct negative. The movers of this amendment are opposed to the second reading of this bill. They can achieve the same purpose by voting against the bill. Therefore, this amendment, as a direct negative, is out of order.

The hon. member for Yukon (Mr. Nielsen) tries to say that the President of the Privy Council is talking about the clauses of the bill rather than the bill itself. I submit the only thing this bill does is remove the \$800 million ceiling.

Mr. Nielsen: Oh, no.