

thing or other. I think this is preferable to amendments that have used the language, "That this House declines to proceed with the bill". Nevertheless, Your Honour has not raised the question of the form but rather of the substance. The principal citation on which I rely is citation 382 in Beauchesne's Fourth Edition, which reads as follows:

It is also competent to a member who desires to place on record any special reasons for not agreeing to the second reading of a bill, to move as an amendment to the question, a resolution declaratory of some principle adverse to, or differing from, the principles, policy, or provisions of the bill, or expressing opinions as to any circumstances connected with its introduction, or prosecution; or otherwise opposed to its progress—

There is a little more to the citation, but I think it is not unfair to stop there for present purposes. I may say there is also another citation somewhere, as well as rulings, to the effect that one cannot have it both ways in a motion of this kind. In other words, such an amendment cannot be both for and against second reading at one and the same time. If one is going to move a reasoned amendment on second reading, it has to be one that calls for opposition to the bill as it is presented to the House. That is precisely the position I have taken in my amendment, namely, that unless we can get a declaration such as that suggested in the amendment we should not proceed with Bill C-186 in its present form.

Let me now pick out the qualifications or conditions that are stipulated in citation 382. It says that such an amendment must imply not agreeing to the second reading of a bill. My amendment certainly takes that position. Then it says that the resolution may declare some principle that is—

—adverse to, or differing from, the principles, policy, or provision of the bill, or expressing opinions as to any circumstances connected with its introduction, or prosecution; or otherwise opposed to its progress—

● (3:50 p.m.)

This is precisely my argument. Because of this situation, namely, that we are being asked to grant money to the CNR at a time when the CNR has done nothing about the request of this House in the field of pensions, we are taking the view that we should not proceed further and that we should not agree to further progress on this bill.

It may be suggested to me that there is some problem about the dollar angle, but I would argue that the question which applies is, after all, that the amendment calls upon the government to assure the House that it will call upon the CNR to implement a certain recommendation and it is not an amendment which in itself proposes the expenditure of money. As a matter of fact, even the report of the Standing Committee on Transport and Communications which this House endorsed on October 7 does not involve the payment of additional money out of the federal treasury. That report showed the CNR how it could do it out of its own resources. So there is no liability against this amendment in terms of a private member not having the right to move things involving the expenditure of money. It does not do that; it calls upon the government to do it. Your Honour might ask

Canadian National Railways

whether there is relevance to the terms of the bill. I suggest there are many reasoned amendments which have relied upon citation 382, which have given the reasons why a mover of an amendment felt that we should not proceed with a certain bill.

As I said in my remarks just before I moved this amendment, there is a very close relationship between the CNR asking us for money, pleading its poverty, but refusing to agree to a request we have already made regarding the pensions of its employees. The money that is involved in this bill is money that goes into the coffers of the CNR generally. The whole question of the CNR administration of its affairs is also involved. I would say what the CNR does as far as finances are concerned is included therein. I submit it is a reasoned amendment in that it does couple opposition to the bill with the declaration of reasons why we think the bill should not be proceeded with further and because in its present form it does not contravene any of the inhibitions imposed upon private members.

Therefore, I hope I have managed to entice Your Honour away from your temptation to feel that this motion might in some inconceivable way be out of order. I submit that the House of Commons having passed a motion on the question of CNR pensions and now having before it a bill dealing with CNR financing, a private member has the right to move such an amendment. I hope Your Honour will consider it favourably.

Hon. Donald S. Macdonald (Minister of National Defence): Mr. Speaker, perhaps I could add to the citation referred to by the hon. member for Winnipeg North Centre (Mr. Knowles) citations 388 and 393 (1) of Beauchesne's Fourth Edition. The basic principle on which I would argue is that while the hon. member has been artful in his presentation of this amendment, he has put himself in an illogical position. He is saying that the CNR should pay out more money for the benefit of its pensioners, but at the same time seems to imply that the CNR should have no more money. If he is suggesting that the CNR should not have any more money, he is in difficulty in saying that the CNR should carry out his request. Therefore, I suggest what he is really doing is putting on the record a statement along the lines of that referred to in citation 393 (1) which reads 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.

What the hon. member is doing, in fact, is asking the House to make a declaration on a question that can only be effective and have meaning if the principle of the bill is not given effect to, that is, if passage of the bill is refused, thereby leaving the CNR impecunious. This, of course, would defeat not only the objective of the CNR but the objective of the hon. member.

Therefore, I suggest that while he has very skilfully attempted to bring his amendment within the wording of citation 382 of Beauchesne, what he is really doing is not opposing the carrying on of the business of the CNR but asking that the CNR carry on its business and carry it on