

*Canada Labour Code*

Senate and House of Commons of Canada enact as follows" do not appear in the Revised Statutes.

• (2010)

**Mr. O'Connell:** Does that have a preamble?

**Mr. Knowles (Winnipeg North Centre):** No, this one does not.

**Mr. O'Connell:** Find one with a preamble.

**Mr. Knowles (Winnipeg North Centre):** I was admitting that where there are preambles, they do carry over, so I will not argue that point any further.

**Mr. Lambert (Edmonton West):** They are original acts; they are not amending acts.

**Mr. Knowles (Winnipeg North Centre):** As I say, I would be glad to do more research to correct this point. But on the other point, the one about the effect of preambles, I feel that I must press it rather strongly. I draw attention to *Beauchesne's Fourth Edition*, citation 360, page 268 where the author says:

As a rule a preamble is unnecessary in a public bill.

He goes on to state that in private bills there has to be a preamble, but repeats that it is not necessary in a public bill and that it does not have legislative effect. Then I pick up a book entitled "Legislative Forms and Precedents" written by E. A. Driedger, who at the time he published this book was deputy minister of justice and deputy attorney general of Canada. At page 8 of his book Dr. Driedger says:

The use of preambles has fallen out of fashion, and public acts do not now normally have preambles.

The preamble is part of the act and may be referred to in construing the act. The Interpretation Act provides—

I could go on and read what he says of Dr. Driedger's book, from page 8 but instead I should like to read directly from the appropriate statute, namely, the Interpretation Act. It is chapter I-23 of the Revised Statutes of Canada for 1970. Section 12 thereof reads as follows:

The preamble of an enactment shall be read as a part thereof intended to assist in explaining its purport and object.

I freely admit that a preamble is permissible, even though it has fallen out of style, that it can be put into a piece of legislation and that it does get carried forward. But the most that can be said for it is that it is intended to assist in explaining the purport and object of an act. In fact, that is all that is said for a preamble, not only in Dr. Driedger's book but in the Interpretation Act itself.

So I think we are now at the position that a number of us were taking before five o'clock when we insisted that if these words, fine words that they are, appear only as a preamble, if they appear before the words "enacts as follows", then they have no legislative effect. They are there; they can be looked at; they can be read for an explanation—but they do not have enacting or legislative effect.

Because we think there is some merit in the words that are in the preamble, we would like the minister to find a way to transfer them into the body of the legislation itself. I cannot support the proposition put before us by the hon.

[Mr. Knowles (Winnipeg North Centre).]

member for Hamilton West (Mr. Alexander) that they should be wiped out altogether.

**Mr. Alexander:** Right.

**Mr. Knowles (Winnipeg North Centre):** I don't know what the hon. member means by saying "Right" at that point.

**Mr. Alexander:** I mean right, they should be wiped out altogether.

**Mr. Knowles (Winnipeg North Centre):** I cannot support that. Maybe there is something in the language that the hon. member does not like. Maybe he thinks that it goes too far.

**Mr. Alexander:** It misleads.

**Mr. Knowles (Winnipeg North Centre):** I like the wording that is there, but I think we should put it in the statute where it will have some meaning. Now, if I may go back to what I was saying about my first point, not watering down my admission that preambles do not disappear, nevertheless may I say to the minister that what will happen to the preamble to Bill C-183 is a moot question. This is not, as the hon. member for Edmonton West (Mr. Lambert) would point out, an original statute. This is an amending bill. This bill will amend chapter L-1 of the Revised Statutes of Canada, namely, the Canada Labour Code.

What does the bill do in the enacting part? It provides:

Part V of the Canada Labour Code is repealed and the following substituted therefor—

Then there follows a new part V entitled "Industrial Relations" and it starts with a new section 107. That means that the revising officers, or those who compile an office consolidation, will have to pick up the Canada Labour Code and, starting with section 107, take out all the rest of part V and put in there the new clause 107 and all those that follow. But where will such revising officers, or those who produce an office consolidation, put the preamble? It is not a preamble to the Canada Labour Code; it is only a purported preamble to part V. But there is no preamble to part V in the act that is on the statute books and there is nothing in this bill that says where those words in the preamble are to be put anywhere at all in the main statute that we are amending.

Maybe, Mr. Speaker, we are arguing over words, forms and procedures and all that sort of thing, but I think there is an element of importance to it. If these words have any meaning, and I think they are good words, then they should be put in the statute in a place where they will have effect.

**Hon. Marcel Lambert (Edmonton West):** Mr. Speaker, I apologize for not being in my seat, but the hon. member for Winnipeg North Centre (Mr. Knowles) sat down rather more abruptly than I anticipated.

**Mr. Knowles (Winnipeg North Centre):** Come, come! I am a man of few words.

**Mr. Peters:** Quite a few.