

Canada Labour Code

referred, such as that dealing with technological change, the clause regarding supervision and the broadening of the legislation to include many more people.

They said that these provisions, instead of making it easier to bargain in good faith, would worsen the already deteriorating relations between employer and employee. Therefore I would say that the preamble, if it is intended as the government's wholehearted endorsement of the collective bargaining process, does not do what it is intended to do. Even though collective bargaining is probably the best means we have of settling disputes between the two sides, the process depends on the good faith of the negotiating parties. I believe that at the present stage of the game there is a third party which should be involved in collective bargaining but which in most cases is completely ignored.

So many strikes have such far reaching effects on the public that I believe the public must become a third party to the collective bargaining process. It should no longer simply be a matter of employer and employee trying to divide up the spoils between them. The public must be considered. Therefore I believe there should be something in the preamble, or in the body of the bill, setting out the government's position on how the public interest should be looked after in cases of employer and employee disputes.

I feel that the present preamble is unnecessary. It does not accomplish anything; in fact, the wording in certain parts of it may tend to worsen relations between employer and employee. Therefore I feel that the amendment should be supported and that the preamble should be deleted from the bill.

Mr. Stanley Knowles (Winnipeg North Centre): Mr. Speaker, colleagues of mine who have preceded me have made it clear that we are not opposed to the language that is contained in the preamble. Granted, it is largely language, but like motherhood it has our support. However, we feel that if the declarations in the preamble to the bill are to have any value, they should be contained in the bill itself. Everyone present knows that we got catapulted into this debate rather unexpectedly, and instead of some roaming around in the library as I had hoped to be able to do in the next day or so, I had to do that rather hurriedly in the last half hour.

I find there are at least two interesting examples which I should draw to the attention of the Minister of Labour (Mr. O'Connell) in the hope that he will find his way clear to follow them. Perhaps I had better do this before somebody else draws attention to it, Mr. Speaker. I should admit that these are pieces of legislation, one of which was brought in by the Hon. J. W. Pickersgill, and the other by the Hon. Judy LaMarsh, but even those two former ministers had to be right once in a while.

In the case of the National Transportation Act which was brought in by the Hon. J. W. Pickersgill there was included what amounts to a preamble but which was cast in the form of a declaration of principles. If one looks at the annual statutes for 1966-67, chapter 69, he will find that section 1 starts:

It is hereby declared—

[Mr. Thomas]

Then much wording follows, which is obviously the language of a preamble. The point I wish to make is that that was put in as section 1 of the act and is therefore in the act after the words:

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows—

In other words, it is legislation. I also looked into the Revised Statutes of 1970 to see what happened to this piece of legislation and I found that the only change that the revising officers made was to make what was section 1 of the act, as passed in the House, section 3 of the act as contained in the Revised Statutes.

In a moment I shall give another example. I point out now that in the other example the declaration also was transferred and made section 3. Without doing any great amount of research, I think the answer is quite clear, namely, that the revising officers sought to establish some consistency with respect to laws which they put into the Revised Statutes, and their pattern seems to be that section 1 is the title of the act, section 2 is the interpretation section which gives the various definitions and then, where there is a declaration of principles, it appears as section 3.

The other example is the Broadcasting Act which was passed in the 1967-68 session. There, again, one finds at that time as section 2, "It is hereby declared that . . ." Then there follow lettered paragraphs down to and including (j). Again, these were in the nature of a preamble, but they were section 2 of the act and therefore they are part of the legislation, with legislative effect. Again the change that was made by the revising officers was to make section 2 of the act, as passed by Parliament, section 3 in the Revised Statutes. Again I suggest that that is simply because of a consistent pattern obviously sought by the commissioners.

A while ago the Minister of Labour did not know the answer to a question put to him by one of my colleagues, but I think the answer is quite clear, that words which are just preamble will disappear when the act gets into the Statutes of Canada. After all, all we do when we pass an act is to enact what follows after the words "Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows."

I therefore suggest that if this bill stays as it is, the words that are there by way of preamble will disappear when the bill becomes an act in the Statutes of Canada. Certainly, if they do not disappear in the annual statutes they will disappear when they get into the next revision, whenever that takes place.

One is always wise, in this kind of presentation, to look for any exceptions that test the rule or any exceptions that the other side might throw at you. Accordingly, I looked up the Canadian Bill of Rights to see what had happened in that case. As hon. members will recall, when the Minister of Finance (Mr. Turner) was minister of justice and tabled the Revised Statutes of Canada for 1970, he pointed out that the Canadian Bill of Rights was being put in a special category. That means that it takes a little looking to find it. But at least I found it. And I now find it is five o'clock, Mr. Speaker.