

# HOUSE OF COMMONS

Thursday, June 16, 1983

The House met at 11 a.m.

• (1105)

## GOVERNMENT ORDERS

[English]

### WESTERN GRAIN TRANSPORTATION ACT

MEASURE TO ESTABLISH

The House resumed from Tuesday, May 24, 1983, consideration of the motion of Mr. Pepin that Bill C-155, to facilitate the transportation, shipping and handling of western grain and to amend certain Acts in consequence thereof, be read the second time and referred to the Standing Committee on Transport; and the amendment thereto of Mr. Benjamin (p. 25389).

**Mr. Deans:** Mr. Speaker, at this time I rise on a point of order that I consider to be of some vital importance to the business that is now before the House. You may be aware, Mr. Speaker, that we opposed first reading of Bill C-155 because we believed that the Bill was both unacceptable in principle and confusing.

You will note, Mr. Speaker, that page 380 of Erskine May, Nineteenth Edition, deals with something called a complicated question. Page 380 of Erskine May reads as follows:

The ancient rule that when a complicated question is proposed to the House, the House may order such question to be divided, has been variously interpreted at different periods.

It goes on to read:

In 1888, however, the Speaker ruled that two propositions which were then before the House in one motion could be taken separately if any Member objected to their being taken together. Although this ruling does not appear to have been based on any previous decision, it has since remained unchallenged. A complicated question can, however, only be divided if each part is capable of standing on its own.

I submit to you, Mr. Speaker, and I hope to back my submission up with some evidence, that the Bill before us does in fact place before the House a complicated question within the definition contemplated by Erskine May, that the question before the House has three quite different principles contained within it, that those three principles are not reliant one upon the other, and that each principle is capable of standing on its own.

I would submit to you, Mr. Speaker, that Bill C-155, when voted upon at second reading, would require Members of the House of Commons to vote on three distinctly different principles with one vote. I submit that it would be impossible for a Member to exercise his or her responsibility properly if that Member were to be required to vote for or against a Bill

containing three principles when in fact the Member might find himself or herself in support of one or more of the principles but in opposition to one or more of the principles.

That goes directly, therefore, to the question that Erskine May poses, that if a question is one which a Member cannot in good conscience rise and vote for freely and with the assurance that that vote will achieve the results that the Member believes ought to be achieved in dealing with the principles of the Bill, then the Bill should be divided.

• (1110)

In putting this point before you, I want to indicate what those three principles are. The Bill is divided into a number of parts. I want to make it clear that I am not arguing that simply because the Bill deals with more than one amendment to more than one piece of legislation, it is necessarily dealing with more than one principle.

In the case of Bill C-155 three quite different and quite distinct principles are involved. The first is to set up a new administrative procedure for dealing with the transportation, shipping and handling of grain. This procedure could be pursued independent of any other action of the Government. It deals with the establishment of a commission, the purpose of which is to set out the methods to be used and the procedures to be followed in the technical aspects of the transportation of grain over the railroads of Canada.

The second principle contained in the Bill speaks directly to the amount of money to be charged to the farmer for the movement of grain. It is a separate principle and the amount of money to be charged to the farmer could be introduced in a piece of legislation standing on its own that could be dealt with separately and quite apart from how the transportation system is to work.

I therefore submit that although those two principles are put together—in the view of the Government they may be marginally related—they are, however, capable of being dealt with separately. That is the key—they are capable of being dealt with separately. They are capable of standing on their own. They could have been introduced as separate pieces of legislation, one without the other. One piece could have been introduced without the other ever having been dealt with.

It would be possible to redevelop the railroad system using the proposals in Part I without in any way changing the method of payment that farmers currently have enshrined in law. It would equally be possible to change the method of payment without in any way altering the basic railroad system.