

Western Grain Transportation Act

Well, we are not dealing with that, although it would seem quite natural and logical to draw upon the Chair's ruling that that in fact had to be followed. I am suggesting that in my judgment I do not believe it does.

Again, I say this is not an amendment to an existing preamble, it is rather a statement of purposes and objectives which have the effect of expanding the long title. We know from Beauchesne's, Mr. Speaker, that in fact that is possible. The Opposition House Leader, in his quite brilliant summation yesterday of the Chair's position, cited Beauchesne's Fifth Edition, Citation 779, and I will simply repeat it. It reads:

Substantive amendments to the preamble are inadmissible unless the modification is proposed for purposes of clarification or uniformity. *Journals*, January 19, 1970, p. 323.

But we are not substantially altering anything; we are clarifying the objectives, usefulness and utility of the Bill itself. I think the failure to do this will call into question down the road how this Chamber and the Ministries will have to deal with the form and structure of motions in front of us. It seems to me this Chamber has no right to dictate the form and structure of matters which will in the future come before us. It seems to me that where there is a doubt, and here there would appear to be a question at least, the Chair might consider in its wisdom the advisability of allowing the distinguished Hon. Member for Vegreville to put his motion so that in fact we might get on with debating it in its proper sequence in time.

I thank you for the opportunity to intervene briefly, Mr. Speaker.

Hon. Ray Hnatyshyn (Saskatoon West): Mr. Speaker, I would like to address what I think to be a very important point of order raised by Motion No. 1. If I may, I want to take a slightly different point of view than I think has been put forward to you up to this point. In dealing with legislation there is a well established rule which has been followed across the land that whenever courts are reviewing legislation passed in the House of Commons they are restricted to the words of the legislation. I do not have a list of the authorities, but there are many cases in which courts have held that in determining the meaning or the interpretation to be given to any legislation passed by the House of Commons they are not able to go behind the legislation. Rather, they have to look at the statute and make their interpretation based on that wording.

While the debates of the House of Commons as recorded in *Hansard* are all very interesting, the courts are not obliged, indeed they are discouraged from looking at that kind of ancillary matter in order to determine what the proper intention of Parliament is, was or should be. The reason I mention that principle of procedure in the courts is that I think it is very germane when we consider the content of Motion No. 1.

I see at this point in time, Mr. Speaker, that I will have a receptive ear to what I want to say. Not that I would not have had it from your predecessor in the Chair a moment ago, but by the colour of your coat and the way you are listening with such great interest I know you will be very agreeable to and support what I say now.

Mr. Lewycky: Let's have a ruling now.

Mr. Hnatyshyn: Now is our chance to take control, boys! Of course, I jest.

Mr. Dionne (Northumberland-Miramichi): Mr. Speaker, is it proper in this House for an Hon. Member to try to influence the Chair through flattery?

Mr. Hnatyshyn: The answer is yes.

I see the Minister of State for External Relations (Mr. Pepin) is here today. When he was Minister of Transport I wish he had made the same sort of proposition with respect to this legislation and sent a peace corps out to western Canada rather than to Central America. We would have had far more success in getting a consensus in western Canada.

Mr. Pepin: I was a one-man peace corps.

Mr. Hnatyshyn: A one-man peace corps!

● (1520)

Mr. Speaker, I want to put forth the serious proposition concerning what has been proposed in the amendment of my colleague, the Hon. Member for Vegreville (Mr. Mazankowski), that quite a different point of view should be taken by the Chair and, indeed, by Hon. Members on the Government side who appear to be arguing against the acceptance of the motion. It seems to me that there is a kind of reverse onus on the propositions put forward in the motion and upon Government Members. I say that the Hon. Member for Vegreville, in the amendment that is now being discussed, Motion No. 1, has stated some of the essential objectives of the legislation.

If, in fact, Government Members want to stand up and suggest that it is not an objective of the Bill that "an economic, efficient and reliable grain transportation system making the best use of all available modes of transportation at the lowest total cost is essential to protect the interest of the grain producer and to maintain the economic well-being and growth of western Canada, and that these objectives are most likely to be achieved under conditions ensuring that, and then going on with the specific items in Motion No. 1, it is up to them to say that that is not the intention of the legislation. They should say that that is inconsistent with what is contained in the legislation. It is that simple. In other words, they cannot have it both ways.

I respect the fact that Madam Speaker raised some concern with regard to the actual nature of the amendment being proposed by the Hon. Member for Vegreville. In one sense, it was a preliminary ruling. With the greatest of deference let me say that anyone who is of the opinion that the proposals and statements contained in the motion are not fundamental and essential to a proper understanding and interpretation of the Bill is doing a disservice to the legislation. Coming from western Canada, I feel it is absolutely essential for people who will be administering the legislation to have a clear statement of its principles so that when it comes to a question of interpretation of any part, provision, section, sentence, or