

Canada Labour Code

recognize I am quoting from section 12 of the Interpretation Act.

Mr. O'Connell: This is a question which I believe I can answer rather readily. The preamble has no greater effect in any statute than that laid down in the Interpretation Act. Whether it is in one position or another, it has not different legislative effect than that permitted in the Interpretation Act. I therefore have to rest on the case I have been presenting.

I wish to say this in addition. From the advice I can get—in this sense it is not conclusive because the determining point is the statute revision officers, and when they come to look at this matter they are the ones who will make the decision—in all frankness, it may well be that this being an amending statute the preamble may in fact disappear. I cannot say it will, but I would be less than frank if I said now that it will not.

Mr. Knowles (Winnipeg North Centre): Because this bill does not say what to do with it.

Mr. O'Connell: Even if this bill put it in a different place, it might well disappear in the course of revision. That is to be determined by the revision officers. Regardless of the decision the revision officers will make this preamble will have as much use for all those who wish to refer to it whether or not it is carried forward in a revision, and the use of those who wish to refer to it is the use which is permitted in the Interpretation Act. With those few comments I conclude my remarks.

Mr. Woolliams: Mr. Speaker, would the minister permit another question?

Mr. O'Connell: Mr. Speaker, I feel I cannot accept the amendment put forward by the hon. member for Hamilton West in motion No. 1.

Mr. Woolliams: Mr. Speaker, would the minister tell us with certainty whether the interpretation of the balance of the clauses would be identical if the bill did not have any preamble?

Mr. O'Connell: Mr. Speaker, I am being asked to give a legal opinion. I have to shrink from that. I can give my own opinion, which is that it would have exactly the same effect whether or not the preamble were there. It is not in there to modify the interpretation. The words of the Interpretation Act are, "to assist in explaining its purport and object". It is put in there to demonstrate the faith we on this side of the House have in free collective bargaining and in freedom of association.

Perhaps before I sit down I ought to correct one impression which may have been left by the hon. member for Edmonton West (Mr. Lambert) with reference to ILO convention No. 87. If I understood him correctly, he said there was not consultation with the provinces. That is not the case. ILO convention No. 87 was ratified by this government after receiving the unanimous consent of all the provinces of Canada. There was full consultation and unanimous consent was received. It was ratified this year and reference is made to it in the act. That ought to be pointed out, Mr. Speaker.

Mr. Alexander: Mr. Speaker, before the minister sits down might I ask him a question?

Mr. Deputy Speaker: Order, please. The hon. member is rising to ask a question of the minister.

Mr. Alexander: With your indulgence, Mr. Speaker, may I say that I listened to the minister and did not expect any different speech than that which I heard in the committee. However, I am wondering why the minister did not give any reason for not including the preamble in this bill, when in fact he has placed so much emphasis on freedom of association and the collective bargaining process as elaborated in the preamble.

I ask with all due respect—and I believe this was the thinking all along—why the preamble was not in the first bill. In fairness, I think we should have an explanation because it seems to me that suddenly—I know, Mr. Speaker, that I am getting into a debate—between the tabling of the first bill, its removal and the bringing in of Bill C-183 someone, for some reason, became enlightened. I ask why the preamble is in this bill now when it was not in the other bill.

Mr. O'Connell: Mr. Speaker, I do not think it is either a case of enlightenment or non-enlightenment. As the hon. member knows, it was the case of members of the labour movement for some time that a preamble should come into this bill. I found that to be a very persuasive argument and was very happy to have the preamble inserted in the bill. I have had confirming counsel to that effect in the Woods task force report on industrial relations which recommended the same thing. It seemed to me it would appeal to this Parliament to state unequivocally its confidence in the collective bargaining process and the majority of the parties which participate in it and work with it by laying it out here as the cornerstone of industrial relations in Canada. I am very happy to take responsibility for inserting it in the present bill.

Mr. Lambert (Edmonton West): Mr. Speaker, would the minister advise the House what he thinks will happen to the preamble, assuming the bill is passed and there is perhaps an office consolidation for use by the public, bearing in mind that I put it to him that the preamble would have to disappear because there is no provision whereby the preamble can appear between sections 106 and 107 of the statute? This is an amending statute; therefore, what is it worth?

Mr. O'Connell: I shall not tax the patience of the House by again going over the arguments I made. I know the hon. member was absent for most of my remarks. I regret that, because I believe I covered the ground quite fully. I think he will have to read my remarks in *Hansard*.

Mr. Lambert (Edmonton West): But you did not give an answer.

Mr. Deputy Speaker: Order, please. The minister has time left in his remarks. If the hon. member for Calgary North (Mr. Woolliams) has a question and the minister wishes to receive it, the Chair will see the hon. member for Calgary North. The hon. member for Calgary North on a question.