

beyond the Royal Recommendation, beyond the expenditures of the Crown, or changes the interpretation and meaning of this Bill, I feel it would be incumbent on us, for the sake of generations to come, to clarify the rationale of Bill C-155 with a statement of purpose. I am certainly waiting to hear from the Parliamentary Secretary. I hope he will consider the feeling people might have when they view Bill C-155 without a statement of purpose. It may well be that once again the Government does not want to clarify it, because the railroads continue to interpret transportation Acts, and if the railroads are allowed to continue to do that, it may well be the reason why the Government does not want a statement of purpose in the Bill. That way the railroads could continue to have their own way with Bill C-155.

The Acting Speaker (Mr. Blaker): Hon. Members will realize I have just this moment occupied the chair. As I understand it, the House is presently considering points of order related to the Bill before the House. Therefore, I would need to understand whether the Hon. Member is rising to debate Motion No. 33 or whether he is rising on a point of order.

Mr. J. M. Forrestall (Dartmouth-Halifax East): At three o'clock in the afternoon of the Thanksgiving weekend, I do not need a lecture upon what is going on in the Chamber.

The Acting Speaker (Mr. Blaker): The Hon. Member has not received a lecture. I indicated that because I am newly arrived in the chair I would appreciate the Hon. Member's instruction as to whether he is rising on a point of order or is rising to debate Motion No. 33. It was a simple request.

Mr. Forrestall: Mr. Speaker, my understanding is that the Chair is now entertaining interventions with respect to the procedural acceptability of motions. It may well be that in the Chair's judgment and wisdom, the debate being on the first motion presented by the distinguished Hon. Member for Vegreville (Mr. Mazankowski), it may be somewhat improper for me to intervene. If it is quite proper, I assure you that I do know what the Chamber is doing. God knows, at three o'clock on a Friday afternoon of Thanksgiving weekend, everyone here not only knows the purpose for which the House is sitting, but is here because the matter is somewhat serious.

The intervention I would like to make, Mr. Speaker, flows in part from the intervention made by our House Leader yesterday in which he quite clearly, and I believe quite properly, interpreted part of Beauchesne's citations with respect to an amending Bill. My purpose in intervening at this point is to argue that in fact the Bill is not an amending Bill but is a Bill which stands on its own. Beauchesne, in a number of places—and other authorities—quite properly deals with the two different types of Bills. I would like to suggest that Bill C-155 is not an amending Bill but rather is a Bill which stands on its own.

The National Transportation Act, that ancient and not very venerable piece of legislation which governs transportation in Canada today, after 10 or 15 years is somewhat out of date, a

Western Grain Transportation Act

fact to which the former Minister of Transport can attest. However, it does have a statement of purpose, a statement of objectives. Whether it is called a preamble, or whatever, I suggest is a matter of semantics. It does have the same intent and the same impact. I suggest that the Bill presently in front of us is a Bill of the same nature as the National Transportation Act itself. In other words, it is a Bill which stands on its own. The National Transportation Act, other than in character, does not refer to this Bill. The National Transportation Act, as the former Minister of Transport is well aware, is one which this Chamber must deal with. Had we, in fact, dealt with any uncertainty with respect to the nature of that legislation, the present Bill in front of us might not have arisen.

There is no doubt, Mr. Speaker, that Bill C-155 does not contain a statement of purpose, nor a preamble. We are basing our arguments in large measure with respect to the extension or the clarification of the long title—which I believe is quite possible on the admissibility of the motion. The motion is one which I believe the Chair must, in some respects, look at closely. It must determine in its wisdom whether or not technically such a motion is or is not admissible, because in the final analysis this Chamber, by unanimous consent, can do whatever it wants.

Before the Opposition House Leader rose to make his main interventions, we knew that the Minister was in fact quite open and amenable to such a statement of purpose. So it is not a question of whether or not there is a strong position for or against the preamble as set out by the Hon. Member for Vegreville (Mr. Mazankowski) in his amendment.

● (1510)

I might just add that it is not just the National Transportation Act to which I relate this Act as an Act standing on its own. Just recently this Chamber dealt with a new national ports Bill. I contend it can be argued that that was not an amending Bill but rather it stood on its own. In fact it contained a preamble, a statement of purpose, which was the product of debate of an amendment, of consensus and agreement. So it is not in that sense unique. While the Chair's ruling with respect to the introduction of a preamble, when in fact one is not there, may stand as technically correct, I suggest that it does not stand up very well to any other test you want to apply. Mr. Speaker Lamoureux's ruling some ten years ago made this point relatively clear, at least in my judgment. If it has been quoted extensively in this debate I assure the House and the Chair I will not deal with it at any undue length. However, in a ruling at page 395 of the *Journals* of June 11, 1973, Mr. Speaker Lamoureux, ruling on a motion by the distinguished then Hon. Member for Calgary North, Mr. Woolliams, said:

In other words, we cannot amend the enacting clause of the bill. What the honourable Member for Calgary North sought to do by amending the enacting clause and making it a combination of enacting clause and preamble is to introduce a preamble which is not before us in the bill. That of course would be a logical consequence of the action of the House if we decided to consider this amendment and if it were passed.