

Western Grain Transportation Act

I would refer the Chair to all of the motions listed in the first paragraph on page 2 of yesterday's preliminary ruling. I would ask the Chair to examine Motions Nos. 2 to 19 and Motions Nos. 59, 64, 66, 67, 70, 129, 134, 135 and 145. Where those motions refer to definitions and propose to do nothing more than transfer the same wording from one clause to another, I would suggest that they do not make substantive changes but are in order, unless any of those motions not only makes a transfer but changes the wording. We would like the Chair's reasons for ruling that they are substantive and we would like to have them discussed further. In the meantime, Motions Nos. 2, 3, 4, 5, and 6—and I have not had time to look at the rest—are not substantive but only transfer identical words from Clause 34 to Clause 2, so why not have them in order?

● (1610)

Mr. Donald W. Munro (Esquimalt-Saanich): Mr. Speaker, I wish to intervene at this point to deal with two specific motions on which Madam Speaker issued a preliminary ruling on October 6 as reported at pages 27824-5 of *Hansard*.

I wonder what might happen if some of the arguments that have been brought forward were to prove persuasive and cause the Chair to have second thoughts about the ruling. However, as they are preliminary or tentative rulings, I shall proceed with my argument.

I was very impressed with the line of argumentation on Motions Nos. 165 and 166 made by the Hon. Member for Hamilton Mountain (Mr. Deans) this morning. I wish to reinforce his line of argument. The Speaker said that Motion No. 166 goes beyond the scope of the Bill and Motion No. 165 is contrary to the principle of the Bill. In one case I feel the argument could be built up a little more strongly than in the other, but the case put forward this morning by the Hon. Member for Hamilton Mountain was very convincing.

I wish to speak to the tentative ruling by Madam Speaker at p. 27825 of *Hansard* on Motion No. 165, which she ruled as being contrary to the principle of the Bill. As was mentioned this morning, the principle of the Bill is outlined in the full title, "An Act to facilitate the transportation, shipping and handling of western grain and to amend certain Acts in consequence thereof". Motion No. 165 is intended to replace Clause 62 with different wording and, as it now stands, Clause 62 is aimed at amending certain other legislation. To that extent at least, changes to that clause would fall within the principle of the Bill, namely, "—to amend certain Acts in consequence thereof".

There is another little niggling thing that is suggested to me in the ruling that it is contrary to the principle of the Bill. I should like to do some hypothesizing about what might happen in the future. What if Clause 62, which has to do with the Dominion coal lands and which in its current form in the post-Committee version of Bill C-155 authorizes "Her Majesty in Right of Canada" to do certain things—what if that clause were to be accepted and Her Majesty in Right of Canada were to hold, dispose of or otherwise deal with those

lands by returning them to British Columbia as Motion No. 165 suggests? In other words, at the present time we cannot deal with that motion because the notion is that it has changed that amendment substantially and therefore is contrary to the principle of the Bill. What if the Government should subsequently decide to do just exactly that very thing? Would that become *ultra vires* by virtue of the Speaker's ruling during the debate? Does that ruling about the principle of the Bill extend into the actions the Government may take subsequently in implementing the wording of Clause 62 as it stands that "—Her Majesty in Right of Canada may hold, dispose of or otherwise deal with the land selected—"?

Suppose the Government did decide in its wisdom—and I would consider it wisdom—to cause this land to revert to British Columbia, would that be contrary to the principle of the Bill? If not, I suggest that the ruling itself is incorrect in that it cannot be contrary to the principle of the Bill if the Government action were not contrary to the principle of the Bill. Therefore, I feel that Motion No. 165 is not contrary to the principle of the Bill and ought to remain there as the basis for discussion and subsequent decision by the House on whether it is acceptable in place of Clause 62 as it stands.

My other comments deal with Motion No. 166. In this case, at p. 27824 of *Hansard* the Speaker ruled tentatively that the motion goes beyond the scope of the Bill. I think the scope of the Bill has to be considered in the light of what the Bill sets out to do. Again, I revert to the long title. This Bill sets out to do three things. It is "an Act to facilitate the transportation, shipping and handling of western grain—", those three things. In addition, it is "—to amend certain Acts in consequence thereof".

Motion No. 166 removes a certain preamble to Clause 62 and would cause the Canadian Pacific Railway to be instructed to "—repay all grants received by the Canadian Pacific Railway Company as a result of the Crow's Nest Pass Act or any agreement made pursuant to any such Act plus interest". As I indicated earlier, the case to be made for the maintenance of Motion No. 166 is not, even in my mind, quite as strong as the case to be made for the maintenance of Motion No. 165. In any event, I think if it were to be left in, it would permit those from British Columbia who have very strong feelings about that particular transfer of land and the resources therein, thereunder and thereabout, to debate strenuously for the reversion of the land to the Crown in Right of British Columbia.

● (1620)

Therefore, I urge the Chair to reconsider the rulings as given on October 6 at pages 27824 and 27825 of *Hansard* in these two lights, that Motion No. 165, by the submission of a number of Hon. Members, is not contrary to the principle of the Bill and that Motion No. 166 does not go beyond the scope of the Bill as elaborated on by myself and other Hon. Members. I do commend the Hon. Member for Hamilton Mountain (Mr. Deans) on the excellent manner in which he built that case. I do rely on the Chair, and the table officers, to take