

under the general heading "Second Reading", and reads as follows:

The second reading is the most important stage through which the Bill is required to pass; for its whole principle is then at issue and is affirmed or denied by a vote of the House. It is not regular on this occasion, however, to discuss in detail the clauses of the Bill.

The fundamental observation to be drawn from Citation 734, Madam Speaker, is that the clauses of the Bill are not to be discussed in detail. These are matters to be discussed in committee or at the report stage. The principle of this Bill, and thus its scope as considered at second reading, rests not in the specifics of given clauses but in the principle of facilitating the transportation, shipping and handling of western grain as stated in the title of the Bill.

In support of this contention, Madam Speaker, I would like to draw the attention of the Chair to Citation 703 and Citation 704 of Beachesne's Fifth Edition. Citation 703(1) reads:

Although there is no specific set of rules or guidelines governing the content of a Bill, there should be a theme of relevancy amongst the contents of a Bill. They must be relevant to and subject to the umbrella which is raised by the terminology of the long title of the Bill.

A *Journal* citation appears as authority. Subsection (2) of Citation 703 reads:

Some of the constituents parts of a bill are essential; some are optional. The title is an essential part; the preamble is not.

Citation 704 reads:

A bill may have two titles, one long and one short. Both the long title and the short title may be amended if amendments to the bill make it necessary—

The long title sets out in general terms the purposes of the bill. It should cover everything in the bill.

I fail to understand, Madam Speaker, how it can be argued that the principle of the Bill and its purposes, particularly in the case of a Bill which does not contain a preamble as this one does not, are established at second reading in such a manner that amendments are precluded at later stages in the consideration of the Bill. As I have mentioned, Beachesne clearly states that the substance of the clauses of the Bill are not for consideration at second reading but should be dealt with in committee or at report stage. It is not, therefore, the substance of those clauses which establishes the purpose and principle of the Bill but, as Beachesne notes in Citations 703 and 704, it is the long title of the Bill which serves that end. If amendments are to be precluded at future stages, then there is no need for those stages.

Furthermore, the Nineteenth Edition of Erskine May, when speaking of the functions of a committee on a Bill, gives consideration to the matter of what constitutes the principle or objects of a Bill. Under the heading of "Functions of a Committee on Bill", the following words may be found at page 506 of Erskine May's Nineteenth Edition:

The function of a committee on a bill is to go through the text of the bill clause by clause and, if necessary, word by word, with a view to making such amendments in it as may seem likely to render it more generally acceptable. The rules as to the admissibility of amendments are explained in detail on pp. 520-3 below, but the general powers of a committee and the limitations by which it is bound should be clearly borne in mind.

Western Grain Transportation Act

(1) A committee is bound by the decision of the House, given on second reading, in favour of the principle of the bill, and should not, therefore, amend the bill in a manner destructive of this principle.

(2) The objects of a bill are stated in its long title, which should cover everything contained in the bill, as introduced (see p. 489). Amendments, however, are not necessarily limited by the title of the bills, since a committee is empowered by S.O. No. 42 to make amendments "relevant to the subject-matter of the bill," provided that, where such amendments are outside the title, the committee extends the title so as to cover them.

The view that it is the long title of a Bill which sets out the purpose, principles and objects of a Bill is further supported by Elmer Driedger, one-time Deputy Minister of Justice and Deputy Attorney General of Canada, in his book, "The Composition of Legislation: Legislative Forms and Precedents". At page 153 of that book, Professor Driedger outlines a view of the nature of a long title of a Bill that is entirely in accord with the observations that I have cited from Beachesne's and Erskine May. In the interests of time, Madam Speaker, I will not quote from the text but I do direct your attention to it.

In my submission, Madam Speaker, the objective of facilitating the movement of western grain as approved at second reading includes in principle the movement of grain by such companies as B.C. Rail, as long as such shipments do not alter the proposed changes that are to be made to the payment of federal subsidies or to the schedules containing the proposed freight rates that are outlined in this Bill as the methods of facilitating the movement of western grain. I would hope, therefore, Madam Speaker, that you will permit the House to consider Motion No. 57.

Moreover, in the case of each of the motions that I have mentioned or that I will be mentioning in the course of my submission to you today, Madam Speaker, you have raised the concern that the motion in question appears to be contrary to the principle or the scope of the objects, purpose or principle of the Bill. I would ask that you re-examine each of these motions, specifically Motions Nos. 57, 59, 64, 66, 86, 129, 145, 153 and 155, in light of the submissions that I have made concerning the nature and extent of the purpose of the Bill. It is my hope, Madam Speaker, that upon taking a second look, you will come to share my view that each of these motions fall properly under the umbrella of the long title of the Bill.

In the comments that you made on Monday, Madam Speaker, you indicated that Motion No. 129 standing in the name of the Hon. Member for Vegreville appears to introduce substantive changes to an interpretation clause and infringes upon the Crown's financial initiative. With respect, Madam Speaker, allow me to disagree with that interpretation. Beachesne's Fifth Edition notes in citation 773(10) that a substantive amendment may not be introduced by way of a modification of the interpretation clause of the Bill and directs attention to a ruling of the Chair to be found at page 835 of *Journals* for May 21, 1970. Within the text of the ruling the following words may be found at page 836:

● (1740)

With reference to motion No. 2 it should be said in a preliminary way that this amendment is defective in both form and substance. It must be recognized in the first instance that motion No. 2 purports to amend the interpretation clause