

Railway Act

noxious weeds was written long before chemical control of weeds was practical and before the intense public awareness of the difficulties which may arise as a result of not having proper legislation with regard to the application of these chemicals.

I do agree that because of the length of time that Section 219 has gone unamended, it may be the right time now for a revision of Section 219. The best way for us to deal with that and, hopefully, zero in upon the issue brought forward by the Hon. Member, is to endorse the amendment so that the material could be forwarded to the Standing Committee on Transport, which would take a look at the intent of the Hon. Member's Bill as well as at the ramifications which might result if Bill C-229 were forwarded in its present state.

I would be pleased as a member of the Standing Committee on Transport to have an opportunity to look this material over and to attempt to recommend some adjustments which could be made with regard to the legislation so that the true intent of Bill C-229, as put forward by the Hon. Member for Cowichan-Malahat-The Islands, can be adopted and put into effect. In that way, the desired effect of his concerns would be handled through the Standing Committee on Transport for eventual report to the House.

The Acting Speaker (Mr. Paproski): Order, please. I believe there was a little misunderstanding between the Chair and the Hon. Member for Halifax West (Mr. Crosby). I am sure he has a few words to contribute to this debate. I recognize the Hon. Member for Halifax West.

Mr. Howard Crosby (Halifax West): Thank you, Mr. Speaker. Indeed, there was a kind of misunderstanding. So to put the matter in perspective, may I precede my remarks by reviewing the technical process and procedure which we experienced in the House of Commons today, as I understand it.

The Hon. Member for Cowichan-Malahat-The Islands (Mr. Manly) has moved by way of motion the second reading of his Private Member's Bill, Bill C-229, an Act to amend the Railway Act. In response, the Parliamentary Secretary to the Minister of Transport (Mr. Forrestall), the Hon. Member for Dartmouth-Halifax East, proposed an amendment the result of which is to refer the subject-matter of the Bill, namely, the health hazards involved in railway rights-of-way and related matters, to the Standing Committee on Transport. I think that that is the eventual appropriate disposition of this matter. I realize that Your Honour has called the motion put forward by my colleague, the Parliamentary Secretary, but it has not yet been put to the House so we are in the discussion stage. I merely want to make a few remarks by way of discussion of both Bill C-229 and the proposal made by the Parliamentary Secretary.

● (1740)

Let me begin by saying in a sort of personal way that I have no difficulty in recalling Cowichan-Malahat-The Islands. In case I say anything that the Member may not find accept-

able, I want him to know that there is nothing personal in it; I have visited his riding and I know from whence the name comes because in travelling along the highways of Vancouver Island—he can correct me if I'm wrong—I encountered an old sign post that had three pieces in the form of arrows, one of which said Cowichan, one of which said Malahat, and the third of which said The Islands. So if you happen to be in Vancouver Island and see that sign post, you will know where Cowichan-Malahat-The Islands is located. So I was proud to be in that constituency and I know it is a very important part of the Province of British Columbia, which brings me to my first point, and that is that in the Bill before the House the Member proposes that the Parliament of Canada ought to incorporate by references health and environmental protection laws of the provinces of Canada, including the Province of British Columbia. But I point out to the Member and to other Members of the House that this is a risky proposition because across this country, if there is one thing we lack it is uniformity in provincial laws. And if the Member wants an example, or any Member wants an example, let me talk about the spruce bud worm which is involved as a plague in some areas and apparently as an animal to be carefully protected in other areas of Canada notwithstanding the damage that it wreaks on our forest.

So if you consider the laws of the Province of Nova Scotia that under certain circumstances allow spraying for spruce bud worm in order to protect our important forest resource, and compare them to the laws of some other provinces like the Province of New Brunswick that exclude any kind of infliction of death or other serious damage on our friend the spruce bud worm, you can get that kind of serious difference. So, to use an old expression, you're buying a pig in a poke when you make provincial environmental and health laws applicable to a matter under federal jurisdiction.

So I would say to the Member for Cowichan-Malahat-The Islands, with no malice intended, that if there is an evil that exists and you want to protect the public against that evil, then you should take the time and the trouble to enact a law that will accomplish that end, and not simply grasp at straws by making provincial laws of unknown and uncertain origin and content applicable. So while I think that the Member's motives are surely honourable and intended to be a protection to the public and to those who may come in contact with the dangers that exist on railway rights-of-way and other railway property, I think that if you are going to accomplish the desired end you have to be more careful in the means and methods that you choose to reach that end.

In summary, Mr. Speaker, let me say that incorporation of laws by reference is always a dangerous course to follow. When you are talking about an evolving and developing field like health and protection, health protection and environmental laws, you are on an even more uncertain course of action. So I do not think this is the course of legal action that is acceptable to the House of Commons. It is not an acceptable method of legislative enactment, and I think that the much wiser course is the one proposed by the Parliamentary Secre-