

Western Grain Transportation Act

In presenting his argument yesterday, the Opposition House Leader clearly stated at page 27832 of *Hansard*, referring to Motion No. 1:

It would appear that the precedents would support the Chair. Citation 779 of *Beauchesne's Fifth Edition* reads:

(2) Substantive amendments to the preamble are inadmissible unless the modification is proposed for purposes of clarification or uniformity.

This is not an amendment to a preamble. He further quoted:

(3) Where the Bill, as introduced, does not contain a preamble, it is not competent for the committee to introduce one.

I hasten to add that while this is not the committee, it would seem that if it is incompetent for the committee to introduce a preamble, then at report stage it is also incompetent for the House to introduce a preamble. If you read the preamble, it introduces some intention at least that is not within the Bill. I simply make those comments for the benefit of the Chair in making its ruling.

Mr. Les Benjamin (Regina West): Mr. Speaker, in committee we discussed at some length Motion No. 1 in the name of the Hon. Member for Vegreville (Mr. Mazankowski). I wish I had the minutes with me. However, they are available for the Chair and the staff to peruse. Before getting into Motion No. 1, I want to refer briefly now, and I may refer later, to some remarks by the Parliamentary Secretary who emphasized in the long title of the Bill the words "and to amend certain Acts in consequence thereof".

It is drawing a very long bow, to put it mildly, to amend an Act allegedly in the long title that is in consequence of the object of the legislation when the Act being amended has nothing to do with the intent, limits or purposes of the legislation. For the Parliamentary Secretary to suggest that the opening up of the Dominion coal lands is in consequence of facilitating the transportation and handling of western grain is totally beyond me. That is why we have argued on many occasions that that section of the Bill is totally unrelated to the long title and should be split.

We in the Opposition had no choice but to move amendments to the Crow's Nest Pass Act of 1897 as it relates to the Dominion coal lands which in a preliminary ruling have been ruled out of order. On this issue we have to go back to square one. All that is in the Act of 1897 relating to coal is the price per ton of the coal. If you, Mr. Speaker, your advisers, the Parliamentary Secretary or anybody else can show me how that relates to an Act in consequence of the facilitating of the transportation, shipping and handling of western grain, I will be a monkey's uncle. I leave that point for now. There may be more said later.

I return to the arguments of the Hon. Member for Vegreville on the matter of a preamble. We have some Bills introduced with a preamble and some without. The argument is not whether a preamble is in order. The argument is whether Motion No. 1 goes beyond the Royal Recommendation and the intent of the legislation.

The Hon. Member for Vegreville has moved an excellent amendment. If it is accepted, we will want to move a lot of

amendments to it. The Hon. Member has done something the Government should have done. The long title is only two and one-half lines long. The Government, as the Chair has found, has run all over the lot with this Bill. Whether it is with regard to definitions or dealing with other pieces of legislation, the Government has not done its homework.

At a press conference at the end of May, the Government announced certain amendments to the Bill. When we waltzed into the committee, there sat the Government with egg on its face. It had not done its homework. It had the whole month of June to change the Royal Recommendation and bring in the preamble. If I recall, it was in the month of June that the Hon. Member for Vegreville was asking why there was no preamble. The Government had the whole month of June in which to prepare a preamble and bring in amendments to the Royal Recommendation. Instead of that, it came to committee with a boar's nest of a Bill on which it had not done its homework, and now it is asking the Chair and the Opposition Parties to sit back and correct its errors of omission and commission.

● (1440)

As I read Motion No. 1, Mr. Speaker, it does not go beyond the Royal Recommendation and it does not go beyond the intent of the Bill. It spells out in seven paragraphs the intent of the Bill. I do not know how that can be found to be out of order.

The Chair has said in its preliminary ruling that this motion is an attempt to introduce into the Bill a disguised preamble. In the first place, there is nothing disguised about it. It is my understanding after reading the motion that the Hon. Member for Vegreville is being perfectly straightforward. He is introducing a preamble.

Mr. Mazankowski: A statement of purpose.

Mr. Benjamin: It is a statement of purpose. That is what a preamble is. There is nothing disguised about it whatsoever. Preambles to legislation, are not unusual or to constitutions or a host of other things.

The Chair said in its preliminary ruling that this point is an interesting one. I am glad to know that the Chair is interested because we are as well. As the Chair has said, it is not often, it is true, that an Hon. Member attempts to amend a Bill in such a way as to include a clause setting out the objectives of Parliament in relation to the transportation of grain. However, Mr. Speaker, the long title says that the objective is to facilitate the transportation, shipping and handling of grain. I do not find that so unusual. The Hon. Member for Vegreville is only enlarging upon what is already in the long title.

In its preliminary ruling, the Chair also went on to say that the motion of the Hon. Member for Vegreville did not include the normal "whereas" paragraphs. If it will be helpful to the Chair and to the Hon. Member for Vegreville, I would be willing to move some subamendments that would add the "whereas's", which would be perfectly in order under the rules of the House at report stage.