

Transportation

saying, when we pass this bill, that in that case the loss will be paid. There is no problem in that respect. This would be adding a new case in which there would be a charge if there were a loss as a result not of refusing to abandon but of a direction with respect to rationalization.

Probably I am being very tentative. I do not feel absolutely confident that, even if we read subsections 1 and 2 together, the amendment suggested by the hon. gentleman, which would necessarily involve a potential charge—I do not say it would be an actual charge but we know that if there is a potential charge it will be a liability—would meet the problem. It would not do that, even though there is no provision for compensation. Then the amendment would not be out of order but I should object to it strenuously on the ground that it would seek to take somebody's property, where loss had been caused, without a compensation provision.

Mr. Schreyer: Mr. Chairman, the minister gave an undertaking to the committee that the amendment will be taken under advisement and that the clause will be stood.

Mr. Pickersgill: Yes.

Mr. Schreyer: What will be allowed to stand? Is it all of new section 314D or subsections 1, 2 and 3? I wish to speak on subsections 3 and 4.

Mr. Pickersgill: I wonder whether it would make much sense to the hon. gentleman, before this question is resolved one way or the other, if we allowed the whole new section to stand. That does not in any way restrict his right to speak when we come back to it.

Mr. Douglas: We might as well let all of new section 314D stand.

● (5:00 p.m.)

Mr. Pickersgill: That would be my view. If we did not do it that way, we would get into a mess which we could not unscramble.

Mr. Bell (Saint John-Albert): It might be difficult for the minister when he does not have his officials here with him but could he not indicate some method, in relation to the financial provisions which are evidently the main worry here, of placing a claimant under this subsection in no worse a position than that of a person claiming under new section 314E dealing with abandonment?

Mr. Pickersgill: If we were to do that I am afraid we would be extending the scope of the

measure. My officials could not help in such circumstances, it would be a matter for the Chair.

Mr. Bell (Saint John-Albert): How is it then that a person affected by this subsection is in a less advantageous position than a person to who 314E applies, where there is the possibility that the Minister of Finance may make a payment?

Mr. Pickersgill: I do not think that is the question which arises. The question is whether we would be imposing some kind of new charge on the Crown.

The Chairman: Does the committee agree to stand 314D?

Mr. Olson: I agree that it should stand but first I think there are one or two matters which the officials might consider. The minister rests his whole argument on the supposition that if there were any additional charge or cost to the railways because of a decision by the commission—

Mr. Pickersgill: A direction.

Mr. Olson:—under its authority to direct, he could not agree because it might be confiscatory—

Mr. Pickersgill: No. I wonder whether I could clear up that point? What I said was that were such a cost imposed, one of two things would happen. Either there would have to be compensation in respect of it, in which case it would be an additional charge on the Crown, or else it would conceivably be confiscatory.

Mr. Olson: I understand that perfectly. May I follow up the argument by saying that if there were provision for compensation it would be beyond the capacity of an ordinary member to move the kind of amendment—

Mr. Pickersgill: It might be.

Mr. Olson: That is the point which concerns me. If we are to accept the minister's argument in this case, he must convince us that boards such as the Board of Transport Commissioners have never been authorized to make decisions which imposed an additional charge or cost on a railway company unless there was a provision for compensation by parliament. Surely the minister does not expect us to believe that. Surely he does not wish to leave the impression that the board—