

*Railway Act*

**Mr. Chevrier:** Would the hon. member allow the Minister of Public Works to complete reading the whole amendment and then I shall try to explain it to the committee. I think that would make for a more intelligent discussion.

**Mr. Knowles:** I thought he had completed reading it; he did sit down.

**Mr. Fournier (Hull):** Sections 2 and 3 will read:

2. The person holding the offices of chief commissioner of the board of transport commissioners for Canada and puisne judge of the Exchequer Court of Canada at the coming into force of section one of this act shall continue to hold those offices as though subsections two and three of that section had not been enacted, except that

(a) the said office of puisne judge shall be deemed to be in addition to the number of puisne judges of the Exchequer Court of Canada provided for in the Exchequer Court Act and the Judges Act, 1946;

(b) the salary annexed to the said office of puisne judge shall be equal to the salary payable to other puisne judges of the said court and for the purposes of section thirty-two of the Judges Act, 1946, shall be deemed to be payable under that act; and

(c) the salary payable to the said chief commissioner under the Railway Act shall be equal to the salary of the president of the Exchequer Court of Canada, less the salary received by him as puisne judge of that court.

3. Sections one and two of this act shall come into force on the first day of January, nineteen hundred and fifty-two.

**Mr. Chevrier:** I think I should say at the outset that sections 1, 2 and 3 of the bill now before the committee are being amended by the amendment which the minister has moved. I presume the committee will want me to explain the effect of this amendment.

**Mr. Knowles:** It seems to me that we could listen to the minister's explanation more intelligently if we had these revisions before us. After all, we have had quite a bit read to us just now. I suggest that these sections stand and we go on with the other parts of the bill. As a matter of fact they might stand until tomorrow, when we would have this material before us in *Hansard*.

**Mr. Green:** Perhaps the minister could furnish us with typed copies of the proposed amendment and then make his statement at eight o'clock, after we have had an opportunity to read it.

**Mr. Chevrier:** I think that is possible.

**Mr. Green:** I presume the changes are not very extensive.

**Mr. Chevrier:** That is a fair suggestion. I shall have copies made and distributed so we can discuss this amendment more intelligently at eight o'clock.

At 6.15 p.m. the committee took recess.

[Mr. Knowles.]

**AFTER RECESS**

The committee resumed at eight o'clock.

**Mr. Chevrier:** Perhaps I should explain the meaning of the amendment, copies of which I hope the committee has received since we adjourned for the dinner recess.

**Mr. Knowles:** Only a few minutes ago.

**Mr. Chevrier:** I admit that is so, but mind you it is a task to prepare one hundred copies in the short time we had. If it had not been for the assistance of the *Hansard* office it would have been impossible. Briefly the meaning of the amendment is as follows: Clause 1 (5), which corresponds with 1 (5) in the present bill 12, simply provides for the reappointment of a commissioner for a period not exceeding ten years. In other words it permits a commissioner to be reappointed for a term of less than ten years if that be found necessary. There is no change in that section. Neither is there any change in subsections 2 and 2a. Subsection 2 provides for the qualifications of a chief commissioner, namely, that a chief commissioner must be a judge of a superior court of Canada or of any province of Canada, or a barrister or advocate of at least ten years standing at the bar of his province. Subsection 2a provides that the sections of the Judges Act relating to annuities and pensions shall apply to the chief commissioner as if he were a judge of a superior court.

Subsection 2b is in essence the same, but certain language has been added which strengthens the clause as it stood before. It provides for the appointment of the chief commissioner as a puisne judge of the Exchequer Court of Canada before he has attained the age of 75. Subsection 2c is new. It provides that where the chief commissioner makes an election under the Judges Act no further election is necessary as a puisne judge of the exchequer court at the time he becomes such puisne judge.

**Mr. Green:** Has that to do with pension?

**Mr. Chevrier:** Yes, and it also has reference to the distribution of the pension to his widow. Everything I have discussed so far is purely academic and has to do with future chief commissioners, whereas section 2 provides for the present chief commissioner. Perhaps I should not have overlooked subsection 3. It is in exactly the same language as subsection 3 of the bill and is the one which provides for increases in salaries. There is no change there.

**Mr. Green:** It is not the same as 3 in the bill. It is somewhat the same as the committee's recommendation.