

Freight Rates

of a court of record. My hon. friends might just as well say that a judgment of the Supreme Court of Canada should not be made effective because of amendments which the Minister of Justice (Mr. Garson) wishes to introduce. I believe that the house would agree that would be entirely out of order. The board of transport commissioners is a court of record. If we were to adopt this amendment, we would be interfering with the right of the board of transport commissioners to make increases effective on a certain date. As a matter of fact, the board might decide against the increase altogether, and this motion would be superfluous.

I, therefore, hold to the practice which has always been approved, that matters which are *sub judice* should not be discussed. I submit with deference that this amendment is entirely out of order.

Mr. Stanley Knowles (Winnipeg North Centre): Mr. Speaker, the Minister of Transport (Mr. Chevrier) has had something to say about the effect of this amendment being to interfere with the right of the board of transport commissioners to put into effect any change in rates that might be decided upon. In reply, may I say that section 52 of the Railway Act gives to the governor in council the undoubted right to interfere along those lines. What my colleague the hon. member for Assiniboia (Mr. Argue) is asking in this amendment is that parliament give a directive not to the board of transport commissioners but to the government, bearing in mind the authority that the governor in council has under section 52 of the Railway Act. I submit that the point of distinction that is to be made is that the amendment as worded is not directed toward the board of transport commissioners in any way. It is not an amendment which says that the board of transport commissioners should not approve an application. It is rather an amendment which expresses an opinion of this house as to what the government should do.

May I also draw to Your Honour's attention the fact that back four or five years ago when there was before the board of transport commissioners an application for one of these increases—I believe it was the 22 per cent increase—an attempt was made in this house to discuss the question. The ruling of that day was that that specific application for a 22 per cent increase could not be discussed; but hon. members—and I recall in particular Mr. Walter Tucker among others who were here at the time, as well as members on this side of the house—were permitted to discuss the general question as to whether or not there should be any increase in freight rates. The hon. member for

[Mr. Chevrier.]

Assiniboia, in drafting his amendment, has clearly stayed away from the specific application that is now before the board of transport commissioners. In fact, when he says "no further increases" he is referring to some that might be made later and is simply asking that this parliament express its opinion to the government.

The other point I should like to make is this, Mr. Speaker. Surely there should be some way in which parliament, the highest court of this land, can discuss a matter as important as that of railway freight rates. Yet, as things have been going, applications to the board of transport commissioners for increases in freight rates are perennial. The railways are always over there before the board. The result is that the strict application of the rule, as has been suggested, would mean that parliament is practically precluded from discussing this important matter. I submit that that fact must be taken into consideration. I agree that parliament is confronted with the obligation not to discuss any application that is there. But I do think that parliament should be able to discuss in general terms the question of whether or not there should be any increases in freight rates.

I repeat, Mr. Speaker, that what this amendment is doing is not to express any opinion on what the board of transport commissioners is doing or is not doing. What the opinion of this parliament as to what this amendment seeks to do is to express the government should do; and it asks that the government should not allow any increase to become effective prior to the time that parliament considers legislation arising out of the report of the Turgeon commission. I believe the amendment is in order.

Mr. George A. Drew (Leader of the Opposition): Mr. Speaker, I think that the point that is raised by this proposed amendment does not produce the result that is suggested by the hon. member who has just spoken. It is all very well to say that this is simply an instruction to the government; but the fact is that the hon. member has indicated that the purpose of the motion is to express the view that a certain decision shall be reached by this house. This parliament, in its collective judgment, has set up a board of transport commissioners. That board of transport commissioners is set up for the purpose of determining freight rates and other matters of that kind. I have contended in the past, and shall contend at the time that this subject is before the house, that what we want is a more flexible and a more continuously-operating board of transport commissioners. Certainly I would very much regret to see any practice develop