

*Railway Act*

**Mr. Chevrier:** Yes.

**Mr. Hodgson:** I think \$10,000 is a fair salary for any commissioner. A short time ago railwaymen had to go on strike to get increases of from \$10 to \$25 a month. Yet here with one stroke of the pen we give commissioners an increase in salary of \$2,000. In my judgment it does not just add up.

**The Deputy Chairman:** Shall the resolution carry?

**Mr. Fraser:** On division.

Resolution reported, read the second time and concurred in.

**Mr. Chevrier:** I move that this resolution be referred to the committee of the whole on Bill 12.

Motion agreed to.

**RAILWAY ACT**

IMPLEMENTING CERTAIN RECOMMENDATIONS OF ROYAL COMMISSION ON TRANSPORTATION —MAINTENANCE OF TRUCKAGE

**Hon. Lionel Chevrier (Minister of Transport)** moved that the house go into committee on Bill No. 12, to amend the Railway Act.

Motion agreed to and the house went into committee, Mr. Beaudoin in the chair.

On section 1—*Reappointment*.

**Mr. Green:** Is the minister going to make any general statement on this section?

**Mr. Chevrier:** No. I think the statements I have already made are sufficiently indicative of the meaning of the bill. The proceedings which took place in committee, too, will indicate to those who want to read them the tenor of the discussion there.

However, before we proceed to the discussion of section 1, I would ask my colleague to move the new section 1. Before he does move it I should like to advise the committee that it is in practically the same language as the present sections 1 and 2, with the exception that section 2b is spelled out far more than in the present bill. Then there is an addition to section 2 dealing with the present incumbent, together with section 3 which indicates the time at which the whole section shall come into force. I would ask my colleague to move it.

**Mr. Fournier (Hull):** I move:

That sections 1, 2 and 3 of Bill No. 12 be deleted, and the following be substituted therefor:

"1. (1) Subsection five of section nine of the Railway Act, chapter one hundred and seventy of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:

'(5) A commissioner on the expiration of his first or subsequent term of office shall, if not disqualified by age, be eligible for reappointment for a period not exceeding ten years.'

(2) Subsections two, two(a) and two(b) of section ten of the said act, as enacted by section one of chapter sixty-six of the statutes of 1947-48, are repealed and the following substituted therefor:

'(2) Any person may be appointed chief commissioner who is or has been a judge of a superior court of Canada or of any province of Canada, or who is a barrister or advocate of at least ten years' standing at the bar of any such province.

(2a) Sections twenty-two, twenty-three, twenty-six, twenty-seven and twenty-eight of the Judges Act, 1946, apply in respect of the chief commissioner as though his service in the office of chief commissioner were service in the office of a judge of the exchequer court, and notwithstanding anything in the Civil Service Superannuation Act the chief commissioner is not a civil servant for the purposes of that act.

(2b) Where the term of office of a chief commissioner expires before he has attained the age of seventy-five years and he has not, prior to the expiration of such term, been reappointed as chief commissioner for a further term, he becomes, at the time such term expires and without any appointment pursuant to the provisions of the Exchequer Court Act, a puisne judge of the exchequer court in addition to the number of judges of the exchequer court provided for in the Exchequer Court Act and the Judges Act, 1946, and with the same jurisdiction, tenure of office and salary as other puisne judges of the exchequer court; and for the purposes of sections twenty-two and twenty-three of the Judges Act, 1946, his period of service as chief commissioner shall be added to his period of service as judge of the exchequer court, and for the purposes of section thirty-two of the Judges Act, 1946, his salary as a puisne judge of the exchequer court shall be deemed to be payable under that act.

(2c) Where a chief commissioner who made an election under section twenty-six of the Judges Act, 1946, in respect of his office as chief commissioner becomes a puisne judge of the Exchequer Court pursuant to subsection two (b), no further election under that section is necessary and the election he made in respect of his office as chief commissioner shall be deemed to have been made in respect of his office as a puisne judge of the Exchequer Court at the time he became such a judge.

(3) Subsection one of section twenty-six of the said act, as enacted by section two of chapter sixty-six of the statutes of 1947-48, is repealed and the following substituted therefor:

26. (1) The chief commissioner shall be paid an annual salary equal to the salary of the president of the Exchequer Court; the assistant chief commissioner shall be paid an annual salary of fourteen thousand dollars, the deputy chief commissioner shall be paid an annual salary of thirteen thousand dollars, and each of the other commissioners shall be paid an annual salary of twelve thousand dollars.

**Mr. Knowles:** I think we have been given quite a mouthful. As a matter of fact, we have had read to us the revised form, not just of section 1 but of sections 1, 2 and 3. I do not blame the Minister of Public Works because he just had it handed to him a minute ago, but I think these sections should be dealt with one at a time. I tried to follow what was being read and to compare it with the sections of the bill before me, and I did not notice any change in section 1 nor in section 2 until we got down to 2 (b).