

Transportation

statutory rates are concerned. At that time the railway companies were making a very great "to do" about trying to get out of the Crownstest pass rates, on the basis that they were not compensatory. This is all that I will say on the merits of the amendment. I strongly support the very reasoned and excellent arguments made by the hon. member for Calgary South.

• (4:40 p.m.)

On the question of the point of order I wish to direct Your Honour's attention to what I have brought out previously on the use of the words "as far as practicable," plus the fact that it is not a mandatory direction to the government or to the board but simply a statement of very sound, sensible and wise policy. Of course in the implementation of that policy the Transport Commission will be guided and bound by the more specific rules which are contained in other parts of the legislation. Therefore I ask Your Honour to rule that the amendment is in order, and that in expressing its views the committee may be divided on this amendment.

Mr. Knowles: Mr. Chairman, I should like to say a few words with respect to the point of order raised by the Minister of Transport. I gather that he has raised it seriously and is asking your honour to rule whether or not the amendment moved by the hon. member for Calgary South is in order. In addition to the arguments just made by the hon. member for Peace River, may I ask your honour to take note of subclause (b) of clause 1 which immediately precedes the spot at which the hon. member for Calgary South would insert his additional words. Subclause (b) as it appears on page 12149 of *Hansard* of January 23 reads as follows:

(b) each mode of transport, so far as practicable, bears a fair proportion of the real costs of the resources, facilities and services provided that mode of transport at public expense;

The hon. member for Calgary South proposed that that paragraph be followed immediately by the following subclause:

each mode of transport, so far as practicable and without prejudice to any single mode, bears a fair proportion of the costs of local government services in those municipalities in which the mode of transport operates; and...

It seems to me that there is a substantial degree of similarity between these two subclauses. If the one which the government wishes to appear in clause 1, which is now in the name of the Minister of Public Works, is within the scope of the bill and is *intra vires* of the powers of the federal parliament, then

[Mr. Baldwin.]

the same thing follows with respect to the other one. There is a reference in the government's subclause to resources without identifying them, and we know who has the responsibility for natural resources in this country. There is also a reference to facilities and services provided at public expense without specifying at what level of public expense.

If it is in order for the government to ask these points to be considered in relation to areas which may be federal, provincial or municipal, why is it not in order for the hon. member for Calgary South to ask for the same thing? In other words, I think the hon. member for Calgary South is simply making very clear one particular aspect of what is set out in the government's subclause (b). The government might have argued that since the cost of public services is mentioned in subclause (b), what the hon. member for Calgary South is asking for is covered. He is simply asking that it be clarified.

Therefore, taking up the two points that the minister has raised, namely the scope of the bill and the question of whether it is *ultra vires* or *intra vires*, I would suggest that on both counts if subclause (b) as proposed by the government is in order, then so is the addition proposed by the hon. member for Calgary South. I would therefore support the request made by the hon. member for Peace River that Your Honour find the amendment in order.

Mr. Olson: I have listened to the statement made by the Minister of Transport in support of the argument that the amendment is out of order, in that it becomes a matter *ultra vires* of this parliament and of part of the constitution. I do not understand why the content of this amendment would be a violation of the constitution rather than dealing with railway statutes and agreements.

Mr. Pickersgill: I should like to address myself to that point in direct reply to the hon. member for Winnipeg North Centre. Subparagraph (b), or is it subclause (b)—some day I will take a course in terminology so as to know how to refer to the segments of the bill, and then I will probably be defeated—

Mr. Bell (Saint John-Albert): There may be plenty of time yet.

Mr. Pickersgill: Not on this bill, I hope. Subclause (b), whether or not it can be interpreted in the very ingenious way in which the hon. member for Winnipeg North Centre