

Transportation

The procedural point is clear and plain. That which we ruled on last week we certainly do not have to rule on again this week. If this amendment is to be allowed at all it should contain something very specific, something which any layman can understand, stating that our prerogatives under the Crowsnest pass rates are defended.

The Chairman: If there are no further comments maybe the committee would allow me to make a short statement now. I want to thank members of the committee who have taken part in the discussion on this point of order. It has been an extremely interesting one.

May I read from Beauchesne citation 163 at page 137, which has been referred to by different members of the committee but which for my own purposes I would like to read now.

A mere alteration of the words of a question, without any substantial change in its object will not be sufficient to evade the rule that no question shall be offered which is substantially the same as one which has already been expressed in the current session.

Then the final sentence of that citation states:

It is possible, however, so far to vary the character of a motion as to withdraw it from the operation of the rule.

The question before the Chair is to decide whether or not, if the present amendment were passed, it would be in contradiction to the decision made by the house last Wednesday or, putting it another way, would the amendment be inconsistent with the decision that the committee made on new section 329 in clause 50 last Wednesday?

I think that the point which the Chair has to decide is this: is the amendment proposed by the Minister of Fisheries sufficiently different from new section 329 as to constitute a different question? This is not an easy question to decide. Your Chairman has been in the committee for most of the time when the transport bill has been under discussion, and while I do not profess to know anything about transportation I have followed hon. members' arguments very carefully, particularly on section 329 last week.

I consider the question that is before me an extremely important one not only so far as this particular bill is concerned but also so far as our procedure in this chamber is concerned. I would therefore crave the indulgence of the committee to allow me some time to consider this matter and to bring

[Mr. Bigg.]

back a decision to the committee when I have made one that satisfies me in my own mind.

Some hon. Members: Agreed.

The Chairman: It now remains for the committee to decide what further action it prefers to take this afternoon.

Mr. Pickersgill: It would be profitless to go on discussing the amendment before we know whether it is in order, so in the circumstances may I ask whether we can agree to take clause 16 and dispose of it?

The Chairman: Does the committee agree to stand clause 74 until the Chair is able to present a decision on the question of order and to proceed with discussion of clause 16 as amended?

Some hon. Members: Agreed.

Clause 74 stands.

On clause 16—

Mr. Horner (Acadia): Clause 16 deals with the discriminatory aspects of the legislation. If a person can prove he is being discriminated against by any means of transportation he can appeal to the new commission. One has to study carefully the minister's suggested amendment to this clause to understand its actual meaning in relation to shippers who may be discriminated against by the railways.

Earlier I suggested that in line 32 following the words "may prejudicially affect the public interest" there should be inserted the words "or the business" or "a person's business." Under the clause as it now stands a person must prove that his business is large enough to affect the community in which he lives, or part of the province in which he lives, or possibly the whole of the country.

● (5:50 p.m.)

Mr. Pickersgill: I wonder whether the hon. gentleman would allow me to ask him whether he has a copy of clause 16 as it has been twice amended. It was amended a few days ago and again yesterday. It seems to me we ought to be discussing it as amended. I do not seem to have an extra copy at the moment but I could send my own copy over to the hon. gentleman.

Mr. Horner (Acadia): I would appreciate that.

Mr. Bell (Saint John-Albert): I thought the minister said last evening that there would be copies for all of us.