

must be questioned. All we see happening is their intent to delay further the Bill, which means that for every further hour's delay, we lose a hopper car in Trenton or a new construction job in British Columbia. If that is their intention and purpose, then it should be clearly stated.

Some Hon. Members: Oh, oh!

Mr. Axworthy: If Opposition Members want to facilitate debate, when report stage is reached after time allocation, we can consider the amendments. However, all we have here is a clear, unequivocal, blatant case of delay of important economic development and job creation initiatives, and the people of Canada should know it.

Mr. Hnatyshyn: Madam Speaker, I do not propose, as did the Minister of Transport, to challenge your ruling. I propose to follow it and to propose an amendment with respect to this particular legislation, Bill C-155. Before doing so, Madam Speaker, may I remind you that my colleague, the Hon. Member for Assiniboia, made a proposal with respect to the so-called safety-net provision of the legislation now before us. It was responded to by the Minister of Transport who said he was very receptive to that particular proposal. In fact, it is identical to the proposal that the Minister will make, except for the percentage. I do not think you ever did ask if there was unanimous consent on whether that particular matter was going to be allowed by the House. If I am correct, Madam Speaker, you may want to put that matter before the House with respect to my colleague for Assiniboia, and I will then proceed with my brief intervention.

● (1600)

Madam Speaker: My recollection is that I did ask for unanimous consent in the case of the Hon. Member for Assiniboia. I did not in the case of the Hon. Member for Saskatoon West because I interrupted him before he was finished. Does the House have any recollection? My feeling is that I did. At any rate, does the House give its unanimous consent to the proposal made by the Hon. Member for Assiniboia?

Some Hon. Members: Agreed.

Some Hon. Members: No.

Madam Speaker: There is not unanimous consent.

Mr. Hnatyshyn: Madam Speaker, I make this proposal to facilitate the debate on this legislation and in order to improve the Bill. In view of the fact that the Government is intending to invoke closure on the legislation, I want to have this brought forward as a reasonable Bill which, I am sure, will receive the unanimous consent of the House. I therefore propose:

That Bill C-155 be amended by adding immediately after Line 43 at Page 16 the following:

"ACCOMMODATION FOR GRAIN TRAFFIC

34.(1) The railway companies shall,

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(a) furnish, at the place of starting, and at the junction of the railway with other railways, and at all stopping places established for such purpose, adequate and suitable accommodation for the receiving and loading of grain offered for carriage upon the railway;

(b) furnish adequate and suitable accommodation for the carrying, unloading and delivering of grain;

(c) without delay, and with due care and diligence, receive, carry and deliver all such grain;

(d) furnish and use all proper appliances, accommodation and means necessary for receiving, loading, carrying, unloading and delivering such grain; and

(e) furnish such other service incidental to transportation as is customary or usual in connection with the business of a railway company, as may be ordered by the Commission.

(2) Such adequate and suitable accommodation shall include reasonable facilities for the junction of private sidings or private branch railways with any railway belonging to or worked by the company, and reasonable facilities for receiving, forwarding and delivering grain upon and from those sidings or private branch railways, together with the placing of cars and moving them upon and from such private sidings and private branch railways.

(3) If in any case such accommodation is not, in the opinion of the Commission, furnished by the company, the Commission may order the company to furnish the same within such time or during such period as the Commission deems expedient, having regard to all proper interests; or may prohibit or limit the use, either generally or upon any specified railway or part thereof, of any engines, locomotives, cars, rolling stock, apparatus, machinery, or devices, or any class or kind thereof, not equipped as required by this Act, or by any orders or regulations of the Commission made within its jurisdiction under the provisions of this Act.

(4) Such grain shall be taken, carried to and from, and delivered at the places aforesaid on the due payment of the toll lawfully imposed by this Act.

(5) For the purposes of this section the Commission may order that specific works be constructed or carried out, or that property be acquired, or that cars, motive power or other equipment be allotted, distributed, used or moved as specified by the Commission, or that any specified steps, systems or methods be taken or followed by any particular company or companies, or by railway companies generally, and the Commission may in any such order specify the maximum charges that may be made by the company or companies in respect of any matter so ordered by the Commission.

(6) Every person aggrieved by any neglect or refusal of the company to comply with the requirements of this section has, subject to this Act, an action therefor against the company, from which action the company is not relieved by any notice, condition or declaration, if the damage arises from any negligence or omission of the company or of its servant.

(7) The Commission may make regulations, applying generally or to any particular railway or any portion thereof, or may make an order in any case where it sees fit, imposing charges for default or delay by any company in furnishing accommodation, appliances, or means as aforesaid, or in receiving, loading, carrying, unloading or delivering grain, and may enforce payment of such charges by companies to any person injuriously affected by the default or delay; and any amount so received by any person shall be deducted from the damages recoverable or recovered by such person for the default or delay; and the Commission may, by order or regulation, determine what circumstances shall exempt any company from payment of any such charges.

(8) The railway companies shall afford to the carriage of grain a level of accommodation equal to that afforded to the carriage of other traffic and failure to provide such a level shall be remedied by such orders as the Commission deems appropriate in the circumstances.

(9)(a) Where the Administrator is of the opinion that reciprocal and other arrangements between railway companies are required to facilitate the efficient, adequate and reliable movement of grain on behalf of, and in the interests of grain producers, the Administrator shall apply to the Commission for such order or orders as may be required to achieve the necessary reciprocal and other arrangements between railway companies, and the Commission may make an order granting in whole or in part the Application of the Administrator.

(b) If the special circumstances of any case so require, the Commission may exercise any of the powers given to it by Sections 59 and 71 of the National