

*Transportation*

direct as they see fit on a matter which relates to the railways saving money and therefore saving money for the public purse?

I think the arguments raised by the minister can be described as begging the question. I hope he takes this matter to his officials. I am willing to accept the suggestion of the hon. member for Burnaby-Coquitlam. If the amendment requires some further change to deal with a situation where the railways do not accept the direction, this is up to the drafters. We cannot do it here. This is not because it affects the balance of ways and means; it is because it is a matter of coherence and logic in drafting.

The principle for which we are battling here seeks to do more than was done in the act of 1935 and to give this additional impetus to the commission of the power to direct. We have not harnessed or restricted them in any way beyond the fact that we are trying to encourage them to stand up and be counted if they find that their recommendations are not obeyed.

I should now like to move my amendment so that something tangible is before the committee. Therefore, I move—

**Mr. Pickersgill:** Mr. Chairman, before the hon. member moves it I wonder whether he would consider a suggestion I should like to place before him. If he moves the amendment as it now stands I would have no option but to ask the Chair—and I do not want to waste a lot of time with procedural arguments—to consider very carefully whether it is an admissible amendment. In his amendment to subclause 1 the hon. member is proposing that we should give the power to direct, and he says that any financial implications of that direction do not matter because there is permissive power in clause 3 to refer a matter to the governor in council.

[*Translation*]

**Mr. Asselin (Charlevoix):** Mr. Chairman, the minister proposes to ask the Chair not to accept the member's amendment, which is not yet before the house. In my opinion, the minister should wait until the amendment is submitted to the house before making his request.

[*English*]

**Mr. Pickersgill:** Mr. Chairman, I am not rising on a point of order at all. I am exercising my right to speak as a member of the committee in order to make a suggestion which I thought might help the hon. gentleman to get the sense of the committee, that is all. It seems to me that if the hon. gentleman

seeks to put in an amendment which will give the power to direct in relation to purchases, leases and things of this sort, which might involve the railways in losses, then this would have one of two effects. It would either be confiscatory, or could be; alternatively, there would have to be some provision for compensation. There is no provision for compensation in subclause 3. There is the possibility that a recommendation can be made to the Governor in Council, who in his wisdom might see fit to ask parliament to provide compensation.

As far as I am concerned, Mr. Chairman, I am not prepared to sponsor or support any measure that is going to be confiscatory without compensation; I want to make that very clear. If the hon. gentleman wanted to change his wording to "or direct, as they see fit, in any case where there would be no monetary loss to either railway company", then that would mean that they could direct the exchange of running rights or anything else. I think I would still vote against the hon. member's amendment but I would not raise any point of order in connection with it.

If the hon. member feels that he would like to have the sense of the committee with respect to that change, then as I say I would not be disposed to raise any point of order; otherwise I might. I am not saying I am confident that I am right about whether or not it would or would not involve a charge, in which case in certain circumstances the situation might call for confiscation, but I would have to ask the Chair to look at that point. If some modification along the lines I have suggested could be made which permit a direction in a case where the railways would be losing money because they did not rationalize, then I would be happy to have the amendment voted on. That might be a way out of the difficulty.

**Mr. Bell (Saint John-Albert):** Might I ask the minister a question? Is he not displaying a remarkable lack of confidence in this commission? Surely the commission is not going to make a direction that is not workable where there is provision for financial recovery under one of these later clauses from the Minister of Finance or governor in council.

**Mr. Pickersgill:** Mr. Chairman, I was in this house when it debated the Defence Production Act in 1955 at a time when hon. gentlemen immediately opposite were unwilling to trust far lesser powers than these given to a government and a minister, both of whom were answerable to this chamber. I find this volte-face on the part of the official opposition rather extraordinary. It is one thing to give