

Transportation

not need to say that they are to be hauled at the lowest rate for grain and grain products.

Mr. Nugent: Mr. Chairman, I rise on a point of order.

The Chairman: The hon. member for Medicine Hat is speaking on a point of order.

Mr. Nugent: The hon. member rose to speak on a point of order but he is not speaking on the point of order. He is giving an alibi for not voting.

Mr. Olson: I am not giving any alibi for anything. I am simply pointing out there were some members who based their argument, immediately following and preceding the vote, on the fact that the definitions were required in the new bill. I suggest that all of the subsections which followed subsection 1 in section 329 were in fact the rules and regulations, but that subsection 1 was the operative provision and it was deleted. The reason I say this is that if hon. members are convinced they perhaps voted inadvertently to delete something that they want in the bill, this is dealt with in Beauchesne's fourth edition at page 137. The third paragraph of citation 162 reads:

• (4:40 p.m.)

Sometimes the house may not be prepared to rescind a resolution, but may be willing to modify its judgment by considering and agreeing to another resolution relating to the same object.

Therefore the committee, if it inadvertently acted to destroy something essential in the bill, under this rule need not necessarily have rescinded the whole section because it wanted to get rid of subsection 1 but could have modified its judgment to retain those provisions essential to the bill and particularly to other sections of the bill. Having carefully considered the whole of section 329, which was deleted and the new clause 74 now before the committee, I find I am in a measure of agreement with the hon. member for Bow River and the hon. member for Winnipeg North Centre in saying that the minister is coming back with what is in some ways the same objective that was contained in section 329.

I agree with the minister that there are some differences. I suggest, Mr. Chairman, that you take these differences into consideration in ascertaining whether in your judgment they are sufficient to justify the amendment of the Minister of Fisheries to clause 74. One thing the amendment does is to change the time, although the discussion between the

minister and the hon. member for Winnipeg North Centre did not seem to determine that there was any significant change in the time.

Mr. Pickersgill: Mr. Chairman, I wonder whether I could put a question to the hon. gentleman? Has he considered the matter of the substituted rates? Surely this is a very substantial difference from anything that was in section 329.

Mr. Olson: I did consider that matter because, as I said, I have looked at section 329 and the amendment rather carefully since this matter arose. There is no doubt that the substituted rates now included in new clause 74 constitute an addition to what was contained in section 329. There are also some other changes. For example, this amendment includes a provision for a representative of the Crown to attend hearings before the commission. This provision was not contained in section 329. A representative of the Crown may attend hearings before the commission to defend and promote the case for the public interest.

The amendment brings back almost in identical words the definitions of grain products, maintaining related rates, and so on. The minister has also argued that the committee took a decision with respect to clause 15 which provides that the Governor in Council with the new transport commission would in fact have the authority to initiate and undertake an investigation of these very matters. I refer Your Honour and the minister to clause 15 (1) (e) which provides as follows:

In addition to its powers, duties and functions under the Railway Act, the Aeronautics Act and the Transport Act, the commission shall

(e) inquire into and report to the minister upon possible financial measures required for direct assistance to any mode of transport and the method of administration of any measures that may be approved;

I suggest that this clause could be interpreted in a way that would in fact give the minister and the new transport commission the power to do exactly what is proposed in so far as clause 74 is concerned and in so far as section 329 was concerned. There are some minor changes but the difference between clause 74, as I see it, and clause 15 (1) (e) is that if the minister were to invoke the provisions of clause 15 (1) (e) as soon as this legislation is proclaimed he could ask the transport commission to get a study under way. If clause 74—this is the difference in the clause—were passed, the minister and the transport commission would be prevented