

At 8 o'clock the sitting was resumed.

The Senate again went into committee on the amendments to Bill 12, an Act to amend the Railway Act, Hon. Mr. Beaubien in the Chair.

On Amendment 3 (Continued):

Hon. F. J. Kinley: Honourable senators, the method of proceeding on this bill is somewhat of an innovation. We are in Committee of the Whole, and set speeches are not required, but I have a few comments to make on the clause of the bill affected by this amendment, which is in fact one of the significant clauses of the bill.

Like the chairman of the committee (Hon. Mr. Hugessen) and the leader of the opposition (Hon. Mr. Haig), I had the privilege of attending most of the meetings of the Standing Committee on Transport and Communications. It was a valuable experience. I think all of us were impressed with the complexity of the problem and the ingenuity which railway men must exercise in order to make rates that can be regarded as reasonably consistent and acceptable. It seems to me that, to be a success in this line of work, a man must have had a great deal of practical training, for there are many details with which he can only become familiar through experience in the field. For that reason, I feel that, although we learned a good deal during the committee hearings, we are on a subject with which none of us is too well informed; and, I suppose our opinions must be rated accordingly.

I was struck by one remark made by the honourable senator from Vancouver (Hon. Mr. Farris) this afternoon. He said, "Gentlemen, this legislation is untried. Why not amend it?" That point was put to the minister when he was before the committee. He replied, "I will agree that the legislation is new, but why not try it out, and if you want to make amendments, make them in the face of experience, and not now that the bill is before parliament." I turn to the stenographic record and quote the minister's words. The report reads:

Hon. Mr. Hayden: Mr. Minister, you said if we changed in any particular the language of this one-third we would destroy the intent of the section. Well, now, that answer would appear to shut the door on the possibility of there being future amendments, because the basis on which we are urging this change at the present time so as to give some discretion to the board would be the basis on which any amendment in the future would be presented to you.

Hon. Mr. Chevrier: No, I do not think it would disturb that, for this reason, that if the fears such as expressed by British Columbia and Manitoba are in effect true, and they prove so after an equalization plan has been put in effect, and after this statute becomes the law—and that will be a matter, as has been explained by many of the witnesses, of some years,—then surely during the time it will be possible to make an amendment.

So it would seem to me that the argument that the legislation is untried is a reason why it should be put through without amendment, and that amendments should wait upon the period of trial and error and experience that is to come. As a member of this committee, I have only a general interest in this section, and I do not think I would have said anything had it not been that our chairman was pretty positive in his opinions; but having served on the committee I thought that I should explain in a simple manner why I support the bill as presented to us and as it came from the other house.

In the first place, this bill is to implement the report of the royal commission, which, having studied this matter for many months, presented its report to the government. To that report the government, after consideration, decided it would give statutory effect. One of the recommendations was the one-third rule, devised to relieve the situation of certain of the interior provinces. The minister told us that before this legislation was introduced it was under deliberation by an inter-departmental committee which gave it a great deal of consideration.

I will read further from the record:

The Chairman: Yes, they were; counsel for Manitoba and British Columbia strenuously objected to certain provisions.

Hon. Mr. Chevrier: Then I must repeat what I said in the other committee, namely that I would have to object to the proposed change. I would object to it for several reasons: first, an interdepartmental committee spent a great deal of time on drafting this legislation, and considered very carefully the effect of the one and one-third rule. They realized that there would be objections, but after having given it careful consideration, they recommended as the bill is drafted.

So it is evident, as I said, that before the bill was presented to parliament it was the subject of discussion and consideration by a committee of experts.

Another circumstance which made me feel it was my duty to vote for the section was that my experience on the committee impressed me with the complexity of the problem and its numerous ramifications. Almost everything that was proposed was opposed by somebody. It might be said that there were no two minds in agreement from an administrative point of view as to the effect of the bill, or what was the best course to be taken. I reminded myself that this bill had had special consideration in the Commons over quite a period; and it seemed to me that when a highly controversial matter of this kind had been dealt with by representative men from all over the country, who approved its provisions; to have produced a bill which has been agreed to by practically everybody except the spokesmen for certain provinces