

*Transportation*

that clause 1 makes reference to unfair disadvantage beyond any disadvantage that may be deemed to be inherent in the location or volume of the traffic, which expression we are including again in clause 16, it seems to me that any commission would have to reach the conclusion that there was unfair discrimination between shippers in anything like like circumstances; in fact it would be contrary to the public interest because the bill so provides in clause 1, where it states the purposes.

I am not a lawyer, of course, but I have been toying with the idea of meeting the point made by the hon. gentleman and at the same time probably meeting the point made by the hon. member for Springfield as well by putting after the words "public interest" the words "as defined in clause 1, or otherwise", so that this does not limit it.

For example, there might be other aspects of the public interest involved. The hon. gentleman put the case of one industry in a town and a rate being applied which would put it and the whole community out of business. This might be something that the commission would consider not in the public interest to do. I would not want to place any limitation upon it if I could avoid it, but that would ensure that if there was any unfair disadvantage it might come within the term "public interest" in the amended clause 1. That might meet a little more neatly the point the hon. member for Acadia has in mind.

I think there is an objection to saying that a rate might prejudice or affect someone's business. Every freight rate, even if it is a fair one, affects one's business. I think that might open the way to too many frivolous appeals and would congest the commission with all sorts of cases which should not require to be heard at all because there would be nothing in them. That is one thing we want to get away from. The hon. gentleman indicated that he did not want too much bureaucracy, and neither do I. I do not think that even the hon. member for Springfield wants wasteful bureaucracy; he just wants bureaucracy.

I should not like just off the cuff to say that the words I have suggested would be satisfactory without first speaking to the draftsman, but I think they would really nail down the point raised earlier by the hon. member for Peace River. They make it quite clear that any rate which was established and which created an unfair disadvantage between one shipper and another under the conditions set out in this amendment would create a prima facie case which you would not have to prove.

[Mr. Pickersgill.]

That is what the hearing would be about; all you would have to do would be to allege unfair disadvantage and give enough evidence to justify the hearing being held. I think that might meet the whole problem pretty well.

There is one point that perhaps hon. members have not fully appreciated and it is this. There is no such thing as a secret rate. Several references have been made to the possibility of a railway giving better rates to its subsidiaries or its favoured customers than to others. Under the law every railway rate has to be published, so that any other shipper can ascertain the rate that his competitor is paying. Therefore, once we have inserted these words into the bill there should not be much difficulty in one shipper getting prima facie evidence that his rate is manifestly unfair as compared to another, that is, enough evidence to make the charge and to demand a hearing.

Provided the draftsman does not find some hidden disadvantage in these words which I cannot find, and which I do not think the hon. member for Peace River found, this might really do the trick and do it in a way that would relate it directly to one of the matters that might later on have to be proven. Therefore I put forward this suggestion. I understand that we are not sitting between seven and eight so I will have a little opportunity between then to discuss this point. At the same time I will discuss the suggestion made by the hon. member for Springfield, even though his amendment cannot be moved until this amendment is accepted.

No one seems to object to the amendment that my hon. friend the Minister of National Defence moved a little while ago, and perhaps it would simplify the procedure a bit if we could accept that amendment anyway, if it is agreeable.

**Mr. Baldwin:** I have no objection, Mr. Chairman, but with regard to the matter the minister raised I am inclined to go along with him only to this extent. I think it is most difficult to define with precision, as I said before, the words "public interest". For the protection of the shippers of Canada and of the people of Canada who use transportation facilities I hope that when the commission gets its teeth into this question and starts work on it it will develop a jurisprudence with regard to the words "public interest" which will become wider and wider and wider.

**Mr. Pickersgill:** That is what I hope too.

**Mr. Baldwin:** But I should like to see a minimum safeguard. Having in mind what the