

Western Grain Transportation Act

would provide the performance requirements which were the concern of many of us who appeared before the committee. Of course these requirements have been raised this evening. However, I have taken note of the very strong arguments made by Hon. Members of both opposition Parties.

Perhaps the simple mention of the obligation under Section 262 is in itself insufficient, in particular in relation to precedents which have been set, and perhaps the more extensive or elaborate wording of the amendment put forward by the Hon. Member for Kindersley-Lloydminster (Mr. McKnight) should be and could be a more comprehensive set of criteria which would impose performance obligations upon the railroads. I am prepared to consider that suggestion. However, I would point out that during the course of committee proceedings there were some fairly lively and difficult exchanges between legal counsel as to the implications of accepting the amendment. Counsel for the Department was of the strong opinion that Section 262 was sufficient and that to accept the whole wording of the proposed amendment might create some further legal complications. This raised some question marks.

I want to return to the offer of the Hon. Member for Vegreville (Mr. Mazankowski). He recognized that there may be need for some re-working of the language of this particular amendment in order to eliminate what might be complications perhaps resulting in contrary decisions being made in relation to the Railway Act, under the Bill. We want to have some degree of harmony and to eliminate contradiction. Of course that takes time. I think all Hon. Members would recognize that we cannot expect legal counsel to be available at 4.22 o'clock in the morning. I know that public servants are very diligent and responsive to the command of their political Ministers, but at this time of the morning it would be too much to expect them to be on call.

An Hon. Member: Why not?

Mr. Axworthy: They are not exactly a 24-hour hamburger service. In order to obtain the sharp, pristine legal judgment we require, we would expect them to have a proper night's sleep, unlike Members of Parliament who, we presume, are able to function, even if they have to attend Cabinet meetings at eight o'clock in the morning.

I will take into account Motion No. 58, but obviously I would like the time to consult with legal counsel. Perhaps at that time I would be in a position to respond to the concerns of Hon. Members of the Opposition or to determine if the complications are too overwhelming to accept. Perhaps some other wording might be accepted, or adapted, which would incorporate the reference to grain requirements throughout the Bill without getting into the contradictory propositions mentioned by legal counsel during the committee hearings. I think Hon. Members opposite would understand my concern as the Minister responsible for the Bill. I cannot require us to come back with further amendments which would not be harmonious with legal principles.

I would be prepared to take a hard look at Motion No. 58, but I would want to be able to give it the kind of assessment it

requires. Obviously we would require some time in order to determine the possibilities. Knowing that Hon. Members opposite are anxious for us to proceed with such an examination, I would like to move, seconded by the Hon. Member for Parkdale-High Park (Mr. Flis):

That the House do now adjourn.

Some Hon. Members: Shame.

Mr. Deputy Speaker: The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

Some Hon. Members: Agreed.

Some Hon. Members: No.

Mr. Deputy Speaker: All those in favour of the motion will please say yea.

Some Hon. Members: Yea.

Mr. Deputy Speaker: All those opposed will please say nay.

Some Hon. Members: Nay.

Mr. Deputy Speaker: In my opinion, the yeas have it.
And more than five Members having risen:

Mr. Deputy Speaker: Call in the Members.

The House divided on the motion (Mr. Axworthy) which was agreed to on the following division:

(Division No. 374)

YEAS

Messrs.

| | | |
|-------------------|-----------------------|--------------|
| Allmand | Demers | Hopkins |
| Appolloni (Mrs.) | Dingwall | Hudecki |
| Axworthy | Dion | Irwin |
| Bachand | Dionne | Isabelle |
| Beauchamp-Niquet | (Chicoutimi) | Joyal |
| (Mrs.) | Dubois | Kaplan |
| Bégin (Miss) | Duclos | Kelly |
| Berger | Dupont | Lachance |
| Blais | Dupras | Lajoie |
| Bloomfield | Duquet | Lalonde |
| Bockstael | Erola (Mrs.) | Lamontagne |
| Bossy | Ethier | Landers |
| Breau | Evans | Lang |
| Bujold | Ferguson | Laniel |
| Burghardt | Fisher | Lapierre |
| Bussières | Fleming | Lapointe |
| Caccia | Flis | (Charlevoix) |
| Campbell (Miss) | Foster | Lapointe |
| (South West Nova) | Fox | (Beauce) |
| Campbell | Frith | LeBlanc |
| (LaSalle) | Garant | Leduc |
| Campbell | Gauthier | Lefebvre |
| (Cardigan) | Gimail | Loiselle |
| Chénier | Gingras | Lumley |
| Chrétien | Gourd | MacBain |
| Collenette | (Argenteuil-Papineau) | MacEachen |
| Comtois | Gourde | MacGuigan |
| Corbin | (Lévis) | Mackasey |
| Côté (Mrs.) | Gray | MacLaren |
| Cousineau | Harquail | MacLellan |
| Cullen | Henderson | Malépart |
| Cyr | Herbert | Maltais |
| Dawson | Hervieux-Payette | Marceau |
| de Cornille | (Mrs.) | Massé |