

Transportation

benefit at a rate or level of rates specified in this or any other Act of the Parliament of Canada; and

- "Substituted rate." (b) "substituted rate" means a rate fixed by the Commission under this Act or substituted for any rate disallowed by the Commission pursuant to this Act.
- Application. (2) Subject to subsection (3), a railway company under the jurisdiction of Parliament may make an application to the Commission to investigate the revenues and costs attributable to the carriage of any commodity by the company at a statutory rate or substituted rate.
- (3) No application shall be made under subsection (2)
- Limitation. (a) in the case of a statutory rate, until after the expiration of two years from the coming into force of this section, and
- (b) in the case of a substituted rate, until after the expiration of two years from the day that the substituted rate became effective.
- Report and recommendation. (4) After an investigation under this section, the Commission shall report its findings thereon to the Governor in Council and shall recommend in its report the amount of payments, if any required in the opinion of the Commission to assist the company to meet its costs of operation in respect of the carriage of any commodity at a statutory rate or substituted rate."

Whereupon the hon. member for Bow River raised a point of order to the effect that the amendment endeavoured to reintroduce into the bill a provision which had been set out in subclause 329 of clause 50, and since that subclause had been deleted from the bill by a vote of the committee and that as there was not sufficient variance in the amendment to clause 74 to constitute a new section, the vote on subclause 329 must stand as the judgment of the committee.

The Chair ruled that in his judgment the two proposals are substantially different for the following reasons:

1. Subclause 329 of clause 50 dealt with statutory rates on the carriage of grain and grain products in western Canada. On the other hand, the proposed amendment deals with the whole field of statutory and other rates. This, in the opinion of the Chair, was a substantial difference.

2. Subclause 329 of clause 50 would have provided for a single review. On the other hand, the proposed amendment to clause 74 provides for continuing reviews. The Chair also considered this to be a substantial difference.

3. Subclause 329 of clause 50 would have provided for a mandatory review. On the other hand, the proposed amendment to clause 74 provides for reviews on applications by the railway companies. It was the opinion of the Chair that this too was a further substantial difference.

Therefore, for the reasons just stated, the chair ruled the amendment to be in order. Whereupon the hon. member for Winnipeg South Centre appealed the chairman's ruling to the Speaker.

Mr. Woolliams: Mr. Speaker, before dealing with the argument in reference to the appeal which is before you, if it is possible I should like to speak to a point of order within the point of order with reference to the appeal. With the greatest respect, since the ruling is so important, particularly the last part, I should like to ask that we go on with something else until we have a copy of the chairman's judgment. In making my argument I would suggest that this is such a serious matter that it affects not only the Railway Act itself but, in my opinion and in the opinion of many other members to whom I have spoken in the past few moments, the very rules which make up this parliament. In our opinion this action now would allow the minister to do again what he once did. We should like to have a copy of the chairman's judgment, particularly where he differentiated between section 329 and the amendment to clause 74.

We should like to have a copy of that judgment so that we would be in a position to intelligently and logically and properly answer it. I feel there should be an opportunity to have a proper appeal and have the facts laid very carefully before you. As a result of my experience over a period of nine years in this house under different speakers I have a great deal of confidence that you will weigh the facts and the law most carefully. Although this is not criticism of anyone, I am a little surprised that copies have not been made available to members who took an active part in the argument yesterday.

Mr. Speaker: I am not too sure what can be done about circulating a copy of the judgment. I appreciate, however, that it might be difficult for hon. members on both sides of the house to argue either in support of or in opposition to the judgment of the chairman without having that judgment before them. I also would like to have an opportunity to study it. I am open to suggestions from members of the house on this particular point.

Mr. Woolliams: May I make the suggestion that since we still have clause 1 before us, without delaying the proceedings we might, with the consent of the Minister of Transport and other hon. members, go on with that debate while some of us study the judgment so that we will be in a position more intelligently to argue the case on appeal before you. We believe the decision which Your Honour will make will be one which is on something that is very fundamental. We also feel that if the amendment of the minister is allowed to stand, parliament will be usurped.