

Transportation

rules. This was well stated by the hon. member for Peace River when he said this:

The rules are there and the minister is not quarrelling with them. The issue is the application of those rules to the fairly specific facts of this case. With this in mind, Mr. Chairman, what is the real pith and substance, the core or the root of what the amendment is trying to achieve? I submit we must compare the amendment with what the proposed section 329, which was struck out, attempted to do.

What is the rule? After considering all the authorities cited by hon. members it appears that the rule which most specifically applies to the present question is 163 of Beauchesne's fourth edition, at page 137, and I pray the indulgence of the committee for reading it again:

A mere alteration of the words of a question, without any substantial change in its object will not be sufficient to evade the rule that no question shall be offered which is substantially the same as one which has already been expressed in the current session. It is possible, however, so far to vary the character of a motion as to withdraw it from the operation of the rule.

The problem which the Chair has to decide is whether or not the amendment moved by the Minister of Fisheries is sufficiently different from subclause 329 of clause 50 as to constitute a substantially different question.

In the final analysis the decision must rest on a judgment as to whether the two propositions are similar or substantially different. Hon. members will recognize that due to the complexity of the legislation it has been necessary in arriving at a decision, to make a very careful examination of the propositions enunciated in subclause 329 of clause 50 and the amendment moved by the Minister of Fisheries to clause 74.

In my judgment the two proposals are substantially different and for the following reasons:

Mr. Horner (Acadia): Shameful ruling.

The Chairman: 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, constitutes a substantial difference.

● (4:10 p.m.)

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. I also consider this to be an essential difference.

[The Chairman.]

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 application by the railway companies. I suggest that this is a further substantial difference.

Some hon. members have argued that while these two approaches are different the effect would be the same. This too is a matter of judgment, but not for the Chair.

I was impressed by the submission made by the hon. member for Winnipeg North Centre when, in dealing with citation 163 of Beauchesne's fourth edition, he stated that in comparing the two proposals the word "object" was crucial to the discussion. I have given particular attention to this point of view in arriving at my decision, but for the reasons which I have given in my comparisons of the two proposals I am of the opinion that the objects are substantially different in each case. Therefore I propose to accept the amendment and to submit it to the committee.

Mr. Horner (Acadia): A shameful ruling; a partisan ruling.

Mr. Churchill: Mr. Chairman, the committee is grateful for the care and attention you have given to this ruling but regretfully, sir, I must appeal the ruling to the Speaker.

● (4:20 p.m.)

Mr. Speaker resumed the chair, and the chairman of the committee made the following report:

Mr. Speaker, the question is an appeal to Mr. Speaker from a decision of the chairman of the committee of the whole pursuant to section 4 of standing order 59. In committee of the whole when clause 74 of Bill C-231 was being considered, the hon. Minister of Fisheries proposed an amendment as follows:

"(a) by striking out lines 35 to 38, inclusive, on page 62 of the Bill, as reprinted, and by substituting therefor the following:

Reductions continued. "468A. (1) The reductions in rates that, immediately before the coming into force of Part V of the National Transportation Act, were in force by virtue of section 468 continue in force subject to subsections (2) to (4)."

(b) by striking out line 30 on page 63 of the Bill, as reprinted, and by substituting therefor the following:

"that are subject to Order No. 96300 of the"

(c) by adding immediately at the end of page 64 of the Bill, as reprinted, the following:

Definitions. "470. (1) In this section, "Statutory rate." (a) "statutory rate" means a rate for the carriage of any commodity between points in Canada maintained for the public