

*Transportation*

government to come back with another clause which proposed to grant \$100 million in subsidies to the railways for carrying grain under the Crowsnest rates and a further \$20 million in subsidies in regard to some other statutory rates, and for the minister to contend that this proposition was different as a result of the addition of other moneys or the addition of other subject matters involving recipients of the bounty of the people of Canada.

The entire subject matter of this amendment covers in specific terms, as it must, the subject matter dealt with in the proposed section 329 which was rejected. Consequently I submit that it is not a sound argument to say that because the government has added additional subject matters which can be dealt with by the transport commission it has changed in quality and in substance the original subject matter which was before the committee.

As to the third point, what can be achieved, very simply it is that the transport commission may examine and investigate and as a result of its investigation may make a recommendation to the governor in council in terms of money that certain payments be made in respect of the continuing carriage of grain by the railway companies at the Crowsnest rates. That end result, Mr. Chairman, is precisely the same as the end result of the first subject matter which was before the committee, the proposed section 329 which was rejected.

This leaves us, Mr. Chairman, with only the consideration of the third point, namely, the method by which the parties can go before the commission and by which the investigation is carried out. I suggest that whether the review is mandatory or whether it is permissive is immaterial. If this bill dealt exclusively with procedural matters, then the minister's argument would be sound. But it does not; it deals with matters of substance. One of the matters of substance is an investigation by the board of whether or not under certain conditions a recommendation will be made to the governor in council for the payment of certain moneys. That is the pith and substance of that part of clause 74 that we are attacking, as it was the pith and substance of the proposed section 329.

So far as the actual grain is concerned I think there has been some misconception. As the minister realizes, when we talk of statutory rates we mean a number of things. We mean the rates applicable to the carriage of grain that were originally provided for in the

[Mr. Baldwin.]

act of 1897 and extended in 1925. We mean the railway lines which were covered by that act and by the orders made by the Board of Transport Commissioners, as well as by subsequent voluntary action by the railway companies themselves for economic purposes in extending the benefits to other lines.

Grain also includes flax, which was interpreted by the Board of Transport Commissioners to be grain—this was a judicial decision as the minister knows—and it also includes rapeseed which was brought in by amendment in 1960 or 1961. So I do not think that there is any question as to the subject matters being identical.

I suggest that this is the point which the Chair must consider most carefully. In making this suggestion I suppose that we on this side are raising arguments which might well be used against us in opposition. After all, in most cases it is the opposition that attempts to introduce amendments and also tries to distinguish the amendments and rules under which they are brought in from other cases which have arisen in the past. I think it is some measure of the independence, integrity and honesty of this opposition that it is prepared to make a case on arguments that may be used against its members at some other time.

**An hon. Member:** When we shortly form the next government.

**Mr. Baldwin:** As someone suggests, they may be used against us when we shortly form the government. However, Mr. Chairman, this is the point that I ask Your Honour to consider most carefully. If you can make a distinction on a basis of this sort, then it seems to me that with a little ingenuity—and this house is full of ingenuity, as I have found—there will be no stopping the methods by which amendments can be moved despite the fact that at some previous time during the session this house may have come to a contrary decision on the same subject matter. It is on that basis that I ask Your Honour to consider this matter most carefully when making your ruling.

● (5:20 p.m.)

May I say a word to the minister, not on the point of order but as a suggestion. If the ruling is to the effect that the amendment is not properly made, all the minister has to do is to bring to an end all of clause 50 which includes the repealing of sections 328 and 329 of the old act. We would be back under the old act with respect to the carriage of grain at