

Transportation

the suggestion that this amendment should be inserted into clause 1. He also has a perfect right to disagree with the arguments that have been advanced in support of it. But I do not believe that he has any right to try to prevent members from moving amendments with which he disagrees on the basis that they are out of order.

What we are discussing at the moment is not whether the amendment is a good or a poor amendment or is a declaration of principle. What the minister did last night was to raise a point of order in an attempt to prevent the hon. member for Calgary South moving an amendment, and he did so on the ground that it was out of order.

Mr. Pickersgill: Mr. Chairman, I know the hon. gentleman does not want to be unfair. All I did last night was to reserve my right to raise a point of order; and I have raised it in a pretty tentative fashion today.

Mr. Olson: The fact remains, Mr. Chairman, that we are now discussing a point of order. We could develop arguments for or against the advisability of inserting this amendment into clause 1; but this, in my opinion, is not related to the point of order which is now before the committee as to whether or not the hon. member for Calgary South is competent under the rules to move this amendment at this time.

I suggest, Mr. Chairman, if you are troubled by the argument advanced by the Minister of Transport that there is some constitutional impediment involved, that you should look at the other two clauses brought in by the hon. member for Peace River and the hon. member for Winnipeg North Centre. If the minister's argument is correct he is also violating the rules of this house by putting in such provisions as:

(a) regulation of all modes of transport will not be of such a nature as to restrict the ability of any mode of transport to compete freely with any other modes of transport;—

The federal Minister of Transport can transfer no authority to this new Transport Commission with respect to highway transport within a province. Certainly that is one mode of transport that will be competing with other modes. Furthermore he has no constitutional authority, and neither has this house, to confer upon this new Transport Commission the right to interfere with interprovincial highway transportation, as far as bearing a fair proportion of the cost of federal resources is concerned.

23033—775

I could argue for some time on this point, Mr. Chairman, but all I want to say is that I do not think the minister should try to make the argument that there are constitutional impediments in the way of the hon. member for Calgary South in his attempt to move this kind of amendment, when the very argument that he is using would in fact have prevented him from bringing in provisions already contained in clause 1. I hope the minister will be fair and will withdraw all of his objections, so that the motion can be put, and then we in this committee will decide whether or not it is advisable to make this addition to clause 1.

Mr. Pickersgill: Unless the hon. member for Kamloops particularly wants to say something, I must say that I have been somewhat impressed by the arguments of the hon. member for Peace River; I confess I was less impressed by the hon. member for Winnipeg North Centre. I was also impressed by one of the arguments made by the hon. member for Medicine Hat, though I do not think it would apply. I think it is inferred that only federal resources are involved, but I do see what he means. We could not say anything about how much an interprovincial trucking company should contribute toward roads in, say, the province of Alberta; that would be quite impossible of course.

The words can be construed in various ways, Mr. Chairman. I was pretty tentative when I started my argument, but I do not think I should impose upon Your Honour the need for making any decision in this matter. Quite frankly, from my argument about the point of order I think hon. members will have gathered that I do not very much like the amendment, but I am quite willing to leave it to the committee to decide whether to include it in the bill.

Mr. Fulton: Mr. Chairman, I should just like to express appreciation to the minister for the attitude he is taking, which should save the time of the committee. I think just to complete the record on *Hansard* this point should be made.

On the question whether the matter is *intra vires* or *ultra vires*, there can be no argument that this parliament has absolute jurisdiction over railways of the nature of the C.P.R. and the C.N.R. If this parliament has jurisdiction, then it can legislate with respect to the rights and obligations of those railways in the conduct of their business in Canada. The minister might feel that it is improper for us to require them to pay municipal taxes if, as