

Western Grain Transportation Act

make an order granting in whole or in part the Application of the Administrator.

(b) If the special circumstances of any case so require, the Commission may exercise any of the powers given to it by Sections 59 and 71 of the National Transportation Act and may thereby make an interim ex parte order or orders.

(c) Any railway company or person directly affected by an interim ex parte order made pursuant to paragraph 9(b) may at any time within ten days after becoming aware of such order, apply to the Commission to vary, amend or rescind such order and the Commission shall thereupon, on such notice to other parties interested as it may in its discretion think desirable, hear such application, and either amend, alter or rescind such order, or dismiss the application, as may seem to it just and right.

(d) Any interim order made pursuant to paragraph 9(b) shall apply for a period not to exceed one hundred and eighty days but any such order may, within the said period, be converted by the Commission to a permanent order.

(e) If railway companies affected by any order requiring them to provide reciprocal and other arrangements are unable to agree as to compensation each should receive or pay, the Commission may, by order, fix the amount of such compensation but in no instance shall such compensation exceed the variable costs associated with the provision of such reciprocal and other arrangements.

(10)(a) For the purposes of this section, the Administrator may, on behalf of any grain shipper or group of grain shippers, commence any proceedings before the Commission or the Courts to secure any of the remedies herein provided.

(b) Where any remedy, against a railway company, other than the remedies provided herein, is available to shippers pursuant to this Act, the Railway Act, or the National Transportation Act, the Administrator is deemed to be a shipper and he may pursue such a remedy or remedies and any remedy or remedies he obtains, shall to the fullest possible degree, apply to all grain shippers."

and by renumbering the subsequent Clauses accordingly.

He said: Mr. Speaker, I rise after a considerable time to speak in this debate. It is now 3 a.m. and, while that is not actually important, if Members of the NDP had been a little slower in their haste and had knowledge of Motion No. 58, I think they would have recognized that Motion No. 58 fulfils many of the wishes that they seem to have in pieces, parts, and jibs and jibes, in their motions preceeding Motion No. 58.

This motion is basically accommodation for grain traffic. Part of it has been taken directly from the National Transportation Act, Section No. 262.

Mr. Benjamin: We knew that.

Mr. McKnight: I am glad that the Member for Regina West (Mr. Benjamin) knows that. I have heard him speak quite often about that Section of the National Transportation Act. I presume that he would be in full support of this motion. As a matter of fact, he has launched cases using that Section of the National Transportation Act, although I hesitate to ask who his counsel was because I understand that he was not successful in those cases.

Basically, this motion, if accepted, will force the railroads to carry grain. If the railroads are going to receive the benefit of the taxpayers' dollars and the producers of grain will have to continue to pay increased costs for the shipment of grain, when it comes time to vote on this motion we hope it will be part of the Bill because it will leave absolutely no doubt in the mind of anyone reading this legislation in the future. It will not give

the railroads the opportunity to say that they are not being adequately compensated for the movement of grain, which is the argument they have made in the past to prevent being forced under Section 262 to move grain.

Our amendment states that the railroads must furnish adequate and suitable accommodation for carrying, unloading, and delivering the grain. This would be of assistance along with Section 2 for the protection of private sidings and private branch lines of any railway belonging to or worked by the company. What that would do would facilitate the use and the maintenance of sidings and facilities that have been abandoned by railroads when abandonment has been allowed by the Canadian Transport Commission. It would maintain those sidings. It would force the railroads to provide the facilities that would allow producers to use producer cars, to establish their own elevator system, or their own private railway line.

● (0300)

Any time there is any talk at present under the existing legislation of producers getting together and forming their own railroad and running a right-of-way it appears the railway companies refuse to co-operate. This amendment would force the railroads to co-operate.

The other protection we see in this piece of legislation is that it would rely on the Canadian Transport Commission. I know there are some Members in the New Democratic Party, I have heard them, not all of them, but some of them, who speak of the inability of the Canadian Transport Commission to meet the needs of producers in western Canada. I would like to say that those of us on this side of the House put a great deal of faith in the Canadian Transport Commission. In fact we put more faith in the Commissioners established in Saskatoon, Saskatchewan, when it comes to the abandonment and protection of branch lines and the movement of grain in our area than we do in the whole of the Canadian Transport Commission, I am sure.

As you come along and look at the Bill, under this Section the Commission may order that specific works be constructed or carried out, or that property be acquired, or that cars, mode of power or other equipment, be allotted. That would force railroads to repair branch lines that are in disrepair, and to repair bridges that may not be adequate, to provide rolling stock when it is in short supply, and to provide cars when they are in short supply. There would be no excuse for railroads to say they do not have enough diesel power, because this amendment would cause them to purchase that power. Then we move into other segments of the Bill. In Motion No. 58, I quote sub-paragraph (8) which reads:

The railway companies shall afford to the carriage of grain a level of accommodation equal to that afforded to the carriage of other traffic—

That simply says that the railroads would not be able to differentiate as they have in the past, and probably under this Bill will in the future, between the movement of grain and of those other commodities sharing the same lines.

Again, the Commission would be able to force the railways to carry grain and take appropriate action under the circum-