

Transportation

commission, either personally or through counsel, and if the commission immediately said to him: "We do not believe there is a prima facie case of prejudice here" then no further action would be taken anyway.

Does the minister not think it would be better to bring this provision a little nearer to individual cases rather than leave room for arguments to develop later as to whether or not the public interest is involved, and having cases which do not affect public interest dismissed out of hand? The counsel for Manitoba, Mr. Morrow, said he could find jurisprudence to the effect that private business is not public business. There is an order in council which I quoted to the minister not long ago in which it is specifically stated that an applicant could not claim that the public interest was affected on the ground that his private business was prejudicially affected.

Mr. Pickersgill: The hon. gentleman will admit, after reading clause 1, that in clause 16 an undue disadvantage is defined as part of the public interest, so there could be no question in that case. I do not know what other kind of prejudice there could be. This is what really puzzles me. I can see that undue disadvantage, discrimination as between one shipper and another, is certainly prejudicial. I do not know what other form of prejudice the hon. gentleman has in mind. If I were given some concrete example I might be able to form some opinion as to what the commission is being invited to do.

• (7:00 p.m.)

Mr. Olson: I admit that clause 16, read together with clause 1, taking into account the relationship that is now in the wording, is a great improvement on what we had previously. I am not denying that, but I believe there may be another area where a shipper may have reason to believe that he is paying a disproportionately high contribution in the rate above the variable costs.

New section 336 will be all right in some cases dealing with light car loadings up to 30,000 pounds or under 30,000 pounds, but it has no value in the old formula on heavy loadings. There may be cases where no comparison can be made, where no other shipper is shipping nearly the same thing from nearly the same point. In such a case a shipper should be able to go to the commission and declare that he is paying a disproportionately high contribution over and above the variable costs, say 200 per cent or 300 per cent, on the

[Mr. Olson.]

basis of loadings. He may be able to convince the commission that the rate is high and he may be able to argue that it is prejudicial to the best interests of the region in which he operates.

That is why I say there is another area in which it may be a little difficult to prove public interest, but a shipper may be able to prove that a rate is prejudicial to his business. I am not going to speak on this matter again and, as I say, I think this is an improvement on what we had previously.

Mr. Pickersgill: I think, sir, there was a general feeling that we were going to rise at this time until eight o'clock.

The Deputy Chairman: May I inform the committee that the Chair wishes to confirm that the amendment was not moved previously.

Progress reported.

The Acting Speaker (Mr. Rinfret): Order. I understand a wish has been expressed by the committee that we suspend sittings between now and eight o'clock. Is this agreed?

Some hon. Members: Agreed.

The Acting Speaker (Mr. Rinfret): And is it agreed that we resume the work of the committee at eight o'clock?

Some hon. Members: Agreed.

TRANSPORTATION

PROVISION FOR DEFINITION AND IMPLEMENTATION OF NATIONAL POLICY

The house resumed consideration in committee of Bill No. C-231, to define and implement a national transportation policy for Canada, to amend the Railway Act and other acts in consequence thereof and to enact other consequential provisions—Mr. Pickersgill—Mr. Rinfret in the chair.

The Deputy Chairman: Pursuant to the order just made by the house I do now leave the chair.

SITTING SUSPENDED

SITTING RESUMED

The committee resumed at 8 p.m.

The Deputy Chairman: Order. House again in committee of the whole to consider Bill C-231. When the committee rose at seven