

Transportation

very important one. It could be crucial. I move:

• (6:20 p.m.)

That clause 16 (4) be amended by adding after the words "public interest" in line 12 thereof the following words "or unduly preferential of one shipper as against another".

I move this amendment, seconded by the hon. member for Nickel Belt. If the minister does not quite understand the gist of the amendment—

The Chairman: Order, please. Perhaps I should point out to the hon. member for Springfield that there is already before the committee an amendment to clause 16. After that amendment has been dealt with it will be possible to receive the amendment moved by the hon. member for Springfield.

Mr. Schreyer: Mr. Chairman, on the point of order, I thought that the amendment moved by the minister had been accepted unanimously. However, if his amendment is still before us I would ask you, Mr. Chairman, to hold my amendment in abeyance until the minister's amendment is dealt with conclusively.

Mr. Pickersgill: I would be quite happy to have my amendment accepted if it is agreeable to the committee. Then we could have the hon. member's amendment properly before us.

Mr. Horner (Acadia): Mr. Chairman, I should like to speak on the minister's amendment. However, if the hon. member for Springfield has more to add I will defer to him at the present time.

Mr. Schreyer: Mr. Chairman, I have no more to say at the present time.

Mr. Horner (Acadia): In saying a word or two on clause 16 and dealing with the minister's amendment I would like to point out first of all that clause 16 is one of the most important clauses in the bill and I hope that the house will give it proper consideration because in a sense it is a clause which cancels out or circumvents section 317 of the old Railway Act which states that there shall be no discriminatory increases or reductions in tolls in favour of or against any user. That same clause, which is circumvented in a sense by this clause, says that tolls should not be unjustifiably discriminatory as between different localities and that tolls shall always be charged equally to all persons in circumstances and conditions which are substantially similar. In other words, this clause does not

spell out in so many words what is contained in the old Railway Act, namely, that there shall be no discrimination.

Under clause 16 as it now stands—I have not really considered fully the amendment moved by the minister—there is nothing to prohibit discrimination by the railways. Clause 16 does not prohibit the railways from discriminatory action if they desire to take it. In other words, there may be two industries not necessarily in the same location producing a similar commodity. The railway could set preferred rates for one industry because that industry might be a subsidiary of a parent company which did much business with a railway. What would happen then? The subsidiary company might receive a preferred rate while the other company would be left out in the cold because, whether we like it or not, it is a fact of life that transportation contributes up to 50 per cent of the ultimate cost of goods in the case of some commodities. The association of mines appeared before the committee which dealt with the bill and one of its representatives said that in some cases transportation represented up to 70 per cent of the ultimate cost of the product moved by railroads. I say that it represents up to 50 per cent of the cost of many goods.

Clause 16 attempts to set out whether or not there shall be discriminatory rates. It says "may prejudicially affect the public interest" but the words "public interest" are not defined. I have an amendment to move with regard to this clause and I will suggest it to the minister. I know that the minister heard this point made several times in the committee. Since I consider that "public interest" is not defined in the clause I am prepared to move an amendment before the clause is passed. The amendment is as follows:

That after the words "may prejudicially affect" in line 32 of clause 16 (b) the following words be inserted "the business of the complainant or"

It could also read "may prejudicially affect his business or the public interest", or one could say "the shipper affected". There are many words one could use to convey the same message with regard to this particular clause. As it now stands the shipper who feels an unjust rate has been applied to him may appeal to the board but he must prove that the public interest is affected.

This is not good enough because how can a shipper who feels that an unjustifiable rate has been set prove that it also affects the public interest unless the community in which he is living is solely dependent on his business? I know there are many places in