

Transportation

amendment which I have sought to move is with respect to the definition of categories of grain and where they should go. I admit that that is just the same as it was in the amendment that was stricken out, but since there seemed to be no exception taken by those on the other side to having that provision in, it does make the two much more similar than they otherwise would have been. I admit that quite readily.

• (3:40 p.m.)

However, Mr. Speaker, rightly or wrongly I interpreted the vote and decision of the committee as having relation only to the part which is directed to a review and not to the part which is directed to these rates. I would remind Your Honour that that part of the clause has been stricken out by the decision of the committee and that if this amendment is ruled out of order it is going to be very difficult for any hon. member to get it back into the bill. I just make that point *en passant*.

Finally, there is the proposed section 472 which deals with the rates on domestic grain to British Columbia. There is nothing similar to that provision, of course, in the other clause that was stricken. I do not think, therefore, that it would come into the picture at all. Certain technical amendments proposed at the beginning of my amendment have no relation to section 329, and I am not making anything of that because they are quite incidental. I assume that any decision on this matter would not preclude the right of any hon. member to move an amendment with respect to the new section 468A, and with the typographical error, even if Your Honour could not agree with the chairman that the amendment appeared to be in order.

May I briefly, sir, repeat the three points with respect to the matter in dispute. It seems that the amendment is different, or sufficiently at variance, to be in order. The first point is that there is no mandatory duty imposed on the commission to conduct a review, that there will be no review unless it is requested by a party. Second, the scope of the review that may be made is far wider than the scope of the mandatory review envisaged in section 329. My third point is that this proposed amendment, if it was accepted, would have a continuing effect whereas the other clause provided for one single process, and when that process had been completed it would have no further force or effect except in relation to the grain rates.

Mr. Speaker: Order, please. I have given the minister an opportunity to restate the arguments he advanced the other day in support of the legality of the amendment proposed by the Minister of Fisheries.

As I told hon. members a moment ago, since yesterday I have spent a great deal of time, which may be well understood, considering the arguments advanced and reported in *Hansard* both in support and in opposition to the point of order raised by the hon. member for Bow River on the proposed amendment to clause 74 of Bill C-231.

In the comments he has made the Minister of Transport has confirmed how extremely difficult and complex this matter is, both in substance and from a procedural standpoint. My colleague, the Deputy Speaker and chairman of the committee of the whole, has spent at least as much time as I have, I am sure, in the preparation of the very learned ruling which was delivered yesterday and is now under appeal. The question is whether our respective and separate studies of the arguments have led us to the same conclusion.

I should state once again that the procedure of an appeal from the chairman of the committee of the whole house to the Speaker places the Chair in an awkward position. This, I am sure, is recognized by all hon. members. Yesterday two members of the house—I refer to the hon. member for Oxford and, I think, the hon. member for Winnipeg North Centre—suggested that perhaps the procedure might be changed in some way. In passing I take the liberty to suggest that a review of the chairman's decision might come to the Chair by way of stated case rather than by way of appeal. Be that as it may, the standing order is there and I have no alternative but submit to its requirements.

It seems to me that when there is nothing more at issue than the chairman's interpretation of the facts on which is based the ruling under appeal, the Speaker should not normally attempt to substitute his own judgment for that of the chairman. This is a principle I have enunciated before. When it is simply a question of judgment with respect to the personal opinion of the chairman of the committee there is no justification in my view, for the Speaker to take the chair to substitute his personal interpretation of facts for those of the chairman of the committee. It may be that in this particular case there is more at issue than a limited question of personal judgment.