

Mr. Deputy Speaker: Shall I dispense?

Some Hon. Members: Dispense.

Mr. Deputy Speaker: Is it the pleasure of the House to adopt Motion No. 55?

Some Hon. Members: Agreed.

Some Hon. Members: No.

Mr. Deputy Speaker: All those in favour of the Motion please say yea?

Some Hon. Members: Yea.

Mr. Deputy Speaker: All those opposed please say nay.

Some Hon. Members: Nay.

Mr. Deputy Speaker: In my opinion the nays have it.

And more than five Members having risen:

Mr. Deputy Speaker: Pursuant to Standing Order 79(11), the recorded division on the proposed Motion stands deferred.

The next question is on Motion 56. Is it the pleasure of the House to adopt the Motion?

Some Hon. Members: Agreed.

Some Hon. Members: No.

Mr. Deputy Speaker: All those in favour of the motion will please say yea.

Some Hon. Members: Yea.

Mr. Deputy Speaker: All those opposed will please say nay.

Some Hon. Members: Nay.

Mr. Deputy Speaker: In my opinion, the nays have it.

And more than five Members having risen:

Mr. Deputy Speaker: Pursuant to Section (11) of Standing Order 79, the recorded division on the proposed Motion stands deferred.

[Translation]

Mr. Pinard: Mr. Speaker, could you tell us what amendment we are going to discuss next.

[English]

Mr. Deputy Speaker: We will now be discussing Motion No. 58. Shall I dispense?

Some Hon. Members: No.

Mr. Bill McKnight (Kindersley-Lloydminster) moved:

Motion No. 58

That Bill C-155 be amended by adding immediately after line 43 at page 16 the following:

Western Grain Transportation Act
"ACCOMMODATION FOR GRAIN TRAFFIC"

34.(1) The Company shall,

(a) furnish, at the place of starting, and at the junction of the railway with other railways, and at all stopping places established for such purpose, adequate and suitable accommodation for the receiving and loading of grain offered for carriage upon the railway;

(b) furnish adequate and suitable accommodation for the carrying, unloading and delivering of grain;

(c) without delay, and with due care and diligence, receive, carry and deliver all such grain;

(d) furnish and use all proper appliances, accommodation and means necessary for receiving, loading, carrying, unloading and delivering such grain; and

(e) furnish such other service incidental to transportation as is customary or usual in connection with the business of a railway company, as may be ordered by the Commission.

(2) Such adequate and suitable accommodation shall include reasonable facilities for the junction of private sidings or private branch railways with any railway belonging to or worked by the company, and reasonable facilities for receiving, forwarding and delivering grain upon and from those sidings or private branch railways, together with the placing of cars and moving them upon and from such private sidings and private branch railways.

(3) If in any case such accommodation is not, in the opinion of the Commission, furnished by the company, the Commission may order the company to furnish the same within such time or during such period as the Commission deems expedient, having regard to all proper interests; or may prohibit or limit the use, either generally or upon any specified railway or part thereof, of any engines, locomotives, cars, rolling stock, apparatus, machinery, or devices, or any class or kind thereof, not equipped as required by this Act, or by any orders or regulations of the Commission made within its jurisdiction under the provisions of this Act.

(4) Such grain shall be taken, carried to and from, and delivered at the places aforesaid on the due payment of the toll lawfully imposed by this Act.

(5) For the purposes of this section the Commission may order that specific works be constructed or carried out, or that property be acquired, or that cars, motive power or other equipment be allotted, distributed, used or moved as specified by the Commission, or that any specified steps, systems or methods be taken or followed by any particular company or companies, or by railway companies generally, and the Commission may in any such order specify the maximum charges that may be made by the company or companies in respect of any matter so ordered by the Commission.

(6) Every person aggrieved by any neglect or refusal of the company to comply with the requirements of this section has, subject to this Act, an action therefor against the company, from which action the company is not relieved by any notice, condition or declaration, if the damage arises from any negligence or omission of the company or of its servant.

(7) The Commission may make regulations, applying generally or to any particular railway or any portion thereof, or may make an order in any case where it sees fit, imposing charges for default or delay by any company in furnishing accommodation, appliances, or means as aforesaid, or in receiving, loading, carrying, unloading or delivering grain, and may enforce payment of such charges by companies to any person injuriously affected by the default or delay; and any amount so received by any person shall be deducted from the damages recoverable or recovered by such person for the default or delay; and the Commission may, by order or regulation, determine what circumstances shall exempt any company from payment of any such charges.

(8) The railway companies shall afford to the carriage of grain a level of accommodation equal to that afforded to the carriage of other traffic and failure to provide such a level shall be remedied by such orders as the Commission deems appropriate in the circumstances.

(9)(a) Where the Administrator is of the opinion that reciprocal and other arrangements between railway companies are required to facilitate the efficient, adequate and reliable movement of grain on behalf of, and in the interests of grain producers, the Administrator shall apply to the Commission for such order or orders as may be required to achieve the necessary reciprocal and other arrangements between railway companies, and the Commission may