

*Transportation*

discharged every obligation properly ours in informing the provinces in advance of what we were doing, and that we were doing this, not because of dissatisfaction with the provinces but only as a precaution in case of need.

● (9:10 p.m.)

**Mr. Hamilton:** I have two questions I should like to ask the minister for the purpose of clarification. The first concerns clause 17 (5). If the minister has the bill in front of him he will see that it says:

At any hearing of the commission for the purpose of making an order or giving any direction, leave, sanction or approval in respect of any matter under the jurisdiction of the commission, the commission may... permit the representative or agent of any provincial or municipal government or any association or other body representing the interests of shippers or consignees in Canada to appear and be heard—

On the other hand, when we go back to subclause (4) we find it reads as follows:

Where an order, rule or direction made by a committee of the commission in respect of a matter related to a particular mode of transport, not being a matter of a specific rate, licence or certificate, is objected to by an operator... the commission shall, otherwise than by that committee of the commission, review the order, rule or direction—

It is obvious here on a layman's reading that when an operator objects to a ruling of the commission a review shall be made, but when a provincial government or a municipal government or any group of shippers feels aggrieved, all they are allowed to do is to make representations. Is there any reason why this latter group of people should not have the same rights of review, if a decision goes against them?

**Mr. Pickersgill:** All that is intended in this review in subclause 4 is a review in cases where one kind of carrier considers he has been unfairly treated as compared with another kind of carrier. It is not intended that the full commission shall review the decision of a committee when the dispute is between, say, a shipper and a carrier. In such cases the ordinary rules will apply and the parties will have access to the courts, to the minister or to the governor in council as the case may be, depending upon the existing legislation, which is not disturbed.

Because we are bringing all the modes of transport under one commission and because these committees are being set up it was thought that the railway committee, for example, might make a decision which some carrier who had not even been present at the hearing believed was unfair to his interests. In such cases he would be able to ask for a

[Mr. Pickersgill.]

full review by the commission. That is the purpose of this provision.

**Mr. Hamilton:** I am satisfied with that answer. I think it clarifies what was in the minds of those who drafted the bill.

My second question arises from clause 17(3) which states:

Notwithstanding anything in the Railway Act or the National Energy Board Act governing matters before the commission, a committee of the commission may, in accordance with the rules and regulations of the commission, exercise all the powers and duties of the commission—

My question has to do with the National Energy Board Act about whose background and purpose I happen to know something. Can the minister give an example of a provision in that act which could be ignored by the commission in the exercise of this power under 17(3)?

**Mr. Pickersgill:** When we come to a later clause dealing with commodity pipe lines the hon. member will find there is special provision in respect of combined pipe lines carrying oil and or gas, and some other commodities. Those carrying only oil and or gas would remain exclusively within the jurisdiction of the National Energy Board. There is a special provision to avoid duplicate hearings. The intention is that, notwithstanding anything contained in the National Energy Board Act, combined hearings would be legal. I think that when we come to the particular clause I have mentioned the hon. gentleman will understand what is involved.

**Mr. Nugent:** I could not altogether understand what the minister was saying with regard to the commission reviewing decisions of committees. I believe he said that members of the committee which had made the decision would be present on the commission. If that is not correct, I should like the hon. gentleman to say so. If that was his meaning, can he explain why he thinks it would be desirable for members of the committee who had heard an application to be present as members of the commission reviewing the decision?

**Mr. Pickersgill:** I must have made my point badly, because it is the exact opposite which was meant. In the case of a review it is intended that the people who were at the original hearing should not take part; the review would be made by other members of the commission.

**Mr. Nugent:** Another point arises. Does not the minister consider that a member who is normally, say, a member of the transport