

Railway Act

bear to try to ensure that something like this does not happen in the future in a high density area. Whether or not that task force is successful in coming up with the answers remains to be seen. The risk of a hazard is still there and may be with us for all time.

In this motion we are saying to the railroads that they would be absolutely responsible for whatever amount of damages may be the result of a fire which has been caused or set by railway operations, that their responsibility would be absolute to the extent of the current replacement costs of the items lost and the property damaged. In a case like the Mississauga one, the railroad would have been absolutely liable, without any question of negligence, for an enormous amount of money. I am no great sympathizer and my heart does not bleed for railways when they cause damage. However, we must bear in mind the consequences of adopting this motion.

What we should be doing—and I hope it was really the suggestion of the Parliamentary Secretary and the suggestion of the House Leader of the NDP—is referring the entire question to the Standing Committee on Transport in order to take a look at the possible consequences. We know that railways would be responsible to the full extent for damages caused as long as it could be established that they were negligent. We should be looking at all the consequences before we decide to nail them with absolute liability for something which might incur a responsibility of some millions of dollars.

I am certainly in support of any move to refer the matter to the standing committee so that all circumstances can be examined.

Mr. Pat Binns (Parliamentary Secretary to Minister of Fisheries and Oceans): Mr. Speaker, like the previous Hon. Member who spoke, I did not anticipate speaking on this debate this afternoon. However, the subject of railways is a very interesting one for all Canadians. It seems as though debate over the last 24 hours has focused on transportation systems. In fact, in the last 30 minutes or 40 minutes we have been talking about boats, airplanes, and trains.

I personally have some sympathy with the content of the resolution because it suggests that adequate compensation should be paid to victims of fires caused by rail use. There is nothing more important to Canadians and to legislators than to see that adequate compensation is paid to innocent bystanders to an act or acts of another party. Of course, this is where this particular motion comes into it. We have a responsibility as legislators to ensure that in matters where health, safety, and so on are concerned, all Canadians are protected adequately under the law.

There are many aspects of such legislation. I am not entirely sure what is intended in the motion. There could be compensation to the employees of the railway. There could be compensation to passengers on the railway. There could be compensation to adjacent property, be they farms, communities, or whatever. We certainly have to look at all those areas.

These are changing times and compensation must be adequate. What was adequate perhaps 10 years or even five years ago would probably not be adequate today in terms of providing for an innocent victim of this type of fire.

I want to address the notion of railways in these changing times. We tend to think of railways as perhaps diminishing in number in most parts of the country except on major lines connecting urban centres. However, another aspect has been developing over the last few years regarding tourism. A tourism association in my constituency has in fact been looking at the possibility of establishing a steam railway as a tourist attraction in the area. Such an operation is not in any way unique. In fact, many steam railways now operate in Canada as well as throughout North America.

In New Brunswick the Hillsboro and Salem line has been in operation over the last few years. It has been a real attraction to that particular area of New Brunswick. I think a steam railway in Prince Edward Island also has the potential of being an attraction to people who visit our island in the summer months. Steam railways have caught on to such an extent that there is an association of North American steam railway operators which meets on a regular basis and is promoting interest in this type of attraction across North America. From what I understand, North Americans are very interested in seeing that bit of history recognized and promoted. People are going out to see those railways. They are becoming involved with them. There is some romanticism involved. I suspect that kind of activity will be around for a good many years to come.

In a motion like this one the matter of liability insurance is something about which we ask ourselves. I know that the operators of many attractions which are serving the public today have had concerns about adequate liability insurance. I am sure railway companies must also be concerned about the cost of liability insurance in relation to the protection they will have to provide for people who may be victims of rail fires or other accidental happenings, whatever they might be. I do not think we could ever resolve that matter on the floor of the House. It would require in depth study by the Government before any final conclusions could be drawn.

The matter of current replacement costs is something which is changing rapidly. I suppose this gives us an opportunity to consider the fact that it is not just current replacement costs for people who might live alongside a railway. We must all look at replacement costs of our own property, and perhaps this is an opportunity to remind ourselves of that fact. Many people today do not carry adequate fire insurance on their dwellings, business operations, or whatever. What might have been adequate three years or four years ago would not come anywhere near replacing the cost of a house today. It is something that is important.

Railways still run across most of the country. There has been some change in usage. We are seeing a return to the romantic notion of steam railways. There is certainly the responsibility of the ongoing major lines. I certainly support