

the damage to which is assessed at less than \$1,500; third, to deny the Canadian Transport Commission the right to declare privileged information that it may have obtained on circumstances surrounding a railway accident.

In addition of the word "equipment" may not raise considerable or apparent difficulties, and it seems to me that the Minister of Transport would be prepared to agree with this principle.

• (4:10 p.m.)

However, allow me to point out that the addition of the word "equipment" could give rise to some complications in the eventual interpretation of the legislation, because it does not give any definition nor provide any amendment to clause 2 listing the definition of various terms of the Railway Act.

I agree with the sponsor, when he suggests the abolishment of the obligation for railway employees to report to the Commission any accident resulting in material damage under \$1,500. At the present time, the limit is set at \$750 and the department is seriously considering its abolishment, due to the insignificance of such damage and the present worth of assets.

It is true that under the present legislation the Commission is not required to divulge some of the information obtained after the accident or from the inquiry that followed.

Since we live today in a society where the government system, that is the state, is increasingly involved in the daily life of individuals through enactment of numerous welfare measures, it is normal to seek more and more information and to want the suppression of the confidential and secret nature of the information the government and its agencies have. I totally agree on that point.

As everyone knows, a privilege is an exception to the general rule, but some groups cannot understand or interpret the expression and try to give it the wrong meaning. There is a tendency to consider the privilege as an instrument in the hands of authorities to hush up the worst, to hide scandal, in short, to deliberately leave the people in the dark about facts they should know. If ever it has been the case, it was an exemption.

Indeed, hon. members know full well, and especially lawyers, that the principle of the privilege exists; the best example is found in the Canada Evidence Act, which grants anyone called upon to appear as witness before a court of justice the guarantee that his testimony will not be used against him in subsequent proceedings, criminal or civil. In that case, the privilege is recognized by law.

Another well known example is that of the relations between a lawyer and his client; all their contacts, information and discussions are privileged and cannot be divulged in court. I do not mean to learn you something about this, Mr. Speaker, as you are an expert in the legal profession.

In my opinion, this is the sort of privilege to which section 288 of the Railway Act refers. It relates mainly to communications between railway employees and their superiors in case of accident. These communications are

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privileged and cannot be disclosed in court, not because they were made on a confidential basis, but for the benefit of the legal advisors of the corporation, namely, the railway. Railway accidents often involve damage claims and as a rule company lawyers must be entitled to a complete and honest statement of facts so as to be able to decide correctly and resolutely on a course of action, and the opposing party can also have access to this same information in order to establish responsibility.

The Commission itself does not have the required jurisdiction to establish responsibility in a case of railway accident. Its duty is to know the facts in order to determine the causes of an accident and to prescribe the means to prevent the recurrence of such unfortunate and tragic events.

True, the public and the Railway Labour Association in particular do not appreciate that privileged situation, but I think that what matters here is to protect railway employees themselves against any retaliation that could result from their too great talkativeness. Furthermore, confidence at various levels in the company would be dangerously eroded and the efficiency of the employees would be greatly jeopardized, and the passenger service as well.

After listening to the explanations of the hon. member for Moose Jaw, I note that the basic principle of this bill is public protection against the increasing number of railway accidents in Canada. I can only commend the hon. member for not so long ago in Quebec we knew such tragical situations which, on one occasion, claimed the lives of thirty youths near Montreal. In my riding, several accidents killed five or six persons at the same time.

The bill introduced by the hon. member aims mainly at protecting the public and the member must be congratulated. The Canadian Transport Commission and the railways must continue improving their accident prevention system so that passengers may be assured of travelling with the greatest degree of safety possible.

[English]

Mr. W. M. Howe (Wellington-Grey-Dufferin-Waterloo): Mr. Speaker, I should like to congratulate the hon. member for Moose Jaw (Mr. Skoberg) for periodically bringing to the attention of this House matters which are particularly pertinent to the railways of Canada. Having been born and raised in a railway community, I appreciate the problems faced by both management and employees in our great national railways as they go about their way of life.

I can well remember some very tragic accidents which occurred in the town of Palmerston during the period in which I lived there. However, one of the greatest tragedies that ever occurred in the town of Palmerston, which used to be an outstanding railway community, was when Canadian National Railways saw fit to withdraw all passenger service from the area. I believe this was a retrograde step in view of the fact that this area is and will be developing over the years and it will be necessary to provide an alternative transportation service.