

*Transportation*

sought to interpret it, is designed to deal only with those matters over which parliament has legislative competence. "Resources", as used in this subclause, does not mean natural resources. It means public resources, public facilities and public services that are used by a carrier, such as airports. An airport is a very good example, and so is a meteorological service. I suppose also that the National Transcontinental railway is a good example. It is a public facility belonging to the Crown, used by the C.N.R.

What is meant here is that, so far as practicable, a carrier should bear a reasonable share of the costs of airports instead of that cost being charged to the taxpayers. This is entirely within federal jurisdiction and it is a principle which could be applied in an adjudication by the commissioner or by the courts in relation to matters which are entirely within the scope of the legislative jurisdiction of this parliament.

The C.P.R. case is a special one. In so far as any other mode of transport such as the National Transcontinental railway or the Prince Edward Island railway or any of the Crown-owned railways which do not pay taxes is concerned, it is rather academic to raise this matter because the government has indicated quite clearly that it intends as a matter of policy to pay grants equal to the tax which would be paid anyway, and this does not require any legislation because it is possible for the government to authorize that now.

However, the real problem which I have with this wording is that in any adjudication under the power of the commission, which is supposed to take into account the principles as set out here, there would be an implication that the commission should do something about this, or perhaps it is just a humble prayer and petition to the carriers.

• (4:50 p.m.)

If it is thought that the commission should do anything about it, is this not what would happen? The requirement that each mode of transport, so far as practicable, bear a fair proportion of the cost of local government services in those municipalities in which the mode of transport operates would, it seems to me, place the commission in the position of being required to make a study of what constituted a fair proportion of the cost of local government services. This would of necessity, require the commission to review the cost of local government services, and what others were contributed. Fairness is not something

you pick out of the air. Surely, it is something you determine in relation to what somebody else is doing. There would no doubt be a determination of the total cost of services, and the contribution made by taxpayers and groups of taxpayers. It does not seem to me that any of these consequences could flow from the importation of those words into clause 1.

Consequences could flow from the present clause 1(b). It is quite clear the commission could decide that air lines were not paying an adequate proportion of the cost of the services they were receiving from airports or from the meteorological service. I just pick that illustration out of the air as an example of what is really intended—or that the wharfage being paid at ports was not a sufficient contribution by the carriers using the facilities provided at ports. It does not seem to me there would be any way, without intruding into matters that are not within our jurisdiction, of making any kind of inquiry whatever to determine whether the consequences that should flow from this provision would, in fact, flow from it.

If for example a municipality made application to the commission to have an investigation made to ascertain whether carrier X was paying a fair share of the cost of services in the city of Saint John, would the commission be able to hear that application? How would it go about making a determination? How would it go about establishing any jurisdiction to make a determination. It seems to me it is far better to rely upon the laws of those who have the power to make laws that are applicable.

We have the agreement of Canadian Pacific Railway to a constitutional amendment at any time we can get the appropriate constitutional amendment at Westminster or here, if the hon. member for Kamloops should ever be successful in his valiant effort, which I commend and commended at the time, to repatriate our constitution. This would be even better, so far as I am concerned. If such a course was possible, I would be the first to support that action. I understand that in another century this House of Commons used to pass resolutions from time to time in favour of home rule for Ireland. I suppose that matter would scarcely come within the legislative jurisdiction of this parliament. These resolutions were not put into statutory form, it is true. However, I have always been just a little bit allergic to putting these declamatory statements into statutes, although I did vote