

Supply—Transport

or representations the provinces may care to make to the board will have to await the conclusion of the hearings of the royal commission on transportation. So in short the answer to my hon. friend's question is that the investigation under P.C. 1487 is proceeding; that the board is not losing its time, since it is conducting a waybill study which will have to go into literally hundreds of thousands of various freight rate tariffs. Just as soon as it is possible to hand down a decision, which I am afraid will not be before some months, the board will proceed to dispose of that matter.

Mr. Argue: I might remind the minister that the board already has had two years in which to make the general inquiry. I hope it will not be another two years before anything is done about these discriminatory freight rates. I just wonder if the board is short of personnel, if this job is not too big for them, when they also have to consider applications from the railways from time to time. Could not this inquiry be expedited if the personnel of the board were increased, or if they were given additional technical assistance?

Mr. Chevrier: I should think it would be the other way around. I do not want to cast any reflections upon anyone, but it is easy to appreciate why the provinces could not submit representations to two bodies. They had to choose between making representations to the board of transport commissioners on the matter of equalization and making representations to the royal commission; and I presume they came to the conclusion, for various reasons, that priority should be given to the royal commission. The provinces have expert counsel, and while I do not know this for a fact it is my feeling that until their representations to the royal commission are terminated they will not want to make representations to the board of transport commissioners under P.C. 1487.

When my hon. friend says he hopes it will not take another two years, it is simply a matter of the time not being available to make representations to two bodies. As I understand it, there is no question of whether it will take two or three years. Neither do I think it is a question of personnel, because I am firmly of the opinion that if the provinces desired to make representations to the board right now under P.C. 1487 there is ample personnel, on both the technical side and the rate expert side, to deal with the situation.

Mr. Argue: Could they not do it concurrently with the application for increases that is now before the board?

[Mr. Chevrier.]

Mr. Chevrier: Oh, no; this is a different thing altogether. That was decided by the board away back in 1946, I believe, when the first application for the 30 per cent increase came before them. It was decided that the two things were separate and distinct. One was a revenue case for a 30 per cent increase in rates; the other was an inquiry to equalize and dispose of unjust and unfair discrimination, and it was felt that both could not be heard concurrently.

Mr. Low: I should like to ask the minister why he and his colleagues did not make use of the powers given in section 52 of the Railway Act to stay the application of any new awards by the board of transport commissioners, in the light of the very serious situation which has developed, particularly among farmers and others in western Canada. I know that on two or three occasions the minister said it never had been done, as if that were a reason. That is not a reason. The fact of the matter is that powers were placed in section 52 of the Railway Act giving the government authority to deal with just such a situation as has arisen. Why in the world the government would not feel that delay of a few weeks or even two or three months would be in the best interests of Canada, particularly since we are expecting reports not only from the royal commission but on the hearings before the board, is something I cannot quite understand. I should like a little better reason than has been given so far.

Mr. Chevrier: I do not agree with my hon. friend that the powers in section 52 to which he refers are as he says they are. I placed on record a complete definition of those powers in 1946. I do not remember everything I said at that time, but my recollection is that as far back as 1903 parliament decided that the way to dispose of freight rate matters was by a board of transport commissioners, and they were a technical body set up and established to deal with those problems. They took it away from the government. Before 1903 a committee of the privy council handled these matters, but parliament decided they should not be dealt with in that way but should be handled by a technical body, which was set up.

I could go on at some length and give additional reasons, but that was the main reason, because the powers of the governor in council are judicial in nature. The government did not interfere because it did not think it was proper to do so, since it is not the practice to interfere with the ordinary processes of courts of record. My hon. friend says the fact that it has never been done is not a reason. Well, other governments have been