

*Transportation*

any of the three objectives I mentioned, but which as in many other fields in the country, constitutes the most realistic compromise which could be established in the circumstances, taking into consideration the three objectives I mentioned, the best public service for the taxpayers who do not pay indefinitely unlimited expenses, and finally for the areas which, economically differ from one another, but could maintain themselves in a certain balance by compensatory transport rates.

We then have before us a bill which, in my opinion, will provide a great improvement in the means of transportation compared to what we have had until now. I think that the hon. minister is to be commended for the ability he has shown in piloting this bill. We should also congratulate him for the type of legislation he introduced in this house and, especially, for the new methods that will now be used in the field of transport.

But, Mr. Speaker, if I rise up now to take part in the debate on third reading, it is not to come back to the substance of this bill since many speeches have been made in committee and in this house; the members and public opinion are well informed about this transportation bill.

I would like especially to deal with a very important point raised several times during the debate and which was again brought to light by the publication this morning of the correspondence between the federal government and the Quebec government, concerning the responsibilities of each government concerning motor vehicle transportation. The hon. member for Sherbrooke (Mr. Allard) took part personally in the debate expressing his views on this problem of "federal and provincial jurisdictions".

My remarks will bear on two main points. The first, namely, the constitutionality of the government action in introducing this bill, and Part III which deals with interprovincial motor vehicle transportation. The second, the procedure followed by the government with regard to this bill.

Both the Quebec premier and the member for Sherbrooke have expressed doubts about the constitutionality of Bill C-231 in respect of interprovincial transport, and about the procedure followed by the right hon. Prime Minister (Mr. Pearson) and the hon. Minister of Transport in presenting the bill to the house and about the discussions proposed to the Quebec government.

First, the problem of the constitutionality of Bill No. C-231. The right hon. Prime

Minister, in his second letter to the premier of the province of Quebec, namely that of October 20, 1966, which was tabled today in this house, reminds the latter of the position taken by the government as regards the constitutional problem. In the second paragraph he says:

The provisions which are contained in Part III of the bill and which would make it possible for a federal government agency to engage in regulatory activity in the field of interprovincial commercial road transport, are fully in accordance with the exclusive constitutional jurisdiction of the parliament of Canada. This has been established by court decision beyond all doubt, when it was ruled that a commercial motor carrier movement between provinces constituted an undertaking "connecting the province—

These words are quoted since they are taken from the 1954 judgment of the Privy Council.

—"connecting the province with another and extending beyond the limits of the province and therefore comes within the provisions of section 92(10) (a) and is solely within the jurisdiction of the Dominion".

Further on the Prime Minister pointed out that if agreements had been signed between the federal government and the provinces, so that they could establish regulations within their own territory as to motor vehicles coming under their "jurisdiction", those provinces had done so only under powers delegated by the central government to the provinces, but this could never have meant relinquishing under the constitution itself the rights belonging to the federal government as regards the control of highway transport between provinces or between this country and other countries.

What was pointed out in the first letter addressed by the Prime Minister of Canada to the premiers of the provinces, on August 4, 1966, was the advisability of discussions, not in order to establish the federal government's constitutional rights to legislate in the matter, since those rights were already very clearly established in the constitution and had been reaffirmed by a judgment of the Privy Council, but so as to allow, at the official level, a discussion on the application of federal regulations that might arise out of the legislation contemplated at that time.

Therefore, Mr. Speaker, the federal government did not want to discuss with the provincial premiers its constitutional right to introduce a bill before the house to regulate motor vehicles crossing provincial boundaries, but to establish a working agreement at the departmental level, for the efficient enforcement of federal and provincial regulations in