

*Transportation*

I shall repeat my question, then. Has there been any consultation with the provinces before the bill was drafted? Have regular meetings been provided for, in the discharge of this commission's duties, in order precisely to remove and prevent difficulties? If agreement is impossible, has provision been made for a higher arbitration board which would settle the disputes between the federal government and the provinces?

I should like to have the minister's opinion on these three points.

[*English*]

**Mr. Pickersgill:** I think, first of all, there has been misunderstanding about one aspect of this bill, and that is that aspect relating to motor transport. I do not think anyone has questioned the over-all jurisdiction of this parliament over railways that have been incorporated by parliament. Certainly over steamships and all forms of navigation parliament's jurisdiction is supreme. A canoe, even, cannot be regulated by a provincial government. Parliament's jurisdiction over aviation has been clearly settled by the highest courts. The only area it seems to me in which any conflict can arise is in the question of the limits of jurisdiction of this parliament over motor transport. We thought until 1954, when the Privy Council made its decision—one of the last decisions applying to Canada—that the jurisdiction over road traffic was exclusively provincial. The courts decided—and this does not apply to those driving private motorcars of course—that when a commercial carrier operating a bus or a truck crosses the provincial boundary and serves more than one province, or when he leaves Canada to go to a foreign country, he is under the jurisdiction, and the exclusive jurisdiction, of this parliament.

At that time we had no machinery for carrying out that jurisdiction. The provinces had been accustomed to carrying it out. This parliament passed the Motor Vehicle Transport Act, as I think it was called, which enabled the government of Canada to confer upon provincial agencies—not upon the provinces, because we cannot do that, and the courts have decided that we cannot delegate anything to a province—certain authority. We made these provincial agencies into federal agencies for purposes over which parliament has jurisdiction. On the whole this has worked pretty well. A year or two ago decisions were made in the courts of Manitoba and of another province—at the moment I do not have that at my fingertips—which called

into question the capacity of these agencies effectively to carry out this jurisdiction. These cases have not yet gone to the final court. I do not think any one of them has got to the Supreme Court. It may be that the Supreme Court in its wisdom may take a different view from that of the courts below, and that the problem will not arise.

We felt when we were legislating for all forms of transport coming under the exclusive jurisdiction of this parliament, that we should have a provision so that we would not be caught a second time with no way of dealing with a problem. It could be chaotic if there were no legal way of dealing with it. We informed the provincial governments that we proposed introducing such a provision. We did not feel we should consult them about this because this is within the exclusive jurisdiction of parliament.

If I were the premier of Manitoba or Quebec—and I am not likely to be either—

**Mr. Ricard:** That is the wisest thing you have said.

**Mr. Pickersgill:**—but if I were, and if someone in the legislature said to me, "Did you first consult Ottawa before introducing this legislation that is exclusively within provincial legislation?" I would say, "Of course not. It is our business; it is not theirs". I feel the same way about legislation exclusively within the jurisdiction of parliament, as this is.

Though we are grateful to the provinces for allowing these agencies over the years to act as agencies of the federal government, for its purposes, we also expressed satisfaction, and said we did not want to disturb this arrangement if it did not need to be disturbed. We pointed out that all we are seeking to do in this bill is to have reserve power in case it became necessary to use it, so that there would be law and not anarchy in this field, in certain circumstances. This is all we are asking parliament to do.

We also intend to have a conference with the provinces. All of them I think have now shown their willingness to come to such a conference to discuss not only this matter but a number of other matters affecting motor transport, primarily of provincial concern, in which we seek to be helpful. This is on the administrative side. We want the maximum co-operation in that field, and I think most provincial governments want that also.

So far as our strictly legislative function is concerned, the courts have decided that that is exclusively federal. I think, therefore, that we