

Railway Act

● (4:00 p.m.)

I refer to a bulletin issued in 1969 by Canadian National Railways. It is addressed to all section foremen in the southern division of the Saskatchewan area. I am sure what is suggested here in respect of the CNR is applicable to the CPR and other railroads operating in Canada. It states:

Following has been received from regional engineer in connection with derailments:

"As you are no doubt aware, the increasing number of derailments account track conditions is a matter of grave concern throughout the railway industry as a whole. This concern is becoming more apparent, not only in the United States, but in Canada as well."

The incidence of derailments at switches has recently shown a sharp increase and would suggest that switch maintenance is being overlooked due to other work. With the increasing number of heavy loads, long trains, larger cars and locomotives, switch maintenance is of extreme importance and I would suggest that you give this matter your closest attention.

It is signed by the various roadmasters of the CNR for the southern part of the Saskatchewan area. I think there is a story behind that kind of bulletin. We know there are reasons for the derailments that are taking place. Until the most recent public inquiry being conducted by the Canadian Transport Commission there was not a public inquiry to determine the cause of derailments. It is imperative that we have public inquiries into individual situations throughout the railway system in Canada in order to offset the increasing number of derailments and wrecks.

I am sure we all know the reason for the wording of section 288 (3) of the Railway Act. It provides:

The board may by regulation declare the manner and form in which such information and notice shall be given and the class of accidents to which this section shall apply, and may declare any such information so given to be privileged.

I sincerely urge that there should be an amendment to this act so that no information can be considered privileged. I realize that in many cases people will say human failure was involved and in the interests of protecting the individual this information should not be divulged to the public. Information is made available under the Public Inquiries Act in respect of any accident at sea or in the air. If a human failure is involved in an accident, this information is made public. I am positive that investigations have shown beyond doubt that cutbacks in manpower on the railway systems can be directly related to an increase in derailments and accidents. The bulletin I have read would indicate a need for additional manpower to look after switches on the system. I am sure that practical railway men realize that cutbacks in the number of maintenance of way employees have been responsible for part of the increase in derailments.

At one time maintenance of way employees rode the tracks in various types of vehicles. They were able to see what was going on, the condition of the trackage and its surroundings. They were able to observe a back-up of water and determine whether there might be a flood in the area resulting in a wash-out. Thus, they were able to prevent accidents. In many cases these maintenance of

[Mr. Skoberg.]

way people, on the instructions of the companies, travel in motor vehicles on the highway. You cannot possibly maintain proper track surveillance by observing conditions from a highway some distance away. You might see a wash-out, but that is after the fact and perhaps after a train has been derailed.

It is necessary for this House to consider the situation and improve the act. In view of the fact this is a private member's bill, I am sure it will be talked out. I suppose that is the law of the land to which we have become accustomed. Somewhere along the line a bill such as this should be sent to committee for consideration. Perhaps the government should take it upon itself, because of the seriousness of the situation, to send a bill such as this to committee for study. In this way, groundwork could be laid to avert derailments and the tragedy such accidents cause families of the injured.

We saw an example of this in the Kootenays recently. We must also consider the economic loss as a result of the stoppage of service on a section of the system. Surely government members realize there is a need to amend the present legislation. Perhaps we could adopt new regulations to correct some of the problems that now exist. Regulations of this type would also bring about better morale on the part of railroad employees. At the present time investigations are conducted by railway officials. They do not divulge the information relating to mechanical failure. The only time they are concerned is when there is human failure. It is in this area that we need change. Whether the cause of an accident is the result of human failure or mechanical failure, the resulting tragedy is the same.

I urge the government not to talk out this bill so that it will be dropped when private members' hour ends, but to give it an opportunity to go to committee where a proper debate can take place. Witnesses could then be called and amendments could be suggested, so that in future there will be public disclosure in respect of causes of railway derailments.

[*Translation*]

Mr. Albert Béchard (Parliamentary Secretary to Minister of Justice): Mr. Speaker, the amendment to the Railway Act and particularly to Section 288 moved by the hon. member for Moose Jaw (Mr. Skoberg) certainly has much merit and is received with kind appreciation not only by the members of the House but also by the general public.

If we read the explanatory notes appearing opposite page 1 of Bill C-47, we find a rather complete summary of the purpose of the hon. member for Moose Jaw had in mind in proposing the amendment before the House.

Therefore, what is the purpose behind the introduction of this bill by the hon. member for Moose Jaw?

In my opinion, he is seeking three important changes: first, the broadening of the meaning of the word "accident", by the inclusion in it of the term "equipment"; second, an increase of the powers of the Canadian Transport Commission, so as to exempt the employees of any railway company from the responsibility of reporting to the Commission any accident to equipment or property,