

Grain Transportation

within its power". To me, this seems a bit redundant, but it is not something on which I want to dwell.

I suppose the question we must ask is why we need the amendments. Is the Canadian Wheat Board better suited than the CTC to tell the railways how to allocate this equipment? By suggesting these amendments, the hon. member implies that there is a need to exercise this power over the railways. Is there?

The other question is why we should broaden this section to cover all western grain. I grant that the hon. member has a point. One could legitimately ask: if we will have power over the railways on grain movement, why restrict it to the eastern movement for only part of the year? I suppose there are historic reasons why Section 266 of the act is the way it is. But given the principle that we will tell the railways what to do in relation to grain movement, one might as well give oneself full powers. It is this very principle about which the hon. member is so persistent. He never misses an opportunity to let out the battle cry of his party to nationalize the CPR.

● (1630)

Not long ago, the National Farmers' Union was in town. It wanted the government to nationalize fully both the CPR and CNR and to run them as public utilities. At that time I did not notice the hon. member for Regina West in the vicinity. Perhaps he recognizes that there is a problem with this approach, but he still calls for greater control over the railways.

Approximately two years ago, I understand, the hon. member tried another tack. He applied to the CTC for an investigation of whether the railways were violating Section 262 of the Railway Act in relation to grain movement. This section is very relevant to this discussion because it indicates that, in general, the railways must provide suitable accommodation for the loading, carrying, unloading and delivery of all traffic offered for carriage. If they do not, the CTC can order them to do so. By all appearances, it is a sweeping power which applies to all commodities and, hence, to grain.

At the time Section 262 was tested in the Supreme Court of Canada in 1959, unfortunately for the hon. member, the Supreme Court ruled that the section did not impose an absolute duty but only a relative one, so far as reasonably possible, for the railways to respond. The court looked at other factors, particularly the financial position of the railways. I hope one of my colleagues will have a chance to go into the relevance of this case in more detail.

The CTC, in its wisdom, rejected the hon. member's application, citing the Supreme Court case and, incidentally, the numerous efforts of the federal and provincial governments to improve the grain transportation system.

Naturally, that did not stop our persistent friend from Regina West. He was back again this session with motion No. 5 on the Order Paper which we debated once and may have the pleasure to debate again.

I have to admit that the hon. member, as well as being persistent, is at least consistent. Motion No. 5 indicates among other things:

—make the railways fix up their tracks and buy hopper cars, and give the Canadian Wheat Board more power to control grain movement.

The message in Bill C-266 is very much the same. It is too bad that it also runs into the same problems.

If I may be permitted a brief comment which is somewhat relevant to this discussion let me say that one might have the impression that the government is determined to block the hon. member's crusade for better service from the railways. This is not so.

A few weeks ago, the hon. member won an appeal to the CTC to retain a particular passenger service in the Sudbury area, and only last week a report from the Standing Committee on Transport dealing with express services was debated. If the hon. member had been here to participate, he would have heard the minister recognize how valid his concerns were regarding express services. He would have heard how the minister insisted on certain conditions being fulfilled before allowing the railway to proceed with its plans. Also he would have heard the minister ask the House to adopt the report, which it has.

So the government is by no means opposed to measures which improve the performance of the railways, as long as they make sense. I submit that the reason the hon. member lost his case under Section 262, the reason he was unable to obtain support for his motion No. 5, and the reason why this bill cannot be accepted is that it does not make sense.

Bill C-266 would transfer the power in question from the CTC to the Wheat Board. How is the Wheat Board equipped to handle the administrative aspects of such a responsibility? The Wheat Board has direct power over three specific grains—wheat, oats and barley. I know one of the hon. member's colleagues would like that power extended, but for the moment it is not.

On the other hand, railways handle hundreds and perhaps thousands of commodities daily. With improved productivity in recent years, rolling stock spends less time in yards and more time on the move. The CTC, with its national network of offices and inspectors, monitors this dynamic system. Of particular relevance to this discussion is that the CTC's newly established western office is widely considered as a valuable addition.

Transferring powers under Section 266 would not exactly emasculate the western CTC; I cannot really claim that. The point I am trying to make is that the Wheat Board really could not make rational decisions in this regard with its present structure. One could argue that the Wheat Board should be endowed with extra staff for this purpose. But does this make sense for a seldom, if ever, used provision?

If the Wheat Board had this power, how could it actually exercise it? Much as my hon. friend wishes this were so, one cannot snap one's fingers and produce the right number of hopper cars and engines at a given place in the country; that is