

there was a bill currently in Parliament to establish a particular solids pipe line company and it was felt that as there was no jurisdiction formally vested in any agency of government it would be as well to make provision for it.

I may say that up to the present time neither Part III, which deals with motor vehicle transport, or Part IV, which deals with commodity pipe lines, have been proclaimed. When I was the Minister of Transport I gave an undertaking that the motor vehicle transport part of the Act would not be proclaimed until there had been consultations with the provincial governments. This was not because the provincial governments or the provincial legislatures had any jurisdiction whatsoever, but because it seemed to me that these governments which had permitted their agencies to act as federal agencies for this particular purpose were entitled as a courtesy to be consulted. Also, because in the provinces, with very few exceptions, all highways are the physical property of the provincial or local authorities under the provincial jurisdiction and it seemed to me that it would be very difficult to have an effective federal jurisdiction of interprovincial and international commercial motor transport without a reasonable degree of understanding and cooperation with the provincial governments.

We were concerned, of course, because the Coughlin case was then before the Supreme Court, that we might be forced into exercising this jurisdiction rather suddenly if the decision of the Supreme Court had been different from that which it in fact took. It took the decision that the Act in all respects on which it was challenged was *intra vires* of Parliament and therefore still in operation. I would crave the indulgence of members not to ask me to speculate about when Part III might be proclaimed because the only answer I could give is whenever the Governor in Council so determines, and I am not privy to his intentions, if at the moment he has any.

The Chairman: Thank you, Mr. Pickersgill. Are there any other questions? Mr. McGrath?

• 0950

Mr. McGrath: Mr. Chairman, I would like to direct some questions to Mr. Pickersgill. I think he probably has a fair idea what he is talking about. For example, Mr. Chairman, in the Annual Report of the Canadian Transport Commission, the only one we have, ten lines were devoted to level crossing accidents in the Province of Quebec, and I think four

lines were devoted to the abandonment of the rail passenger service in the Province of Newfoundland. Is this to infer that the Commission looks upon the abandonment of a total provincial railway passenger service as warranting only four lines in the Annual Report?

Mr. Pickersgill: I think these quantitative measurements have no qualitative significance, sir.

Mr. McGrath: You spoke about—well, it has a certain great deal of significance for some of us, Mr. Chairman.

The Chairman of the Commission in his preliminary remarks referred to areas of provincial jurisdiction. This is a question which is of a great deal of interest to some of us, because in their hearings in Newfoundland on the application of the CN to abandon rail passenger service, I think I am correct in stating that they implied in handing down their decision they were prepared to allow the CN to abandon their rail passenger service on the understanding that they would operate a bus service. Is this correct?

Mr. Pickersgill: Mr. Chairman, I think perhaps I should make my position as a witness as clear as I can about this particular matter, and perhaps I should apologize to the members of the Committee for not having pointed out that the Commission also has a research division as well as its regulatory functions. On the research side, of course, it is not dissimilar to any other department of government; in other words, the activities of the research division are either pure research, or advisory to the government, or in the way of enquiry.

On the regulatory side, the Commission is a court of record, and as a court of record it makes decisions after hearing the witnesses who appear at the hearing. Its decision is then rendered and under the law there are certain remedies open to anyone who disagrees with those decisions. I think it would be . . .

Mr. McGrath: Mr. Chairman, I would like to raise a point of order here because I think what Mr. Pickersgill is now saying is not at all germane to the line of questioning that I was asking. I think you must rule that my question was in order or not, because if we are to have these lectures from the witness on how we should conduct ourselves, I think we are going to make very slow progress.