

*Transportation*

the Railway Act will meet with my approval but it is possible that the minister and his officials may be able to satisfy my requirements. The onus will be on them to do so.

Finally I wish to speak on the question of the motor vehicle undertakings. I am concerned about the initial assumption that certain tolls may be fixed by the government. Of course the minister indicated at one time, and we heard the view expressed this morning, that there are conditions precedent to this coming about. The question of jurisdiction is not one which should be discussed in detail at the present time but it is certainly a very important factor. As I pointed out this morning, it is stated in clause 35 (c):

—the commission may make regulations (c) respecting the safety, protection, comfort and convenience of the persons availing themselves of the services of a motor vehicle undertaking;

During the question period today I pointed out that the difficulties in implementing this right are very great indeed. It is the provinces which are responsible for the construction of highways. They lay down the rules and regulations respecting the equipment of vehicles. They lay down the restrictions under which licences are granted to operators and they lay down certain regulations with regard to insurance.

It seems to me, at first glance, that this subclause could be struck out as being entirely unconstitutional. There is no doubt that this a matter on which there will be constant negotiations because if there is to be a national transportation policy it must be based upon the ability of the government in conjunction with the provincial governments to lay down and establish tolls which are in fact a part of the whole competitive structure. Without that ability it is very likely that the announced purposes of this legislation will be nullified. I am not suggesting that this new approach should not be undertaken but that there are grave weaknesses which will have to be explained satisfactorily in committee and later on in this house before it can be accepted.

• (6:40 p.m.)

**Mr. Pickersgill:** I wonder whether the hon. gentleman would permit me to ask him a question? Probably, Mr. Speaker, if you were asked to rule on it you would rule it out of order because it is a hypothetical question. I do so only because the hon. gentleman is a very distinguished lawyer and I do not get the chance too often to ask lawyers for free advice.

[Mr. Baldwin.]

My question is this. With respect to the particular section 35 (c) to which the hon. member referred, would it not be true to say that since the vehicle would be on a provincial road the regulations regarding safety, etc., made by the provincial legislature would have to be complied with but that it might be possible for parliament to insist upon additional precautions that were not in conflict with the basic laws in cases of vehicles that cross provincial lines?

I think that is all the draftsman had in mind. In no way would it be possible for us to say that a vehicle could go on provincial roads when the provincial laws said that it could not do so. However, we might insist that if the vehicle was going to cross from one province to another even more stringent regulations might apply. I would just put that to the hon. member.

**Mr. Baldwin:** Mr. Speaker, as a result of such an appealing request by the minister I will break one of the first laws of our profession and give him free advice. After all, as I am speaking in the House of Commons this cannot be used against me at any subsequent professional trial.

This is somewhat like the situation which prevails in many provinces where there is conflict between municipal ordinances and provincial regulations. Some municipal ordinances are held to be valid so long as they do not conflict with the provincial law. As a matter of fact, I would hope that this might serve as a means whereby a more uniform approach can be taken over the whole country. If that can be done, then more power to the government, the minister and his officials. Whether or not the provinces are in that type of receptive mood now is another point, but a more rational and uniform approach to this whole question is certainly one which is worth working for.

Finally, Mr. Speaker, I take this general position. I hope that the minister and the house will understand that I do not say what I have said from any personal, regional or even constituency viewpoint. I think that the strength of this country must be maintained by paying attention to all parts of it. I hope that we in this country are now passing through the concluding stages of the argument whether or not there shall be two nations or two states in Canada. I hope this argument is reaching its conclusion. But for many years another argument has been raging as to whether or not there are also two parts of Canada, one the developed part and