

If in appealing it is not obvious that this particular amendment to the Railway Act should go through, I do not know what else can be done. Perhaps we should hit the Parliamentary Secretary to the Minister of Transport (Mr. Lapointe) over the head with a cedar post to get his attention. I hope that is not necessary. I see no reason why this bill cannot go through right now on second reading to the standing committee. Whatever treatment it will receive there, it will still have to come back here for the report stage and third reading. If in the wisdom of the government or the parliamentary secretary it should not proceed any further, then the bill can still be stopped in private members' hour because this bill, along with 200 others, will be selected out of a hat in each session of parliament, and if the hon. member is lucky, and if he is still here, and if his bill comes out in the top 30 or 40, it will get called for debate for one hour once every four years.

Let us move on it at least to this extent. If the parliamentary secretary and his minister are worried about usurping or prejudging any decision of the Supreme Court of Canada, I do not think it is a valid concern. The Supreme Court, if and when it hears this case, will make its decision based on the old law, the old practice and the old decisions of the lower courts. However, if this parliament were to pass this amendment to the Railway Act, which is retroactive I believe to 1975—an excellent move on the part of the hon. member for Kootenay West—the Supreme Court will be relieved of a duty which it probably feels it should not have had in the first place. The CPR, CN or any other organization, who for decades have justified these essential water connections, should not be allowed now to turn around 180 degrees and tell us that it is not an essential part of the transportation system. That will not hold water, Mr. Speaker. I urge the parliamentary secretary and his colleagues to let this bill go to the committee. I am particularly anxious to hear the arguments of the CPR, so for that reason if for no other I hope the bill will go through second reading. It has our full support, Mr. Speaker.

● (1742)

Mr. John M. Reid (Kenora-Rainy River): Mr. Speaker, I have listened to the speeches with a great deal of interest and I must say, as one who has a great amount of transportation going through his constituency, I always find transportation debates to be of great interest. I can readily understand the view of the hon. member for Kootenay West (Mr. Brisco) and the difficulties his communities have been faced with as a result of service which they have had available to them for a long period of time being withdrawn by the Canadian Pacific Railway. Unfortunately, it seems to me that those of us who live in the rural areas are constantly facing this problem of services which we have enjoyed and which have formed the centres around which our communities have grown being suddenly and almost unilaterally withdrawn by the transportation industry.

I submit there are probably good and significant reasons for those decisions to be taken, however hurtful they may be to the local communities. For example, one of the most important withdrawals of transportation services affecting the consti-

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ty of Kenora-Rainy River was passenger service on the northern part of the CNR line. That was a decision taken by the Canadian Transport Commission through its railway committee and it is in the process of implementation.

I find that particularly difficult to accept, as do most members who come from northern Ontario, because what has been agreed to under this plan is to put two passenger trains on the CPR line and none on the CNR line. While I am the first to admit that the reasons for using the CPR line are compelling at first glance—that is where the bulk of the population in north western and north eastern Ontario is located—at the same time it leads to a substantial denial of service to a large number of people and communities who have become dependent upon it. The replacement which has been suggested—that is, a three-days-a-week service between Capreol and Winipeg—is inadequate.

It is this kind of attitude which leads me to support the position of the hon. member for Kootenay West. I can readily understand the frustration which his communities must face and the difficulties which they are confronted with through having an appropriate form of transportation removed. But while I agree with the hon. member in principle, I do not necessarily agree with the way in which he has chosen to proceed. I disagree because I think he ought to have held his bill until the Supreme Court has made its decision.

It seems to me that the Supreme Court—and I speak as a layman, not a lawyer—will make a decision in one of two ways. It will agree with the hon. member for Kootenay West in that it will say that, indeed, the particular instance of which he complains is within the jurisdiction of the Railway Transport Committee. In this event his bill will be superfluous. He will have won his case without it.

If, on the other hand, the Supreme Court agrees with the Federal Court, then it strikes me there will be a legislative remedy since the Attorney General of Canada is leading the charge in the Supreme Court against the CPR in support of the Railway Transport Committee. So the hon. member is in the beautiful position, it seems to me, of having won his case no matter what happens to this bill, and perhaps no matter what happens in the case before the Supreme Court.

There are some considerations which I think it would be useful to have on the record, however, in terms of what would happen if we did proceed with this bill and even, perhaps, were to pass it, assuming we would not have to pay any attention to the due processes of law. Speaking of that factor, Mr. Speaker, it does seem to me that when we have created a system to adjudicate these disputes the least we can do before seeking a legislative remedy, or any other remedy, is to allow that due process to take place.

It appears to me there are a number of advantages which accrue to everybody concerned. First of all, of course, and most important, is the clarification of issues in such a way as to make them more readily understandable in terms of law. For as much as the hon. gentleman will protest, to some extent the case about which he is concerned is a local case. But any judgment involved—and, indeed, any judgment by this