

PRIVATE MEMBERS' PUBLIC BILLS

RAILWAY ACT

PROVISION FOR REPORTING EQUIPMENT OR ROADBED
DAMAGE TO CANADIAN TRANSPORT COMMISSION
AND MAKING REPORT PUBLIC

Mr. John L. Skoberg (Moose Jaw) moved that Bill C-47, to amend the Railway Act (notice of accidents), be read the second time and referred to the Standing Committee on Transport and Communications.

He said: Mr. Speaker, I am sure many members of the House wonder what similarity there could possibly be between the debate that has just finished and the bill before the House now, but I am sure they will agree that there is quite a similarity between the grain stabilization bill and this bill. All hon. members realize that whenever there is an accident on the railway, the rail pipeline is blocked. This means that the customers who use the rail pipeline are affected directly. Up to this time, all too often situations have arisen where the railway pipeline does become blocked, yet nobody knows why or just what actually caused the accident. Hence I am moving this bill.

The main provision of the bill requires railway companies as soon as possible, and immediately after the head officers of the company have received information of a collision, derailment, or other accident resulting in death or injury to any person or damage to equipment or roadbed, or whereby any bridge, culvert or viaduct or tunnel on or of the railway has been broken or so damaged as to be impassable or unfit for immediate use, to give notice thereof with full particulars to the Canadian Transport Commission.

Subclause 2 deals with notice by employees and provides:

The conductor or other employee in charge of the train, place or structure in connection with which such accident occurred, shall as soon as possible after such accident notify the commission of the same by telegraph.

The purpose of this bill is to make it mandatory that all accidents to equipment or roadbed, the damage to which exceeds the amount set in subsection 3, be reported to the Canadian Transport Commission. In the past, accidents involving damage to roadbed other than bridges, tunnels, viaduct or culverts were not required to be reported. The further purpose of this bill is to deny the commission the right to declare accident reports and investigations privileged material. It is felt that the public interest is much better served when there is full public disclosure of all accident reports.

It appears that whenever an accident occurs on the railway, the Canadian Transport Commission has the right to determine whether or not an investigation into the accident will be considered privileged. I contend that whether or not such accident is due to mechanical failure or human error, it is in the public interest to disclose the reason for the accident in order that all concerned are made completely aware of the cause. The public has the

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right to know the reasons for and causes of railway mishaps, in the same way as they learn of the cause of air and sea accidents through the medium of public inquiries. All members of the House realize that in many cases public inquiries are held into air and sea accidents but seldom, if ever, do we hear of a public inquiry being held into a rail mishap.

I am especially pleased that at the present time the Canadian Transport Commission is holding a public inquiry into the general safety of rail operations. The chairman of that commission, Mr. Jones, is to be congratulated on the way he is conducting the inquiry, an all-extensive inquiry which I hope will make recommendations. Recently there was a rail mishap in the Fraser canyon and three men lost their lives through no fault of their own but as a result of the negligent maintenance of the roadbed, thus endangering not only the operating employees but the travelling public.

I am strongly opposed to any general order or act giving the Canadian Transport Commission the power to declare the extent to which information concerning accidents given by the railways may be privileged. If a veil of secrecy surrounds an accident, everybody usually assumes the worst. It also appears to me that privileged information can only be justified when matters affecting our national security are concerned. It cannot be said that our national security is in jeopardy by making public the cause of and responsibility for railway mishaps. The Canadian Railway Labour Association have consistently urged that this type of inquiry be made public; that it is in the public interest to ensure that there will not be any privileged material held back by the Canadian Transport Commission or the railway companies if in fact hazards to safety are created by operations of the transportation system.

Let me just refer to the situation in the United States. The National Transportation Safety Board, which was created by the United States Transportation Act, 1966, came about as a result of the kind of thinking that has been expressed here and similar conditions to ours which exist in the United States. The safety board determines the cause of accidents through direct investigation and public hearings, and although structurally located within the department of transportation it is an autonomous agency.

I suggest that a similar type of agency should be set up within the present framework of the Canadian Transport Commission for which the Minister of Transport would have responsibility. The establishment of a similar board or agency in Canada at the earliest possible moment is a most important consideration in order to bring before the public the cause of accidents instead of leaving the public in the dark. As hon. members of the House know, the rate of accidents on the Canadian railroads today is a high one. Almost every week we pick up a paper and see a report of an accident somewhere along the system. We all know that we never really find out the cause of such accidents.