

quorum. I think that this section ought to come out altogether, certainly those portions of it which confer on a single member of the board the wide powers to which I refer. Here you have a board of three. Suppose one member does not fall in line with the views of the majority; it lies within the power of that one member to issue subpoenas compelling persons to appear before him, or any person he may designate and to produce books, documents and articles on any subject, possibly at great expense. They may be secret documents. I do not think this parliament can entertain the thought of conferring powers so broad on any board created by statute.

Mr. HOWE: May I point out the nature of the inquiries that the board may conduct. These include many matters affecting applications for licences, rates or complaints. They may concern matters arising out of aeroplane crashes. A crash may occur in the Northwest Territories, and an officer is sent there to get the particulars. He must have the right to examine survivors of the accident, to examine the log of the ship, to examine persons in the vicinity who may have been witnesses to the crash, and to examine other circumstances associated with it. Usually a serious loss of life and property is involved in an aeroplane crash. I think my hon. friend would hardly wish to call a full meeting of the board before such an examination could be made. The more promptly it is made, the more likelihood there is of establishing the facts of the disaster. Crashes are not infrequent. I am sorry to say that hardly a month goes by without an aeroplane crash somewhere in the dominion, which must be investigated by putting witnesses under oath. It may be as far away as Greenland or in the Northwest Territories or any other remote part of Canada, and prompt action is the essence in determining the cause of the accident.

Mr. HAZEN: I think this section is highly objectionable and I agree with what the hon. member for Eglinton has said about it. The explanatory note on section 3 says:

Similar provisions exist in the Railway Act respecting the board of transport commissioners.

If you turn to the Railway Act, section 62, you will find that the provisions there are not the same at all. This section of the bill is worded quite differently. Section 62 of the Railway Act says:

The board may order that any witness resident or present in Canada—

And so on. The power and the authority rests with the board under section 7A(1) of this bill as it does under the Railway Act, and

[Mr. Fleming.]

it should be the board that has this power, not any member of the board. Certainly the explanatory note is misleading when it says that similar provisions exist in the Railway Act, for similar provisions do not exist in the Railway Act. Under the Railway Act the board may "order any witness resident or present in Canada to be examined upon oath before or make production of books," and so forth, to any member of the board. There is nothing objectionable in that. But as I say, section 7B(1) does not follow that provision. The power rests in the board, and the board should have the power in consequence to examine witnesses and order the production of documents. I submit that it is quite objectionable as it is worded. The words "or any member of the board" should be deleted from section 7B(1) and the wording of the Railway Act should be followed.

Mr. HOWE: I have no objection to that. It is a matter of convenience that one member should have the power to issue a subpoena, but it is not a matter of great importance, and I am quite willing to have the words in question deleted.

Mr. BLACKMORE: Would not the difficulty be obviated by saying, any one member of the board acting upon the authority of the board? Then it would be obvious that the board was in concurrence with the action of that member.

Mr. HOWE: The deletion would have exactly that effect.

Mr. HAZEN: If I am in order, Mr. Chairman, I would move that the words "or any member of the board" in line 32 of section 7B(1) be deleted.

Mr. BLACKMORE: How would that make it read, Mr. Chairman?

The CHAIRMAN: As amended it would read:

7B. (1) The board may order that any person resident or present in Canada may be examined upon oath . . .

And so forth.

Mr. HAZEN: The section will be just the same as section 62 of the Railway Act: it will give this board the same powers that the board has under the Railway Act.

Mr. HANSELL: I do not quite agree with that. You will have to alter lines 35 and 36—"or any member thereof"; and then you have in line 38 "or such member". You will have to take it out of that section wherever it occurs.