

Transportation

case the Air Transport Board did not see fit to agree to the entire application for an amended licence but, in my view, if they had, then the interveners in the case would have very legitimate grounds for making an appeal. In the light of a possibility of that kind, I fail to understand the minister's logic in suggesting that in his view appeals would be more frequent if an intervener had in effect the same rights under subclause 2 as it is proposed that they should have under subclause 1. This seemed to be the only argument that he advanced as to why this distinction was made, namely that he did not want to see appeals become too frequent.

However, I fail to see that that argument really holds in respect of the distinction between the original and the amended application which, certainly in my experience, is the same as the application for a new licence. I wonder whether the minister could take another look at this particular aspect of the bill because it seems to me that we should seek to avoid the situation to which he referred earlier, which eventually resulted in an amendment to the Aeronautics Act. In my view at least, certain parties had a very legitimate reason to feel aggrieved over the fact that under the law they did not have the same right of appeal as another party.

In view of past experience with respect to the Aeronautics Act it does not seem a good thing that, in effect, we will be allowing inequity to be perpetuated under the bill which is now before us.

Mr. Pickersgill: I really do not think that the problem is sufficiently grave, and one has to draw the line in these matters somewhere. If such a situation does arise at some time in the future, then parliament of course will be able to remedy it.

Mr. Barnett: What the minister said is perfectly true, that parliament will be able to remedy it; but sometimes these grievances and injustices exist for quite a long time before parliament is able to persuade His Excellency's advisers to take the necessary initiative so as to make it possible for parliament to act on some of these matters. I cannot do any more than urge the minister to take this initiative at this time. He may well be correct in saying that the situation may not arise during his tenure of office and that it may not turn out to be his individual headache. However it seems to me that he is leaving the way open for some sort of headache to arise for his successor, or possibly for the

future member for Comox-Alberni, who may have to wrestle with it. In view of the fact that he has agreed to reconsider the preceding clause, it seems to me that a very minor drafting amendment could cover this point.

Mr. Pickersgill: I think I have been quite flexible and reasonable. I feel that in this particular case I am not disposed at the present time to go beyond what is in the bill.

Mr. Baldwin: Mr. Chairman, I accept the views of the minister regarding the desirability of this appeal being made to the minister. As a matter of fact I think that the provisions in the Railway Act under which appeals are made to the governor in council are not worth the paper on which they are written. When you go back over the past 20 years, I wonder how many appeals were made under that section? I suppose that in some instances they did result in the establishment of royal commissions from which some reasonably good results flowed, but I think that while the minister has a certain judicial function he is also acting administratively and it is nice to know that the fact that he is in front of us makes it possible for us to take pot shots at him if we disagree with the way in which he is exercising his administrative functions.

With this in mind, may I ask the minister whether there is not a possibility that he has only gone far enough to make this an alternative remedy? Under the previous subclauses and subsequent clauses of the bill the transport commission is given the same powers as the Board of Transport Commissioners, which include the right of appeal to the governor in council. The wording in subclause 1 of clause 18 is "may appeal to the minister". Unless there is something of which I am not aware it seems to me that this means that an appellant might exercise the right—which he would have in view of the fact that there is an appeal from the Board of Transport Commissioners which is automatically given to the transport commission—to appeal to the governor in council in most matters, and this is just an additional means of appeal. The drafting may have covered this.

Mr. Pickersgill: I do not think there is any possibility of the duplication of appeals. The appeals to the minister are in respect of licensing, and there is no appeal to the governor in council left in these particular clauses. The appeals to the governor in council are under the Railway Act, and in so far as the railways are concerned they have to come to parliament because they do not require a licence