

Transportation

idea of setting up a commission which is going to make the rules, see that they are carried out, and rule on whether or not its own rules have been broken. This should be subject to review by the elected representatives of the people.

Mr. Pickersgill: I think I should deal first of all with the point made by the hon. member for Lisgar which arises from the fact that we are attempting to create here something which does not exist as far as any of the other boards are concerned. This is a capacity for review within the organization itself before there can be anything that is properly an appeal.

The Board of Transport Commissioners can with a quorum of two make a decision now, the only recourse following that decision being to the courts or to the governor in council. We thought it would be desirable to have an intermediate stage and to have this review, and I think that is desirable. The fact that we have sought to make this provision has created certain technical problems; there is no doubt about that. I think that if the hon. member for York South—I say this with my usual hesitation before an eminent counsel—construed that part of subclause (4) that he read to mean that no member of that committee could sit in review, whether or not he sat on the original case, then that is not what is intended. It is quite clear that one or other of the ex-officio members, either the president or vice president, should always sit in review.

Mr. Lewis: Would the minister inquire about this from his advisers? I cannot see any other possible interpretation.

Mr. Pickersgill: The hon. member is probably right. All I am saying is that that was not the intention. It is perfectly clear from the explanatory note to subclause (6) that that could not be the correct interpretation of the draftsman's intention. For that reason, once I have listened to the various views I will ask to have the clause stand, so that the lawyers can look at it overnight and satisfy themselves on these points.

With respect to the president or vice president sitting in review, my view would be that only in quite unusual circumstances would the president preside over one of the committees, and then the vice president preside over the review, because this would tend to create certain problems concerning personalities and good relations that might be undesirable.

What I think will happen in most cases is that neither the president nor the vice president will sit on the original hearing, but where there are really quite important hearings and it is felt that there is need for a larger bench to start with, then the vice president will probably sit. In that case the president would be available to preside over the review. So that if it is not clear that only those who have sat on the original hearing are excluded from sitting on the review and the bill does not mean this, then I will see it is redrafted to mean that, because that is what is intended.

This goes a long way, of course, to meeting the problem mentioned by the hon. member for Acadia. However, I would also point out that we were warned by certain eminent members of the bar, here, that we should have some laymen on this board. I think that particularly in the case of reviews it would be very desirable not to have too much expertise and perhaps have a little more common sense. But I do not think that this will create any very great difficulty.

I agree with the hon. member for Acadia that it is not necessary to prescribe specially designated committees. I happen to be the sponsor of this bill, and I happen to think that this is advisable. I know the hon. gentleman does not think it is advisable. Though we are agreed on a lot of things and we cannot agree on everything. I happen to think it preferable to do it in this way.

I would not think it was preferable, Mr. Chairman, if there were not power in the commission to alter the composition of these committees from time to time, because I think that is very desirable. For example, you will get someone who is stale on one of these committees and wants to move to another, and as far as I can see there is nothing in the legislation to stop that happening at any time. If there is, then we will make sure by looking at the language carefully that this is changed, because that is not what is intended. Just because the commission is large I do not want it to be unwieldy; I want it to be wieldy—whatever that means.

I am quite prepared to take another look at this matter of the quorum. I must say that I have already revealed today that in many respects I am old-fashioned. I like to think that people are going to act responsibly and that it is not necessary to make a lot of detailed rules to make sure that they will.

I cannot conceive of a situation arising where, on one of these reviews, only two