

*Transportation*

hon. member for Acadia said and what the minister suggested with regard to it, if there can be some linkage between clause 1 and clause 16 so that we know that the words "public interest" will not mean anything less than certain specified conditions and can, we hope, come to be interpreted by a broad, small "l" liberal commission in a very wide and free sense, then I think we will probably get the best advantage we can from it. But in view of the way it was left the hon. member for Acadia and other hon. members on this side as well as myself felt we were leaving too much to chance. Perhaps between now and eight o'clock the minister may come to some determination on this question and see whether it can be done.

**Mr. Danforth:** Mr. Chairman, when the minister is considering the words "public interest" may I also ask him whether he will consider under subclause (2) of clause 16 the definition of the word "person". Does the definition mean that a shipper or a corporation or an individual may, if he has a grievance, and perhaps being neither a shipper nor a carrier, bring a problem to the attention of the commission? Perhaps we could have a reasonable definition for the word "person" as well as "public interest".

● (6:50 p.m.)

**Mr. Pickersgill:** Never having practised in the courts I should like to get legal advice on this point. I know that a person includes a corporation. A person need not be an individual. It means any legal person and the courts, I think, under our system of jurisprudence have always taken the view that you cannot start an action unless you have some interest—and that does not mean curiosity. That means that you must be affected in some way.

Perhaps the hon. member for Peace River will correct me if I am wrong, but think someone coming in off Sparks street could not say, "I have reason to believe that mine X in Quebec is being charged more than mine Y in northern Ontario for shipment of the same goods", when he was not a shareholder in either company. I think this would be regarded as frivolous and vexatious.

**Mr. Baldwin:** There is the matter of remoteness, too.

**Mr. Pickersgill:** Yes. A person would have to have some legitimate or reasonable interest in the matter, or you would make a mockery of any tribunal. "Person" certainly means a corporation. It can also mean a municipality,

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which is a corporation too, if the interests of that corporation were affected.

**Mr. Schreyer:** Hearing the minister's suggested change in wording, I thought at first it had merit. I wonder whether it has enough merit to allay the misgivings expressed by the hon. member for Acadia, the hon. member for Peace River and myself. Until we have a sufficient body of case law to elaborate clearly the definition or concept of public interest we ought to take pains to spell out more explicitly in this legislation what the words "public interest" may involve. That way we might give a greater measure of protection to individual shippers from being charged unfair rates and being put at an unfair disadvantage. I hope that between now and eight o'clock the minister will be able to accept the wording I have put forward. I hope I shall not have to move the amendment, because much time would be lost. I should like to see an extension of the wording of subclause 3. I should like to see it extended to subclause 4 in such a way that the commission shall be empowered under subclause 4 to take into account not just whether a matter is prejudicial to the public interest but to say that any rate may give an unfair disadvantage to one party or an undue preference to it.

After all, why is it that in subclause 3 the commission is authorized to make an investigation to see whether a rate charged may create an unfair disadvantage? If the commission is authorized to make such an investigation why can it not be authorized to make an order under the provisions of subclause 4 such as I have indicated? You would have to carry forward similar wording from one subclause to another of clause 16. If that were done I think it would rectify what I conceive to be a problem, and it would also satisfy other hon. members.

**Mr. Pickersgill:** I suggest to the hon. gentleman, since the words in the amended subclause 1 are precisely the same as those in subclause 4, that if we put after the words "public interest" in both places, in subclause 4 and subclause 1, the words "as defined in clause 1 or otherwise", which would be section 1 when this becomes an act, it would be perfectly clear that the whole definition in clause 1 of the bill is part of the definition of "public interest" but that it is not the whole definition of "public interest". That is the problem I have in my mind. I do not want to seem to restrict the public interest merely to this unfair disadvantage. I certainly think that, without change, the commission would