

*Railway Act*

piece of tinder which was really an old piece of underwear and I put that down. I started to rub the two sticks together and soon there was a spark. Soon after that there was a fire. Those young lads were amazed at how I could start a fire so quickly. If the tinder is in the right condition, one can start a fire very, very rapidly. Once the fire is going, it is hard to control. It goes like, well, prairie fire.

The fire in the Medicine Hat area destroyed a tremendous amount of grassland and several buildings. The farmers affected got practically nothing. They could not go to court because the fire was not set deliberately. No one knows who put the little rock on the track that started the spark that started the fire so it was useless to try to prove liability in a court. Consequently, they did some manoeuvring with the railway company. Whether they ever got a cent out of it, I do not know, but I doubt it very much. Railways are noted for being pretty tight when it comes to paying out anything like that. They are always afraid that their liability will mount and mount.

In this case, things could have been far worse. It was only due to the help of some of the farmers that that fire was stopped. If it had not been stopped, it might have wiped out the entire southeast section of the province.

When dealing with fires started by trains, we must look after the victims. Victims should not always have to get the blunt end of the stick. They should not have to go to court to prove liability because, as the Hon. Member who moved the motion said, it is almost impossible to prove negligence. Who is negligent if a rock hits a train and starts a fire? That is not negligence. How can that be stopped? Yet the victims, the people who lose their grassland and their homes, receive nothing. I do not think that that is right.

I would like to see new legislation drafted so that there is provision made for the cost of replacement of the loss to the greatest possible degree as set by an independent appraiser. If those two or three farmers from southern Alberta had had the opportunity of hiring an appraiser to set the amount of damage, they could have negotiated with the railway and there could have been an appeal to the court. We always want a final appeal to the court. If that had happened, I am sure there would have been a lot more happiness come out of that catastrophe than actually came out of it.

One time when I was connected with the Highways Department in Alberta, a train hit an asphalt truck. The asphalt spread and of course sparks flew and there was quite a fire. The fire destroyed a good part of Highway No. 2 by burning off all the asphalt. It also did some damage to the adjoining grass, but not too much damage because there was not much grass there. The ditches saved that. However, one man was injured very badly. Again, he was the victim of the accident.

In our modern age, it seems to me that we look after criminals and the like but we forget about the victims. Almost always the victims get the blunt end of the stick. I think our legislation should be so designed that it would give some

resources to victims of accidents which occur inadvertently. This has been remedied to some degree through legislation. If a victim is hurt by someone trying to rob his home, he can receive compensation. We have made provision for that. I wonder whether we should make provision for the victims of fires, whether they be started by trains or trucks or by some other means. Victims of fires should not have to go without. Some group should be established and a fund should be made available to them.

• (1730)

I understand a piece of legislation is being prepared. It should address the entire matter of victims. Victims of crime are already looked after, but the legislation should take into consideration victims of fires which start inadvertently. If it can be proven that the fire was started deliberately, the victim can go to court. If the person who started the fire has anything, I suppose one should be able to get some redress. However, people who start fires deliberately very often have nothing, and the victims are helpless.

I do not know whether negligence can be proven in the case of a railway fire. A railway president in his right mind or any of his people would not start a fire with a torch. However, fires start and victims are left with no redress.

The legislation should be as broad as possible. We cannot cover everything. For instance, we cannot put a dollar figure on human life. I remember an accident which occurred in the constituency of the Hon. Member for Crowfoot (Mr. Malone) where there was no protection at all. There was a fire because the car ran into a moving train. There was an almost instantaneous explosion and three young lives were lost. However, as I said, we cannot cover everything. Surely to goodness a victim who has played no part at all in causing the fire should not be left helpless and without compensation. I think it is very important to bring that out in this debate.

I believe the objective of the federal program is to ensure that a uniform set of standards is set in place across the country. They should not only be applicable to railways. They should be applicable to all modes of transportation. I think the debate is well worth-while. I hope it helps the draftsmen of the new legislation.

**Mr. Morrissey Johnson (Bonavista—Trinity—Conception):** Mr. Speaker, over the years the Canadian railway system has established and maintained a high level of safety. During the past four years, Canadian Pacific has achieved the best safety record of all class one railways in North America. This includes all major railway companies of the United States and Canada. Canadian National has consistently ranked in the top six during the same period of time. It should not be forgotten that railways are responsible for only 3 per cent of the total transportation-related deaths in Canada.

While the record has been and continues to be good, there is room for improvement. With this in mind, early in 1986 the