

*Railway Act*

None of those concerns are alleviated by the Government's proposed competitive regime.

Safety is a legitimate concern because we have already seen in the United States the consequences of flying old aircraft. We know that an Arrow aircraft carried some 200 military personnel to their death in Canada. American companies have had their licences suspended because of unsafe practices. These are some of the consequences of the kind of competition that the Government wishes to introduce.

I see it is five o'clock, Mr. Speaker. I will continue tomorrow.

**The Acting Speaker (Mr. Paproski):** When Orders of the Day are called tomorrow, the Hon. Member will have three minutes remaining in his speech, plus 10 minutes for questions and comments.

● (1700)

## PRIVATE MEMBERS' BUSINESS--MOTIONS

[English]

**The Acting Speaker (Mr. Paproski):** Before today's Private Members' Business, I would like to inform the House that I have received written notice from the Hon. Member for Etobicoke—Lakeshore (Mr. Boyer) that he is unable to be present in the House on Thursday, February 5, 1987, to move his motion for second reading of Bill C-209 during the hour for Private Members' Business.

It has not been possible to arrange an exchange of positions in order of precedence pursuant to the Special Order of the House agreed to on December 18, 1986. Accordingly, I am directing the Table to drop that item of business to the bottom of the order of precedence. Since notice will thereby be removed, the hour for Private Members' Business will be suspended and, pursuant to Standing Order 39(2), the House will continue with the business before it prior to that hour until the ordinary hour of the adjournment.

It being 5 p.m. the House will now proceed to the consideration of Private Members' Business as listed on today's *Order Paper*.

\* \* \*

## RAILWAY ACT

### PROPOSED AMENDMENT TO PROVIDE INCREASED COMPENSATION TO VICTIMS OF FIRES

The House resumed, from Thursday, December 4, 1986, consideration of the motion of Mr. Althouse:

That, in the opinion of this House, the Government should consider the advisability of introducing legislation to amend the Railway Act to provide for increased compensation to victims of fires set by railway operations in order to reflect current replacement costs on items lost through property damage.

**The Acting Speaker (Mr. Paproski):** When the motion was last before the House, the Hon. Member for Cariboo—Chilcotin (Mr. Greenaway) had the floor. Since he is not here, I recognize the Hon. Member for Winnipeg—Birds Hill.

**Mr. Bill Blaikie (Winnipeg—Birds Hill):** Mr. Speaker, I will begin by saying that this is one of the motions selected by the Standing Committee on Private Members' Business to come to a vote in the House. Not wanting to say anything in relation to the merits of this motion, versus other motions, it seems to me that this is a motion which could well be passed by this House in Private Members' Hour. As far as I can tell, it is not a terribly controversial motion, but it is important. We could make some parliamentary history if, at the conclusion of the five hours of debate, or should the vote come sooner, we were able to have a vote on this motion put forward by the Hon. Member for Humboldt—Lake Centre (Mr. Althouse), send it to committee, have it examined and have it come back for passage into law. This is a Private Member's Motion with respect to the Railway Act. It was introduced in the House on October 14, 1986 and reads as follows:

That, in the opinion of this House, the Government should consider the advisability of introducing legislation to amend the Railway Act to provide for increased compensation to victims of fires set by railway operations in order to reflect current replacement costs on items lost through property damage.

Subsection 338(2) of the Railway Act states as follows:

If it is shown that the company has used modern and efficient appliances, and has not otherwise been guilty of any negligence, the total amount of compensation recoverable from the company under this section in respect of any one or more claims for damage from a fire or fires started by the same locomotive and upon the same occasion, shall not exceed five thousand dollars.

The \$5,000 limit was first adopted by Parliament in 1903 through the Statutes of Canada, Chapter 58, Section 239 of the Railway Act. Based on price indexes, \$5,000 in 1903 would mean approximately \$70,000 in 1986, or more precisely, \$68,331.

Subsection 338(2) of the Railway Act specifically mentions damage from a fire or fires started by the same locomotive and upon the same occasion. It cannot, nor should it, be understood that only the locomotive may be responsible for starting a fire. In 1903, when this legislation was first drafted and endorsed by Parliament, steam locomotives, which were then in use, were much more likely to start a fire than are today's diesel locomotives. Yet, this is not at all recognized by Subsection 338(2) of the Railway Act.

On the face of it, it seems obvious that some amendment to the Railway Act is in order. This motion in itself would not amend it, but it would certainly be significant if the House were to pass the motion. It is a motion of recommendation, really, to the Government. When I talked earlier about its going to committee, I had mistakenly thought of it as a Bill, but it is actually a motion. If the motion were passed, it would constitute an instruction to the Government to bring in the appropriate legislation. Unless there is someone who seriously wants to argue that the \$5,000 limit which was legislated in 1903 should be defended forever and a day, I see no reason why we should not take the opportunity presented to us by the