

the commission, being the legally established regulatory transportation body, should necessarily have control over railway costing data, simply because it has the authority to control the rate of every mode of transportation in this country. It would appear that the minister has now deemed it politically expedient, and I would say that is the only reason this legislation is before us, to assume this control, especially where western Canada is concerned.

The operational validity of the entire ministry of transport must, at the present time, be subject to the most severe criticism and skepticism. The minister has publicly admitted that the system is in a mess. He said this as early as March, 1974, nearly a year ago. We have a situation where an 18 month freight rate freeze, which was a gesture, to use the minister's own words, and which was initiated to allow for the creation of a time frame within which a more equitable policy could be formulated, now ends without a policy or any indication of one in the near future.

● (2150)

I do not think anyone in this country believes the Minister of Transport when he says there will be a transportation policy in the near future. We have the Minister of Justice (Mr. Lang) intervening in a legal and lawful decision taken by the Canadian Transport Commission in the public interest, and negating the effects of that decision. We also have the Minister of Justice making statements contradictory to those made by the Minister of Transport over the Crowsnest Pass freight rates.

We have seen situations where the president of the Canadian Transport Commission and the minister have persistently passed the buck over who has authority over what. We have witnessed the creation of numerous pilotage authorities which are allowed to operate completely autonomously from the minister, or from any control the minister has over them. We apparently have a situation, according to the minister himself, where the railways, and I am quoting the minister:

... when these companies consider they are making no money by investing in cars they do not build any.

The minister said that on March 21, 1974, as recorded at page 737 of *Hansard*. The railways are thus hindering our grain transportation efficiency as well as Canada's international reputation as a grain supplier. The Canadian railway system is plagued with inefficiencies which the minister claims are beyond his control. For example, a situation exists where the number of derailments escalates every year, and still nothing is done, no leadership is given, and no positive action is taken. There is a persistent boxcar shortage, and under the Canadian Transport Commission Railway maintenance is negligible, to say the least.

The minister claims once again that these matters are beyond his control, yet the president of the Canadian Transport Commission contends that the minister does have the legal authority to order the railways to improve their services.

Section 100(1) of the Railway Act provides that whenever the minister is aware that a railway company, which has received construction subsidies out of public funds, cannot be safely and efficiently operated, he may apply to

Railway Act

the commission for an order that the railway and its equipment, or both, shall be put in a safe and efficient condition. The commission is authorized to make such an order, and the order may direct what repairs, improvements or additions shall be made to the railway, equipment, or both, and stipulate time limits for commencement and completion.

The use of the word may in the subsection indicates that the minister has the discretion as to whether he makes an application. The minister repeatedly says that he does not have that discretion, so one can only draw from that the conclusion that he is still passing the buck, and that he is still either not interested or does not understand the significance of transportation in Canada.

However, as a minister of the crown representing the public interest—as opposed to private interests—and as a trustee of the subsidy interest of the public in the railway, his discretion must be exercised in the public interest. The application of the minister, when made, must be in a mandatory form, that is, that the railway must be put in a safe and efficient condition, if the minister truly wants that to happen. This power vested in the minister under the Railway Act is confirmed by section 48 of the National Transportation Act.

Again, Mr. Speaker, section 50 of the National Transportation Act authorizes the Governor in Council—presumably on the recommendation of the minister—to refer to the Canadian Transport Commission for action anything required to be done under the Railway Act, and the commission shall, without delay, comply with the requirements of such reference. Yet the minister has made no move towards utilizing the authority accorded him, and if one looked at the various sections of the act, which I have quoted, the sections provide the government with the power to go ahead and move toward solving many of the problems we have in transportation. This is especially true of the small piece of legislation that is before us, which is a political farce.

Some hon. Members: Hear, hear!

Mr. Murta: If this is the case, the implication of the provisions of this bill and the persistent use of the word may, which implies that the minister has a discretion, are such that they will render the legislation ineffective and useless. For this reason we intend to amend the legislation to ensure that its enforcement will reflect the public interest.

It has been nearly a full year, give or take a month, since the minister first admitted that the system is a mess, yet absolutely nothing has been done. His speech tonight indicates that probably nothing will be done. The election promises the government made in the 1974 election were just promises. Commitments made at the Western Economic Opportunities Conference have disappeared in the midst of struggles within the department and politically motivated statements from the Minister of Transport from time to time, not to mention the kind of performance we have seen by the minister of transport here in the House of Commons.

At this point in time one can only reflect that the government based its mandate in the last federal election on the aspect of leadership, and on May 17, 1974, the Prime