

Canada Shipping Act

as the Department of Transport, is also the repository of investigative power.

May I explain briefly what I am getting at? It is clear, I think, that for some time there has been in this country the conflict of interest to which I referred. In recent years, as a result of such unfortunate air accidents as the one at Wabush—and I regret that I have had to refer to it—the matter of conflict of interest in this area has become of prime importance. We saw the spectacle in 1970 of a regulatory body investigating this accident that occurred at Wabush. I must be careful, because I do not want to say that the accident occurred as a direct result of procedures flowing from the regulations, but the implication is clear, certainly. It seems to me that in the case of shipping accidents, whether or not pilots are on board, as in the case of accidents involving trains, aircrafts and all other public conveyances which in any way come under the jurisdiction of the dominion Parliament, the investigation should not be conducted by the body making the regulations.

I need not explain to hon. members the problems that arise when there are clear cases of conflict of interest. For example, one could ask the Prime Minister to describe the just society. We may not agree with the description. I am not necessarily saying that his argument is wrong; it is just that I happen to think it is wrong, as do many other Canadians. In other words, when there is a conflict of interest you remove totally and completely the ability of a body or person to arrive at an objective conclusion. In my brief experience, I have seen no exceptions to this rule.

May I tell the parliamentary secretary, through you, Mr. Chairman, that it is our wish on this side of the House, and particularly my wish that, prior to bringing in legislation to amend the Canada Shipping Act, the government should give consideration to taking from the Department of Transport any vestige of right to investigate accidents arising out of situations in which that department is involved as a regulatory body. May I cite the very wise example to be found in the country to our south, because they have taken away from their executive department level the responsibility for investigating accidents of the type to which I referred.

In Canada, we ought to appoint an independent investigative council which cannot be charged with conflict of interest. The people of Canada want the administrative arm of government to take an objective

[Mr. Forrestall.]

view, not only of shipping accidents but also of air and rail accidents, and all those accidents which come under the authority of the federal departments.

Mr. Baldwin: That includes cabinet accidents.

Mr. Forrestall: And cabinet accidents. I understand that there are to be many in the next few weeks. I wish all those fellows on the government side well, because this is probably the last time I shall speak prior to the summer recess.

The urgency of the matter I am raising has been highlighted during the past few weeks by the disastrous air accident at Wabush. It was clearly admitted that the department charged with administration as well as with investigating the circumstances and probable cause of the accident, had some responsibility in the matter. I would be greatly surprised if the government of Canada, in the right of the people of Canada, does not within the next year face one of the largest lawsuits ever brought as a direct result of this accident. I do not know whether such action is being contemplated, but I should be surprised if it is not, because I suggest that here was a prime and clear example of conflict of interest. This conflict of interest must be removed. I suggest that Bill S-23 is delaying legislation, and will give the government and the Department of Transport ample opportunity to consider the full ramifications of allowing a regulatory body to investigate accidents which have arisen directly or indirectly as a result of regulations it has passed to govern that particular segment of industry.

I will not say much more. I must give the Minister of Transport and the government a very clear warning that they must take the opportunity provided under this bill—and this is 1970, and not 1850—to protect not only departments of government but, as well, the people of Canada, by making sure that the people of Canada hear objective conclusions about accidents which involve shipping, aircraft or trains. I hope that all accidents involving public conveyances will not be investigated by the authority issuing the regulations.

● (2:20 p.m.)

I am not suggesting for one moment that investigations carried out in the past by officers of the Department of Transport have not been honest or have not reflected their best professional judgment. What I am suggesting