

*Railway Act*

time to scrutinize this particular piece of legislation at committee stage, and again on third reading.

● (2140)

The western provinces, in fact all the provinces, have waited for some action from the government for a very long time. The minister mentioned the Western Economic Opportunities Conference held two years ago. When you view this particular piece of legislation I think it is apparent that it is a very small band-aid in the government's total approach to transportation, and because it is a small band-aid approach it is apparent that the transportation policy of the government is clearly in a mess. I think that that really goes without saying.

In speaking to Bill C-48, the primary intent of the amendments is to provide the Minister of Transport with the power to obtain costing data from the railways at the request of the provinces. This legislation is apparently one step toward the implementation of a more comprehensive transportation information act as was mentioned in the Speech from the Throne on September 30, 1974.

To give a little bit of background, which the minister really did not delve into, the request for railway cost disclosures originated from a transportation paper presented by the four prairie provinces at the Western Economic Opportunities Conference in July, 1973, nearly two years ago, yet the minister comes into the House tonight and says he is still planning to do something in the area of transportation.

In response to this request, at the time the minister stated:

We agree fully with the provincial position that this is desirable, and if it cannot be achieved under the existing act, which we believe it can, we are prepared to amend the act.

This is one of the very few times I have been able to ascertain in the minister's political career that he was correct in a statement. There is little doubt in my mind, on looking into the various aspects of the National Transportation Act, that the power to obtain information from the railways re costing data exists under both the Railway Act and the National Transportation Act if the government wants to use that power.

Dealing with the Railway Act, I intend to refer to specific sections because I think they are important, and I hope hon. members will bear with me. It is important that we look at the National Transportation Act in its total context, especially those sections which pertain to the bill we are discussing now and will be debating in the committee.

In looking at sections 325, 326, 327, 328, 329, and 330 of the Railway Act we find they clearly outline the specifics of information to be submitted to the commission by the railways on an annual basis. Furthermore, if we look at section 328 we find it gives to the commission the power to dictate to the railways the accounting procedures and classifications which must be used uniformly by all railways under the legislative authority of parliament.

If we look at section 331 we find it states that the commission, once in receipt of this costing information, may at its own discretion, dependant on the public interest, publish that information.

[Mr. Murta.]

Furthermore, if we look at section 335 we see that it indicates that the commission may require returns from the railways at any given time, and specifies the type of information it may request. If we look at section 335(3) we find it states that this information shall not be made public, but section 335(4) requires that the information may be communicated to the Governor in Council, in other words, the cabinet.

Furthermore, section 335(5) states that the commission may make public the information when there are "good and sufficient" reasons for doing so, but it cannot publish the information unless the company is notified and its objection is heard.

The purpose of outlining these sections of already existing legislation is primarily to illustrate that this piece of legislation before us is not needed at the present time if the government wants to use the existing legislation at its disposal. Bill C-48 will be, if anything, more restrictive than the present statutes.

Under the Railway Act the Canadian Transport Commission and the Governor in Council are given a very broad range of powers concerning railway costing data. The Canadian Transport Commission has the right to publish this information in the public interest, consequently the provinces do have the right to examine the costing data under existing legislation.

The provisions of Bill C-48 specify that the minister, upon the request of a provincial government may—and there is the use of the word may again—in writing request the railway companies to furnish him with information relating to costs "in such manner and to such extent as he may specify".

Furthermore, upon receiving the information the minister may—note once again—release the information to the provincial government if that government has undertaken to treat the information as confidential. This amendment, as far as we are concerned, serves to restrict the dispersion of the material solely to the provincial governments which must, in turn, agree to treat the information as confidential. Consequently the restrictive nature of these provisions in Bill C-48 is clearly illustrated.

We think that this entire piece of legislation is what could politely be called a political farce. The powers accorded the minister under Bill C-48 are powers which already exist at the request of the Canadian Transport Commission and the Governor in Council, if they wish to use them. This fact is openly admitted in section 331.4(2) where it states that if the railway refuses to comply with the request of the minister he can then revert to section 82 of the National Transportation Act as a contingency measure.

We also believe that the bill appears to erode from the Canadian Transport Commission some of its duly appointed powers, and proceeds to place these powers in the hands of the Minister of Transport whose past performance, as far as the assertion of power is concerned, leaves much to be desired, and is at times shameful.

We feel what can be termed the wresting of power from the Canadian Transport Commission is indicative of the persistent authoritative struggles between the ministry and the commission over the past few years. In some cases