

Adjournment Debate

Since in many small communities railway lines constitute a real hazard in connection with the provision of emergency services to parts of such communities, I wonder if the minister would consider an amendment along the lines I suggested.

The minister made no audible reply but I thought he nodded his head. I should like to ask the hon. member who replies tonight to indicate whether the minister accepted the suggestion and is willing to bring in some amendment. I believe this would help tremendously in these communities because they are divided by problems that jeopardize safety because of the emergency services. I trust the minister will take notice of the matter and bring in the amendments.

Mr. Marcel Roy (Parliamentary Secretary to Minister of Transport): Mr. Speaker, first I want to congratulate the hon. member for Fraser Valley East (Mr. Patterson) for raising this important question about government policies on the railway relocation program.

The Railway Relocation and Crossing Act provides a number of solutions to the problems of safety and convenience as raised in the question by the hon. member for Fraser Valley East. To summarize, Mr. Speaker, Part I of the Railway Relocation and Crossing Act provides for the relocation of rail lines.

The Minister of Transport (Mr. Lang) and the Minister of State for Urban Affairs (Mr. Ouellet) will support up to 50 per cent of the cost of preparing transportation and urban development plans required for application to the Canadian Transport Commission for authority to relocate railway facilities from urban areas. The Minister of Transport, after approval from the governor in council, and upon recommendation from the Canadian Transport Commission, would pay up to 50 per cent of the net cost of relocation.

It should be noted that the cost of relocation to the community may be reduced by the increase in value of the urban land released from railway use. Further, the use of this land would be controlled by municipal zoning and probably would result in a higher tax base for the community.

To remove safety hazards at crossings, Part III of the act is of particular significance to small communities as it provides up to 80 per cent of the cost of installing automatic protection devices or the construction of grade separations.

Part II of the legislation provides funds toward grade separation projects costing in excess of \$1.25 million, providing 80 per cent of the first \$1.25 million and 60 per cent of the balance up to \$5 million and continues on a sliding scale.

The hon. member should note, Mr. Speaker, that contributions to safety and convenience through automatic protection devices and grade separations are funded to a high level in relation to other federal programs. Finally, the 50 per cent federal contribution to railway relocation must be considered in light of provincial interests in the area of improvements to the urban environment.

[Mr. Patterson.]

ADMINISTRATION OF JUSTICE—PAYMENT OF COSTS FOR MR. OUELLET CONTEMPT OF COURT PROCEEDINGS

Mr. Robert McCleave (Halifax-East Hants): Mr. Speaker, the circumstance which brings me here this evening occurred when the then minister of consumer and corporate affairs, now the Minister of State for Urban Affairs (Mr. Ouellet), made some remarks outside this Chamber, about 30 or so yards from where I now stand. He made them concerning the judgment rendered by Mr. Justice Kenneth Mackay of the Quebec Superior Court in connection with a lengthy prosecution for alleged offences under the Combines Investigation Act against several sugar companies in Canada. Mr. Justice Mackay dismissed the prosecution.

The minister was upset, I would think understandably so from the fact that he was a party to the cause in that sense, and exercised his disappointment. One has to learn to take defeat at times and keep one's mouth shut in public places. This the minister did not do.

The minister had some rather unflattering things to say about Mr. Justice Mackay. The judge promptly retained Mr. Richard Holden, a barrister in Montreal, to pursue a contempt proceeding against the minister.

It is clear that if the minister had made his remarks in Mr. Justice Mackay's court when the judgment was rendered, Mr. Justice Mackay could have punished him for contempt on the spot, but that is 120 miles from here.

The matter of Mr. Holden's legal account has become somewhat of a cause célèbre in legal circles. It has not been paid. As I gather, the federal position is this, and this was put forward by the Minister of Justice (Mr. Basford), not only in this House but in the Standing Committee on Justice and Legal Affairs, on Tuesday, May 25 of this year, issue No. 54, in response to questioning by myself.

After the case was heard in another court before another judge, not Mr. Justice Mackay, it was appealed to a higher court and a different lawyer was appointed to the appeal court. Note, I say he was appointed, and this is what happened, according to the Minister of Justice, as one finds in issue No. 54 at page 26.

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I asked whether the Court of Appeal had, in fact, appointed counsel. The Minister of Justice replied: "When the matter went to the court of appeal they in fact appointed counsel."

That counsel has been paid. The man who handled the case in the lower court has not been paid, while the man who handled the case in the higher court has been paid. How has this come about? The Minister of Justice makes this point. He says the Mackay decision had, in effect, disposed of proceedings in the lower court and, from that point on, whatever arose was concerned only with the administration of justice, that this was a provincial matter and that the bill should have been paid by the department of the provincial attorney-general.

It can indeed be said that the account of the lawyer who dealt with the matter in the higher court was paid by the