

### *Railway Act*

I found that this particular section came into effect back in 1902. It has been in existence ever since. It provides a maximum amount of money for which the railways are liable due to fire initiated by railway activity. In 1902, the source of most fires, I think most of us would agree, would have been from the steam locomotive which belched sparks through its smokestack and set off fires in the dry tinder along the track which would spread to the surrounding farms and grassland and, indeed, into the forests. I am sure some of my colleagues have some examples where extensive forest fires are oftentimes set off by these kinds of railway operations.

I am sure we are aware that under Section 239 of the Railway Act the railway companies are required at all times to maintain and keep their right of way free from dead or dried grass, weeds or other unnecessary combustible matter. In the course of doing that, the section crews will often use fire to keep that dry matter under control. However, using fire as they do, it will occasionally flare up again in a few days and set off a fire.

I should point out that the railways can be sued in addition to the \$5,000 if the complainants can prove negligence. They can take the railways to court and attempt to prove negligence on the part of the railways. However, that is a very costly process which goes on and on and can take many, many years. The damage would have to be in the hundreds of thousands of dollars before any complainant would resort to the legal system in an attempt to recover such losses. The railways have some of the best legal talent available and it is extremely difficult to find a lawyer or law firm competent to challenge that legal talent or willing perhaps in the future to give up some business with the railways.

This is a question which can be best addressed by updating the \$5,000 limit. I am not certain what amount to recommend to the Government when this motion is presented. However, for your consideration, Mr. Speaker, I will give a couple of amounts which I have been considering. First, using the \$5,000, which at that time was considered a fair recompense, and taking the cost of living and other indexes, that amount would now be some seven or eight times greater. If one uses precise price indices based on 1903, the year that this measure came into effect, the \$5,000 would be worth about \$68,331. However, if we go back and use some other indices, we arrive at different figures. Because the people who will be making the decision on this initially at least are Members of Parliament, I thought it might be of some interest to Members if we placed the \$5,000 in the context of the fee that Members of Parliament took in 1903.

• (1710)

In 1903, Members of Parliament received a sessional indemnity of \$1,500, and the sessions tended occasionally to go beyond a year, plus an allowance of \$6 per day for sessions that went beyond 30 days. If we use that as the base price, we find that \$5,000 works out to something in the order of \$180,000 or \$185,000. I point out these two sets of figures to

show what bringing a \$5,000 indemnity on the basis of 1903 into the present day would mean. What we would be talking about is an increase from the \$5,000 mark to somewhere between \$70,000 and \$180,000.

It is as simple as that. The motion, as Hon. Members who know procedure around here will realize, is posted as a motion because it deals with money which effectively must be handled by Government. What I am calling on the House to do with this motion is to support it and to instruct the Government to consider changes to the Railway Act in order to bring it up to date. In this way, when people suffer the damage of a fire caused by railway operations they or their community will not be limited to receiving only the pittance of \$5,000 as opposed to the real damages that have been done to them.

**Mr. Ross Belsher (Fraser Valley East):** Mr. Speaker, I rise to speak to the motion put forward by the Hon. Member for Humboldt—Lake Centre (Mr. Althouse). The question he raises is whether or not this matter should be more properly dealt with by the courts or under the Railway Act. I will confine my comments to whether or not it should be left in the Railway Act, as is being suggested by the Hon. Member, or whether or not it should more appropriately be left in the hands of the courts.

In recent years the Canadian railways have developed a safety record second to none. CP Rail has been the safest railway in North America for each of the last four years, while CN has been in the top six in the same period of time. We have a railway system of which we can be proud. It was the railways that built this nation, and they continue to perform a vital role in the Canadian economy.

Our railways are safe indeed, and we have an excellent base from which to work. However, one can never be satisfied that one is doing enough where safety is concerned. There are always avenues that should be explored when searching for improvements. There are a number of areas in which legislative changes can help to improve the safety of the system. In fact, the Government's record speaks to that. I think it was in June of last year that we adopted the aeronautics legislation which improved safety measures which ultimately influenced the safety records of our airline industry and its workers.

At present, railway safety is regulated through the provisions of the Railway Act. This legislation has evolved from the early days of the Canadian railway system and encompasses a wide range of issues including economic regulation and corporate powers. In certain aspects the safety provisions are outdated and combined with many other non-safety items.

As evidence of the antiquated aspects of the Railway Act, there are such anachronisms as specific provisions regarding the weight and composition of steam locomotive bells and requirements regarding the oiling of locomotives which became redundant about a century ago. Other non-essential items include sections of the Act which specify that telegraph poles should be set vertically wherever possible and should be painted in urban areas.