

## Railway Act

is already dealt with. In section 33, subsection 1, sub-paragraph (b) it says this with regard to the authority of the board:

(1) The board has full jurisdiction to inquire into, hear and determine any application by or on behalf of any party interested.

(a) complaining that any company, or person, has failed to do any act, matter or thing required to be done by this act, or the Special Act, or by any regulation, order or direction made thereunder by the governor in council, the minister, the board, or any inspecting engineer or other lawful authority, or that any company or person has done or is doing any act, matter or thing contrary to or in violation of this act, or the Special Act, or any such regulation, order, or direction, or,

(b) requesting the board to make any order, or give any direction, leave, sanction or approval, that by law it is authorized to make or give, or with respect to any matter, act or thing, that by this act, or the Special Act, is prohibited, sanctioned or required to be done.

In other words, it does seem to be pretty clear—

**Mr. Winch:** It is obvious you are no lawyer.

**Mr. Broome:** Does the hon. member wish to ask a question? Then, in section 36, it says—and I can go on to quote the whole of the Railway Act if you want me to:

The board may, of its own motion, or shall, upon the request of the minister, inquire into, hear and determine any matter or thing that, under this act, it may inquire into, hear and determine upon application or complaint, and with respect thereto has the same powers as, upon any application or complaint, are vested in it by this act.

I suggest that this again covers the field and allows the board to listen to any representations from municipalities, labour unions or anybody whatsoever who may wish to make any case before it. In proof of this contention is the fact that the minister read out a notice which the board requires the railway companies to post. It is a public notice, and there is only one reason for posting that public notice, namely that the public may know 20 days beforehand what the railway proposes to do, and the reason the public must know that length of time in advance is in order that they may be able to make any representations which they may care to make to the board of transport commissioners. In effect, therefore, the bill does not add anything to the powers which the board of transport commissioners now enjoy and, as the minister pointed out, if hon. members wish to find out the particular obligations imposed upon the railway they have only to turn to section 315 of the act, which states:

(1) The company shall, according to its powers,  
(a) furnish, at the place of starting, and at the junction of the railway with other railways, and at all stopping places established for such purpose, adequate and suitable accommodation for the receiving and loading of all traffic—

And then it goes on, subsection after subsection pointing out what the railroad must do.

When you consider all these points, there is only one conclusion you reach and that is that what the hon. member for Kootenay West really wants to do is draw the plight of the Kootenays to the attention of this house and perhaps in a somewhat stronger way to the board of transport commissioners. But as far as the bill is concerned it adds nothing to what the board of transport commissioners has done in this case or to what they might do in any succeeding case.

The minister has pointed out that the board has its own men who travel the railway before and after a change in schedule. I think it is safe to assume they also check in detail with the municipalities that were affected by a change. The decision which was taken to curtail the service on the Kettle valley line was taken under circumstances that would make it extremely difficult for anybody to do other than what was done in this case. It would have been difficult for the board of transport commissioners to have investigated this entire situation any more fully than it did. Is it fair that the railway should be denied the right of changing or reducing its service in that area in view of the circumstances that obtained there, should the fruit shippers of the Okanagan valley for example help to carry the costs of a losing service?

One hon. gentleman who spoke previously referred to the part that is played by the railway in the development of the national resources of the country. You would expect a railway that was opening up new and untapped markets to have a pattern of constantly increasing revenue and traffic but the fact is that this particular line has sustained a constantly decreasing usage as far as passenger traffic is concerned.

I believe the governing factor must have been the actual bombings which took place and the railway in an effort to safeguard the lives of its employees changed the schedules to daylight runs. Several hon. members have indicated that there are alternative means of transportation including bus lines and air-lines. Air transportation tends to be uncertain in winter but the points referred to in the presentation of the hon. member for Kootenay West are serviced by both bus and air lines. There was at least adequate rail passenger service prior to the complete elimination of the daily run.

As the minister pointed out, the railway wants to have its equipment in operation every day because it has invested in the