solicitor of the Canadian Pacific Railway addressed to the Board of Transport Commissioners dated March 19, 1942, promising to continue the barge and boat service "as heretofore". There can be no other reason why the Canadian Pacific Railway should make such a commitment to the Board of Transport Commissioners other than that the Canadian Pacific Railway considered the barge and boat service to be under the authority of the Board of Transport Commissioners. It does not now lie in the mouth of Canadian Pacific Limited to argue that the rail barge service is an entity which is separate and severable from the rail service. The judicial principle of estoppel applies to any such argument. The authority of the Board of Transport Commissioners was passed to the Railway Transport Committee of today when the Board of Railway Commissioners turned into the Railway Transport Committee in 1966-67.

We can list an additional modern case where a rail barge service or a water-going vessel is considered to be a part of a railway. The Terms of Union of Newfoundland with Canada Act, 13 George VI, Chapter 1, to approve the Terms of Union of Newfoundland with Canada, assented to on February 18, 1949, considers, under term 33(a), the barge and boat service between Sydney, Nova Scotia, and Port aux Basques, Newfoundland, to be a part of a railway.

Taking note of section 21 of the National Transportation Act, we find that it is the duty of the Canadian Transport Commission to perform functions vested in that act as well as the Railway Act and Transport Act, with the aim of coordinating and harmonizing the operations of all carriers. Section 23(4) of the same act states, furthermore, that the Canadian Transport Commission can rule on the prejudicial effects of any actions taken by the transport industry.

Finally, it would be a violation of common sense to consider each part of a railway as a work differing radically in kind from each other part, to the point where we introduce the possibility that many different jurisdictions have control over each segment. It seems clear that these features of any given work which form an essential link, without which that given work could not reach its ultimate aims, must be considered to be an integral part of that work. Therefore, it follows that any claim that we can arbitrarily divide that work for the purposes of legal jurisdiction must be rejected.

A railway line has as its ultimate purpose and effect to provide a continuous stream of motion of goods. Because it is the duty of the Railway Transport Committee to work for the regulation and efficiency of such a stream of goods, it is absurd to consider any one given integral part of any given line as not being within its jurisdiction. Certainly, there is no question as to a rail barge differing radically from the rest of the line since it actually has rails affixed to it, uses railway cars on its surface, has rails which connect to corresponding ones on dry land, and has locomotives used on it. A rail barge is essentially a rail bed which floats between two designated points without deviation.

There is one vital issue which lies in the shadow of this bill.

• (1712)

In 1975, I, the MLA for Revelstoke-Slocan, Bill King, and concerned citizens and businessmen appeared before the Rail Transport Committee in Nakusp, B.C., on an application by the CPR to abandon a rail line between Denver Canyon and Nakusp used for hauling freight. We were successful in persuading the RTC to rule in our favour, and accordingly the CPR was ordered to upgrade and maintain the rail line and apply for a subsidy. That rail line lies in the next north-south valley to the west of Kootenay Lake. This line is serviced by a rail barge link between Slocan and Denver Canyon, a distance of approximately 20 miles, on Slocan Lake. Again, as on the Kootenay Lake, it was done for sound reasons of economy. A rail line would have to be constructed along the edge of Slocan Lake which, on much of its east side terrain is virtually perpendicular.

The point is that if the rail barge on Kootenay Lake can be abandoned with impunity, then also the CPR can abandon the rail barge link on Slocan Lake with impunity. Once that has been done, the CPR can, by default, defeat the purpose and intent of the ruling by the Rail Transport Committee that the CPR must maintain the Denver Canyon-Nakusp rail line. The CPR will point to the line and say, "Look, it starts nowhere and it goes nowhere." It follows that the abandonment of the Slocan Lake rail barge service will be followed immediately by an application to abandon the Denver Canyon-Nakusp rail link.

Surely that is not the intent or wish of the Rail Transport Committee, or indeed of parliament. I therefore urge that members on the government side allow this bill to go before the parliamentary Standing Committee on Transport and Communications in order to plug this loophole in the Railway Act.

Mr. Mark MacGuigan (Windsor-Walkerville): Mr. Speaker, there might be general agreement today that economic issues are the most pressing ones facing the country at this time. Certainly my priority is jobs and I will support any economic program aimed at stimulating the economy. Indeed, I will press for economic initiatives from the government, especially with respect to the automotive industry. Nevertheless, there are other problems confronting the country, one of which is transportation problems of all kinds.

I have presented one of these to the House in Bill C-439, which I trust will come up for debate later in the session, in which I try to ensure that the jurisdiction of the CTC with respect to rehearing of cases is limited in the same way as that of courts.

Bill C-213 has its roots in a specific case involving CP Rail's intent to discontinue a rail car barge operation on Kootenay Lake, British Columbia. CP Rail has operated a steamer service from Lardeau to various points along Kootenay Lake, including Kaslo and Procter, B.C., moving loaded or empty railway cars between points on the lake, thus avoiding the