

*Transportation*

is completed. I think it is only fair that they should wait until then, because they would prejudice their own position if they acted and if we did not proceed with the legislation.

It is clear from that, I think, that the minister was trying to say these new applications, or these applications in question, would be judged on the basis of the new legislation as it emerged from the house.

Then on December 20, yesterday, the minister made another remark following his opening statement, as recorded on page 11373 of *Hansard*:

Then, there is the question of the undertaking given by the railways to withdraw all their applications for branch line abandonment on the so-called protected lines. They have given an undertaking to withdraw them as soon as this bill receives the royal assent, and they have so signified before the transport commissioners.

This deals with the protected lines. I am quoting from the minister's statement of September 2.

That undertaking is, of course, contingent upon the passage of the legislation. I am glad to say that the Board of Transport Commissioners, as a result of the intervention I made when the measure was brought up here in the house, has agreed not to hear any applications for abandonment in the prairie provinces while this bill is before parliament.

● (5:30 p.m.)

It is my contention that when the minister said he took this up with the board and they would not hear any applications, the reference is to the September 2 statement of the minister. Therefore, I think some of the members, including myself, had a right to feel that we had received an indication of action on the part of the Board of Transport Commissioners that was not too helpful to our confidence in the promises, made over and over again, that this bill would be setting up new types of thinking. Then, the new board could deal with these applications on the basis of the new type of thinking that we produced out of the committee and out of the house.

The minister must be aware that we have had reason to be suspicious, and I say this not too unkindly because the minister, like it or not, over the years has developed the reputation of being unable to resist an opportunity to move pretty fast and take short corners. But since not only the people of the maritimes but of the west, in fact all the people of Canada, depend so much on this bill, we should try to work on the assumption that if we work together to produce the best bill we can, then the minister's reputation and the

house's reputation will be more greatly enhanced than if the minister tries to lead us to pass the bill and then we find ourselves in a trap.

I do not think there is any question but that the bill before us is the first one since the passage of the Canadian National-Canadian Pacific Act which deals with fundamental questions relating to railways and all types of transportation. I know the minister wants to have a good bill. I know he has been working hard to try to understand every form of transportation, but I am suggesting that the action of the secretary of the Board of Transport Commissioners in saying, "We are now proceeding with those applications", was such as to alarm us all. I only hope that all these letters which have been sent out, and which have caused that fear that I referred to in my speech on second reading, will be recalled.

We will be rational, you may be certain of that. But we have certain responsibilities here to make sure that when we pass a bill we do not find ourselves led to the slaughter. I have sat in the house and heard the fear expressed by the hon. member for Saint John-Albert and the hon. members for Halifax. This fear is equally held in the west.

We will help in making and passing a good bill. But we want the conviction in our hearts that, if we turn all this power over to the national transportation commission, we will not have this situation arise in which the minister says no consideration will be given to present applications by the present board, only to have an employee of the board send out letters like that which I have just quoted. This breaks down the trust that there must be.

The Board of Transport Commissioners must have ignored the minister's statement on September 2, or jumped when the Canadian Pacific moved. We have to face the fact that what has caused the lack of respect for the Board of Transport Commissioners over the years is that when original guide lines were set out by parliament for their decisions these were guides for making judicial decisions. Over the years what has created the trouble is that the precedents set up by the board's decisions have carried the force of law which has not been made by parliament. In effect the board made its own law, and in a good many cases that law was the law of the railways. Railway figures and opinions were always accepted as fact.

We did not have the experts who could match the competence of the railway experts.