

*Transportation*

which this situation may arise. The hon. member for Lotbinière laughs but there are many small towns in Quebec which are dependent solely on one industry. There are also many small towns in western Canada and in Ontario which depend solely on one industry. If such an industry were subjected to rates which it considered unjustifiable or discriminatory under this clause it could appeal but it would have to prove that the public interest was affected. If it was the sole industry in that town I suppose it could prove conclusively that the public interest was affected, but if it was a small budding industry just starting out how could it prove that the public interest and the livelihood of the community were affected? This is my interpretation of the words "public interest" and I hope that some amendment can be made in line 32 of that clause.

I have no objection to the amendment moved by the hon. member for Springfield in line 12 of page 10 of the bill. The minister's amendment deals to some degree with this particular part when it suggests that there shall be no unfair disadvantage beyond the disadvantage which may be inherent in the location. To some degree this offsets the discriminatory aspects which could prevail under clause 16 but it does not go quite far enough. I have in mind now a particular plant which has made an application to the Board of Transport Commissioners with regard to a discriminatory rate which was set in Lethbridge, Alberta. This is a substantial firm producing vegetable oil which has become a much desired commodity in many households across Canada. They feel that the rate which the railways have set is discriminatory. How could they prove under this particular clause that because the rate is discriminatory to their business it will also affect the public interest to any real extent? How large is the public interest? Is the public interest affected when 10 people are affected by receiving employment in that particular factory or does it mean 100 people, a small village, half a province, a whole province or half of Canada? There is no definition of the public interest in this particular clause.

● (6:30 p.m.)

The minister's amendment does not go far enough. It refers to unfair disadvantage beyond any disadvantage which may be deemed inherent in the location or volume of traffic. Let us say a shipper is moving a small volume of traffic and feels that the rate is discriminatory. Clause 16 places the railroads

[Mr. Horner (Acadia).]

in a position where they may judge which industry or manufacturer making a similar product will survive. I am getting right down to the nub of the problem, as I see it. The railways may be in a position to give one industry a preferred rate in comparison to another industry. This may be done for umpteen reasons. The railways may give that industry a preferred rate because that industry may have a parent company which gives the railways a tremendous volume of business from some other location.

I throw this out as an example of a situation that may arise. There may be other situations which may arise. It may be that over the years this company has given the railway a great volume of business and the railway is appreciative. Last fall I heard of a livestock shipper who became so antagonized against one of our major railways that he would not ship one head of livestock on that railway. He would move livestock a couple of hundred of miles by truck to a point where he could use another railroad. He thought he had been discriminated against by some action the railroad had taken. Such conditions may well arise as a result of the discontinuation of the old section 316 of the Railway Act and the substitution of clause 16 of the bill for it.

I was in my office for a few minutes making some long distance telephone calls so I may have been out of the house when the minister defined what he means by "public interest". If that is the situation, I apologize for taking up so much of the time of the committee. If the minister has not made such a statement, then I hope he will give some definition of what he regards as the public interest. I quite well remember the definition he gave to the representatives of the Alberta government when they appeared before the transport committee. He said it may well be—I am paraphrasing what he said—that the provincial government will defend its citizens in large matters affecting the public interest. In other words, the minister is saying that the public interest would have to be affected to such a degree that it would arouse the interest of the provincial government before that matter could be considered under clause 16. In my opinion, that definition is too broad.

Surely if I am concerned about my business, my family's livelihood, I should have some right to some protection or some right of appeal against a discriminatory rate under the provisions of this bill. It should not matter whether many other people are affected. I should be able to appeal to this commission