THE SENATE

Tuesday, January 31, 1967

The Senate met at 8 p.m., the Speaker in the Chair.

Prayers.

NATIONAL TRANSPORTATION BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-231, to define and implement a national transportation policy for Canada, to amend the Railway Act and other Acts in consequence thereof and to enact other consequential provisions.

Bill read first time.

SECOND READING—DEBATE ADJOURNED

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Jean-Paul Deschatelets moved, with leave of the Senate, that the bill be read the second time now.

He said: Honourable senators, Bill C-231 is probably one of the most complex bills on transportation to reach us in a long time. I intend to cover in my remarks the most important features of my bill, and I will also say a few words about its background and its purposes.

It is not possible, honourable senators, to cover in every detail a bill of this proportion, which was examined during thirty-five sittings by a standing committee on transportation and debated during three weeks in Committee of the Whole in the other place.

If there is agreement on the principle of the bill on second reading, it is my intention to move that the bill be referred to our Standing Committee on Transport and Communications. The officials concerned will be in attendance, and proper answers on all questions of particular or regional interest can then be obtained, especially on points which I do not have time to cover completely.

As to the importance and scope of the provisions of this bill, we can fairly say, honourable senators, that in adopting Bill C-231 we will modify all existing legislation on

transportation and all institutions or boards that have been created in Canada for regulating the various modes of transportation in so far as they are subject to the jurisdiction of Parliament.

In fact, the bill embodies the following modes of transportation:

(a) Railway transportation, now under the Railway Act;

(b) Air transportation, now under the Aeronautics Act;

(c) Water transportation, now under the Canadian Maritime Commission;

(d) Commodity pipe line transportation, falling under the jurisdiction of Parliament; and

(e) Motor vehicle transportation, so far as the federal jurisdiction applies under the Motor Vehicle Transport Act.

Before going further, honorable senators, I think I should deal with certain criticisms made of one aspect of the bill, that is, the constitutional right of Parliament to legislate on transportation, especially in connection with motor vehicle transportation.

We are all aware that the Minister of Transportation and Communications for the Province of Quebec has already stated that this bill impinges on the jurisdiction of the provinces. I do not think that anyone has ever seriously challenged the overall jurisdiction of this Parliament over railways that have been incorporated by Parliament. The same can be said of steamships and of all forms of navigation where Parliament's jurisdiction has always been considered supreme. As the Minister of Transport stated in the other place during the debate on this matter, even a canoe is not actually subject to regulations by a provincial government. Moreover, as all honourable senators know, Parliament's jurisdiction over aviation has been clearly decided by the highest courts. The only area where any conflict can seriously arise seems to be in the matter of the limitation of the jurisdiction of this Parliament over motor vehicle transport, and here a few words of explanation are necessary.

Until 1954, when the Privy Council made one of its last decisions applying to Canada, it might seem strange to say so but it was generally believed that the overall jurisdiction over highway transportation was exclusively provincial. However, the courts have decided that when a commercial carrier operating a bus or truck crosses a provincial boundary or serves more than one province,