

Department of Transport Act

It would seem to me after reading P.C. 807 that the transport controller does have authority even to order the allocation of box cars. If one examines subsection (g) of clause 5, subclause 1, in the *Canada Gazette* of June 23, 1954, one reads this:

The transport controller may . . .
(g) order any person dealing in or with bulk transport facilities to extend, furnish, supply or make use of any bulk transport facilities, services or equipment for transporting any goods in bulk at such times and places and in such manner as he directs;

I would judge that this part of the regulation does clothe the transport controller with sufficient powers that he could go so far as to order an allocation of box cars. However, as I have listened to the discussion today, it would seem to me that you have not appointed a dictator to that position. If a person were to exercise all the powers granted him under this act, it seems to me quite certain he would have to be pretty much a dictator. If I understand the matter correctly, he does not do that sort of thing. He is clothed with the power if it becomes essential to use them but, as I understand it, he tries to co-ordinate the activities of several different branches of government.

Mr. Marler: Of transportation.

Mr. Low: I should say transportation. Certainly he would first consult with the wheat board, with the department of Trade and Commerce, and then, if any bottleneck did occur or something happened that they could not straighten out, it would be essential for him to reach a decision and make an order. If I read the signs correctly, Mr. Milner has not been charged with the responsibility of simply saying "You must send box cars here," when an allocation should be made or when shippers demand that they be sent there. I think perhaps I would be quite correct in concluding that Mr. Milner has tried to act as a co-ordinator rather than a dictator.

Mr. Marler: I think that is right.

Mr. Low: I believe that is something we have to consider. If the minister had said to Mr. Milner, "We are going to clothe you with these powers, and you go out and exercise them to the letter," then you might be able to blame Mr. Milner for any failure to allocate box cars according to the desires of the shippers. On the other hand, if he has been instructed to use these powers contained in the regulations and in the act in the manner of a co-ordinator, then certainly we cannot blame Mr. Milner.

Mr. Diefenbaker: Mr. Chairman, unfortunately I was called out when the minister was making his explanation and answering

the several questions asked. I am not going to cover the ground I covered yesterday, nor endeavour to imagine what were the answers of the minister. I am one of those who do not believe in saying the same thing over and over again once an answer has been given, even if I disagree with the conclusion arrived at. But there is one question I should like to direct to the minister. No doubt the law officers of the Department of Transport have given their legal opinion on the meaning of the regulations adopted pursuant to the amendment to the Department of Transport Act passed by the house in 1954. I have the regulations before me, P.C. 1954-807. These transport control regulations were passed pursuant to the powers conferred by section 6A of the Department of Transport Act. In these regulations are set forth the powers of the transport controller or the deputy, as the case may be.

I would ask the minister to look at subsection (g) and tell me whether the legal officers of his department have come to the conclusion that the transport controller has not the power to direct specific freight cars to specific localities for specific purposes. That is the meaning I took from the words the minister used a few moments ago, that in his opinion the transport controller did not have that power, that the transport controller was in the position of merely having the right to determine, as between competing bulk commodities, the numbers of freight cars available for the transport of each of those several types of commodities.

Subsection (g) seems to me incapable of any other meaning than that the transport controller has indeed the power to direct and to designate where and in what numbers freight cars shall be available and at what points and for what purposes. Subsection (g) reads as follows—

Mr. Marler: The hon. member for Peace River read it just two minutes ago.

Mr. Diefenbaker: Yes, but he was reading the section of the act giving the power to make regulations.

Mr. Marler: No, he was reading the regulation.

Mr. Diefenbaker: I was not here for that. I do not want to reread it, then, but I do want to say that ordinary English being what it is, the controller has the power to order the use of any bulk transport facilities at such times and places and in such manner as he directs. Otherwise the controller is simply a dispenser of car facilities between competing commodities. If that is all the power he has, I do not know on what we