

Transportation

for some very grandiloquent suggestions of that kind introduced by the right hon. gentleman who now leads the opposition. Perhaps my enthusiasm was more restrained than his was, but I still voted for it.

It may not be very serious to have this declaration in the bill if everyone understands that it was an expression of a pious hope, nothing more. A lot of people do not understand the distinction between our jurisdiction and the jurisdiction of the provincial legislatures. I would be a little fearful, although I am sure the hon. member for Calgary South would not have any such intention, that ordinary citizens might think we were going to compel somebody to do something if this provision was in the bill. I just do not like to deceive people because we could not compel anybody to do anything. Whether or not this amendment is in order, I really do not like the amendment very much because it seems to me it could have no positive legislative effect. I think it might arouse hopes and expectations which, because they could not be realized, would tend to discredit us as legislators. I believe it is a sound principle of legislating to try, so far as possible, to make laws that could have some effect, and not to make laws that are merely expressive of aspirations.

Having said that, sir, I really do not feel that the world would come to an end if this amendment was held to be in order rather than out of order. I do feel it is probably beyond the scope of the bill. It does suggest we are trying to enter into a field where it is really beyond the scope of this parliament to legislate effectively. I know that is not against the rules. We could make a law here dealing with property and civil rights if we wanted to do so. However, it would not be law after the courts got at it. There is nothing to stop us from making such a purported law. I believe that the only possible place for the amendment would be in clause 1. I do not know of any other place in the bill in which you could possibly put it.

Clause 1 does set out certain principles. In so far as other public agencies are concerned which make use of the facilities of municipalities, such as railways, the harbours board, post offices and other public buildings, we have accepted the principle that we should not shelter behind the immunity of the crown but should make an appropriate contribution. Perhaps it would not be too much to say we think that pipe lines—and that is what we would be saying—interprovincial

[Mr. Pickersgill.]

bus lines, interprovincial trucking lines, lines of shipping and railways, indeed any form of transport coming under federal jurisdiction, ought to make a reasonable contribution to municipal revenues.

I do not believe such a declaration would be out of accord with what is generally recognized to be good policy nowadays. However, I have some hesitation about putting such a provision into the bill when, as I say, I do not believe it would have any real effect. Having said that, I leave the matter to Your Honour.

Mr. Baldwin: May I ask the minister one question? Does he not agree this provision is entirely in the same category as that contained in paragraphs (a) and (c), which are simply declarations of honesty. For instance paragraph (c) reads:

(c) each mode of transport, so far as practicable, receives compensation for the resources, facilities and services that it is required to provide as an imposed public duty;

Is there not just a hope that this will be realized, in the same way as the hon. member's amendment expresses a hope that this will be realized?

● (5:00 p.m.)

Mr. Pickersgill: I do not think so. Later in the bill we have given the commission specific directions with respect to preservation of competition. For example, at the instance of the hon. member for Port Arthur we inserted in clause 20 a provision to enable the commission to look at mergers between one mode of transport and another in order to see whether they did not unduly restrict the ability to compete. In various ways we have made an effort to have carriers contribute a fair proportion of the cost of the federal resources that they use.

As far as (c) is concerned, we are very specifically making provision for payments. For example, if a branch line that is losing money must be retained in the public interest, then a payment is made to the railway for doing so. If a passenger service which we consider to be in the public interest is losing money but should be retained, then a contribution is made there. So that all of these provisions in the bill are given some legislative effect as well. However, I suggest that this amendment is something to which no positive legislative effect could be given anywhere else in the bill, and in that respect it is quite different.

Mr. Olson: Mr. Chairman, the Minister of Transport has a perfect right to disagree with