

Transportation

reach any kind of conclusion at all. Surely if one were to decide that someone is at an undue disadvantage one would have to have somebody else to make a comparison with. If this can be assumed, then it seems to me you are home free.

Mr. Horner (Acadia): I do not accept that.

Mr. McCleave: Mr. Chairman, I am sorry the weather prevented my presence here yesterday when there was considerable debate on the matter of protection for the maritime provinces. I have, however, had an opportunity to read what the minister said yesterday and to give further study to the statutory law on this subject. Perhaps it is just as well that I was not here, because I have had an opportunity to have a fresh, second look at it. Even with the changes which have been brought about in the committee so far I think there is absolutely no protection for export traffic through any port in Canada or at least in eastern Canada. The argument I am going to make is not confined strictly to Halifax, Saint John or any Atlantic port but will embrace other ports as well, namely, those on the St. Lawrence river and the Great Lakes. I make the indictment of this particular bill, which is supposed to spell out some kind of a national transportation policy, that it is landlubber-minded. Despite the fact that the minister represents a constituency beside the Atlantic ocean, he has followed the landlubberliness of his colleagues in this present government.

● (6:00 p.m.)

There are four or five sections of various acts, including the present bill, that I should quote in making my argument. With such a wealth of material to choose from one hardly knows where to begin but perhaps I should re-emphasize what has been said by my colleague from Halifax, which really originated with the letter I wrote to the Minister of Transport on October 6 in which I listed the protection given to Canadian ports in various acts in the past.

Section 42 of the agreement with the Grand Trunk Pacific Railway Company in 1903, section 13 of chapter 6 of the acts of 1911 regarding the Canadian Northern Ontario Railway Company, and chapter 20 of the acts of 1914 regarding the Canadian Northern Railway System provided, I think without a change of wording anywhere along the line, as follows:

—the through rate on export traffic from the point of origin to the point of destination shall at no time be greater via Canadian ports than via United States ports.

[Mr. Pickersgill.]

I presume that whatever rights were conferred there persist to this day because after reading and re-reading the legislation we have before us I cannot find where those acts are swallowed up. But there is one section which particularly applies to eastern Canada where both the Canadian National and the Canadian Pacific have railway lines. I refer to section 14 (2) of the Canadian National-Canadian Pacific Act as set forth in chapter 39 of the Revised Statutes of Canada, 1952. This is what section 14 (2) states:

The board of directors shall so direct, provide and procure that all freight destined for export by sea that is consigned within Canada for carriage to National Railways either at point of origin or between that and the sea shall, unless it has been by its shippers specifically routed otherwise, be exported through Canadian seaports.

In other words, the railways of Canada are told that unless shippers express another preference they have to carry the export shipments of the industry of this country to Canadian seaports. Surely that is a laudable thing and is part of any rational national transportation policy which tries to give as much as possible to all areas of the country. But that provision, sir, is no longer in the law because quite recently this committee passed clause 76 of Bill No. C-231, which provides that the Canadian National-Canadian Pacific Act is repealed. Therefore section 14 (2) of that act, which I have just read to the committee, will be one with the dodo when parliament has given its approval to Bill No. C-231.

Is there anything else to provide a substitute? The minister has made two attempts to arrive at a solution in this respect, one of which is, I think, quite relevant to this section or I would be ruled out of order. To clause 16 (3) (a) he has added the words "or to the movement of commodities through Canadian ports." I do not know what effect this provision will have on the law. Having read the whole of clause 16, I do not think it is suggested that one could successfully make a case before this commission that one would be aggrieved if the railways, for example, started to transport exports through American seaports.

Whatever the intention of the minister, and I do not fault him for his intention but for the way he is carrying it out, the fact is that in my opinion and in the opinion of others with whom I have talked, including experts on matters of railway freight, this is simply not enough to carry out the laudable purpose embodied in a requirement that goods be