

thinking in terms of the rights of parties or of giving due protection to them. That does give some point to the question raised by my hon. friend, who feels that there is no provision here guaranteeing to every person affected an opportunity to be heard. I was hopeful that we might have a full statement from the minister in regard to the way in which the board should proceed and the method by which it proposes to conduct its hearings.

Reference was made earlier by the minister to the fact that the board is something more than a judicial body. The board of transport commissioners is administrative as well as judicial, but in its hearings it has never lost sight of the rights of all parties in matters of procedure or otherwise. It is vitally important that the air transport board should regard itself not merely as an administrative board responsible to the minister—there is too much of that in the act now—but as a quasi-judicial body with definite legal functions, and under obligation to proceed, so far as possible, as the courts do in giving due consideration and protection to parties who may be affected by their order.

Mr. HAZEN: The board, it is provided, may order and require any air carrier to do certain things, or it may forbid the carrier to do certain things. Read subsection 2 further and examine the last two lines: "and shall, for the purposes of this section, have full jurisdiction to hear and determine all matters, whether of law or fact." The words are "hear and determine." It seems to me there is an implication there that the board should hear these matters before it makes its order. The board is given authority to hear, and I suggest that it must be the intention that the board is to hear the matter, hear the air carriers, before it makes its order. If I am right in that, would there be any objection to providing in the section that, before making any such order, the board must give the air carrier notice of its intention and afford it an opportunity to be heard, or words to that effect?

Mr. HOWE: I can hardly accept my hon. friend's suggestion. Orders are frequently required in emergent situations. For instance, a report is received that a certain plane is operating unlawfully and an order is given immediately to stop it. I think that the board can be counted on to use the power with discretion. Certainly the intention is to hold a hearing before the order, but in the air you are dealing with a new medium and emergency orders are required, without notice, on the understanding that a hearing will be afforded when opportunity offers.

Section as amended agreed to.

On section 4—Regulations.

Mr. MacNICOL: Paragraph (cc) provides for "establishing classifications or groups of air carriers." We are entering into a new field of transportation. We are probably on the threshold of great expansion and a great increase in the size of planes, and I have been wondering what will be the effect of this paragraph and of paragraph (dd) on various airfields. Some airfields will not be equipped to receive 100-ton planes or, later on, 500-ton planes, with the result that a particular city or airfield will be discriminated against if an order is issued to prevent planes from landing there. The board seems to me to have power to discriminate against an airfield.

Mr. HOWE: I do not think the purpose of these two sections is as suggested by my hon. friend. It is to make provision for a class not formerly provided for, the charter services. I have consulted authority and I find that for once I am right. That is the purpose of the act. Previously charter services were not distinguished from regular air line services, and the purpose of this is to allow the board to make the distinction between those two types of services.

Mr. COCKERAM: Will the minister explain what is meant by: "establishing classifications or groups of air carriers"? How does he propose to go about that in the bush operations?

Mr. HOWE: We propose to issue two classes of licences, one for the air line services and the other for charter services. A charter service is a service by a plane based on a particular airport to carry to another point within reasonable range of its base. The air lines service travels a scheduled route, and has to perform certain functions on the route. It is to make a separation between those two types of transportation.

Mr. COCKERAM: I want to carry that a little further, if I may. The minister is probably aware that at the present time a great many mining companies are thinking of purchasing and operating their own planes. What will be the effect of this paragraph on companies operating their own planes in connection with their own mines?

Mr. HOWE: The air transport board would not be required to license a plane owned by a mining company and operating solely in its own service. The board deals only with planes which are licensed to operate for hire and reward.