

public and employee safety; management must be responsible and accountable for the safety of operations; consultation is essential, including full public inquiries on important issues; regulation must be flexible and responsive in an environment of rapidly changing services and technology, especially where new technology will improve safety; unnecessary and unproductive regulation should be eliminated, and penalties for offences must be meaningful.

Bill C-105 has been drafted to deal with these many concerns, most importantly in the following ways. The Railway Safety Bill provides a clear focus on safety by placing in a single act all of the federal government's powers for the regulation of railway safety. Unlike the existing Railway Act, decision-making under this bill is concerned only with questions of safe railway operation, which, as defined in the bill, include the safety of the general public. By allocating those powers to the Minister of Transport and leaving the economic regulation of railways with the National Transportation Agency, the bill will achieve that needed separation of responsibilities.

The Railway Safety Act will give the government all of the powers necessary to ensure safety on the railways. For the construction, maintenance and operation of the system, the railways must satisfy the minister that each element has been planned, executed and controlled in a manner that is consistent with regulations and rules. The bill clearly makes the railways responsible for developing and implementing these measures and does not place the minister or government officials in the position to make management decisions. The minister will have the essential power to accept or reject management's proposals.

The Governor in Council will establish the basic regulations for the safety of the system without limitation on the power to determine the content of those regulations. The minister will have the power to impose rules of operation where railway companies have failed, for whatever reason, to develop rules that are acceptable and where these rules are essential for safe operation. The minister will also have the power to order companies to cease using, and to remove, structures which pose a threat to safety.

Honourable senators, these are extensive powers. In order to ensure their effective use, the bill provides for regular consultation by creating a railway safety consultative committee. The committee will include representation from the railways, railway unions, shippers, municipalities and the public; and will include persons having special interest or expertise in railway safety matters. Through the exchange of ideas and views, proposed regulatory changes can be carefully thought through in advance, using consultation to avoid confrontation.

Bill C-105 removes the anachronisms of the existing legislation and provides for the regulation of construction projects in keeping with safety requirements today. The powers of inspection under the Railway Safety Act will enable the government to monitor the safety of any of these projects at any time.

As to Justice Foisy's concern about keeping railway operating rules up to date, this bill provides a streamlined rule-making process, permits regulations and rules to incorporate and update technical information by reference and establishes time limits to encourage prompt decision-making by the regulator. The Foisy commission also called for the separation of rule-making and accident investigation and for prosecution for breach of rules, both of which have been provided for in this bill. Finally, Justice Foisy recommended that railway legislation require the reporting of employee medical conditions that might jeopardize railway safety. This provision is to be found in clause 35 of the bill.

By eliminating unproductive regulatory activities and simplifying the regulatory process, Bill C-105 will allow the government to redirect existing resources into more productive areas. Today the emphasis must be placed on inspection for compliance. With broadened powers of inspection, regulatory staff can be placed anywhere on the system where they are needed.

Inspectors appointed under the Railway Safety Act will have full power to order railways to stop any operation that might prejudice safety. There will be no compromise on this power, but, in response to industry fears about potential abuse, inspectors will be required to act through railway supervisory staff, when possible, and to notify the minister when an order of this nature has been issued. If requested, the minister will be in a position to judge if these powers are being exercised as intended and will be able to rescind any order that is inappropriate.

I mentioned the meaningless penalty provisions of the existing legislation. Bill C-105 provides for fines of up to \$200,000 for corporations and up to \$10,000, or imprisonment for up to one year, for individuals, along with the power to treat continued violations as separate punishable offences for each day incurred. These constitute substantial penalties to any organization or individual and fill the gap that exists in the current legislation.

It is a sad fact that threats to the security of transportation are an increasing problem worldwide. Bill C-105 provides powers that will help the government to react to any such threats to the Canadian railway system. We may hope that it will never be necessary to use these powers, but it is essential that they be available now to protect the system in the future.

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Finally, Bill C-105 introduces a number of amendments to related legislation. Of particular importance are the amendments to the Criminal Code regarding the drinking or dangerous driving provisions, and amendments to the Railway Relocation and Crossing Act. On this latter act, Bill C-105 repeals the parts dealing with grade crossing improvements and grade separations but retains and improves these essential powers which allow the government to promote improvements to safety. In response to requests from Canadian municipalities, Part I of the Railway Relocation and Crossing Act, which deals with the relocation of rail lines, has been retained.