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Chair

Mr. Merv Tweed

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Standing Committee on Transport, Infrastructure and Communities

Tuesday, June 13, 2006

•(1110)

[English]

The Chair (Mr. Merv Tweed (Brandon—Souris, CPC)): Good morning, everyone, and welcome to the Standing Committee on Transport, Infrastructure and Communities.

Today we're studying safety solutions on all modes of transportation and security.

Just to advise the committee, we have about a four-minute video presentation, but we're having some technology concerns with it. So I've asked that we start, and hopefully by the end of the meeting we'll be able to view the DVD.

With us today is Wendy Tadros, Nick Stoss, and David Kinsman. I would ask them to start, and then we'll have questions to follow.

Mrs. Wendy A Tadros (Acting Chairman, Transportation Safety Board of Canada): Thank you, Mr. Chairman and honourable members, and thank you for your indulgence while we try to get our technical difficulties squared away.

Good morning to all. Bonjour.

I appreciate the opportunity to appear before your committee to discuss the important work of the Transportation Safety Board of Canada. I want to talk to you about the way in which we work to advance safety in all modes of transportation for the benefit of all of our communities. Specifically, I want to talk to you about how we work to bring about change through the safety solutions we offer government and industry.

I bring with me today a wealth of experience: Mr. David Kinsman, our executive director; and Mr. Nick Stoss, our acting director of investigations operations. The three of us will try our very best to help you and Canadians to understand the vital role played by the Transportation Safety Board of Canada.

[Translation]

The TSB is an independent organization the sole mandate of which is to promote transportation safety by conducting investigations into maritime, pipeline, rail and airline accidents.

[English]

Our role will always be to inform the public about what happened, why it happened, and to suggest solutions. The TSB is not a regulator or a court; that means we don't make laws, nor do we find guilt or assign blame.

If they get the video up and running, we'll show it at the end, if that's all right. The video will tell you a little bit about who we are,

but I also want to explain how we work and how we contribute to solutions for transportation safety.

Approximately 4,000 transportation accidents and incidents are reported to the TSB each year. These occurrences are wide-ranging, from accidents involving small aircraft to engine-room fires on ships, and from pipeline ruptures to train derailments. Some have resulted in major loss of life, and others only in very small damage.

When we are notified of an occurrence, we collect the available information, often deploying an investigation team to the site. And Canadians have come to identify us with the big TSB letters, *les lettres BST*, on the shirts and jackets worn by our investigators.

After the initial assessment, we decide if a full investigation is warranted. This decision hinges on whether there is significant potential for reducing future risks to persons, property, or the environment and, consequently, whether there is a high probability that transportation safety will be advanced. Once an investigation is under way, if we find unsafe conditions, we do not wait for our final report to make these known; we act immediately by communicating with those who can make transportation safer.

Along the way there are a number of tools we use to communicate risks. We may do this through interim safety recommendations, as we did most recently in the *Ryan's Commander* and Morningstar Air Express investigations, or we may choose to send out safety advisories, safety information letters, or safety communiqués.

When all is said and done, our role is to advise the public, regulators, and industry about what happened, and why it happened, in an impartial and unbiased way. Ultimately, we do this by making all our reports and all our recommendations public.

Just to provide you with a little bit of a snapshot. In 2005-2006 the TSB made 75 investigation reports public, issuing 12 safety recommendations, 21 safety advisories, and 22 safety information letters. Many of these communications have already led to concrete solutions by industry and regulators to mitigate risks, and thereby improve safety.

Our big payoff comes when everyone agrees during the course of an investigation about what needs to be done. Safety deficiencies are addressed quickly, and rather than making recommendations, we report the progress in our final report.

Recent safety actions resulting from our work include improvements made by CP Rail to their rail traffic control system as a result of our Whitby investigation, and measures to address risks to passengers and crew that came to light during the *Joseph and Clara Smallwood* investigation.

Sometimes, interim recommendations are the best course of action, and they too are effective. In the course of our Pelee Island investigation, the board concluded that pilots needed better tools to assess weight. We recommended that actual passenger weights be used for small aircraft, and that standard weights for all aircraft be increased to reflect current realities.

In January 2005 Transport Canada began a review of the way in which weight is determined for small aircraft. They also adjusted standard weights, making travel on all aircraft safer. And in the Morningstar Air Express investigation, we made two interim recommendations on the winter operation of Cessna 208 aircraft. Significant safety action has been taken both here and in the U.S., and we have come a long way toward making winter flights in Cessna 208s safer all over the world.

In the marine world, our recommendation made during the investigation into the capsizing of the *Ryan's Commander* has resulted in positive interim measures to ensure stability of fishing vessels.

This being said, the TSB does not impose changes on the transportation industry and regulators; solutions to transportation safety are a shared responsibility amongst players, and our job is to make a convincing case for change. When our recommendations go unheeded, I think we need to find a stronger voice to influence those who can make transportation safer.

Over the past year, in an effort to make the case for change and to find our voice, we have invested in two key initiatives. The first is to issue more investigation updates so that the public, the regulator, and the industry will know more, earlier on, about our investigations. This is a bit of a balancing act, because we're trying to provide factual information that has been proven without prejudging the final outcome of the investigation.

•(1115)

The second important initiative has to do with tracking the action taken. We are actively monitoring responses to our recommendations, and clearly communicating our assessment of those responses to those who can improve safety. And we are posting those responses and our assessments on our website at www.tsb.gc.ca.

It is my hope that our independence, steadfast processes, and the technical accuracy of all our work have fostered public trust in the Transportation Safety Board. The more our work is understood by parliamentarians and Canadians, the more everyone will have greater insight, the next time we are in the news, into what we do and how we work to ensure a strong and safe transportation system.

I think at this point the video is ready, so we're going to show you the short video that we have.

•(1120)

[Video Presentation]

•(1125)

Ms. Wendy A. Tadros: I also have the same video in French if you would like us to play it.

I'm glad we were able to get that up and running, because I think it really is quite good.

I hope the video and my remarks have given you a taste of the very complex but important work the TSB does, and that you will pass on this information to your constituents and encourage them to visit our website.

If any of you are interested, we would be more than pleased to welcome the members of this committee to visit our engineering laboratory. Our laboratory is the cornerstone of much of the work we do, work that is internationally recognized. A tour of the facility provides a real visual understanding of the leading-edge scientific work done by TSB investigators.

In closing, let me assure you that everybody at the board is fully committed to improving transportation safety.

[Translation]

We firmly believe that we have improved and will continue to improve transportation safety in Canada and abroad.

[English]

Thank you.

Now we would be pleased to answer any of your questions.

The Chair: Thank you very much, and we certainly appreciate your getting the video working for us.

Questions?

Mr. Hubbard.

Hon. Charles Hubbard (Miramichi, Lib.): Thank you, Mr. Chair.

It's certainly very good to know we have an active group working toward improving safety in various modes of transportation.

The name of the organization.... In most industries safety is an ongoing process that tries to avoid accidents, but it appears the Transportation Safety Board would only have a job if there were accidents. Is that correct? Without accidents, there is no work? Could you explain what you do when you don't have accidents?

•(1130)

Mrs. Wendy A Tadros: We have never faced that situation.

Hon. Charles Hubbard: You've never faced that situation? But to follow up on that question, the main concern is to avoid accidents. Could you give some response in terms of industry and the various parts of industry, how they are working with you as partners to avoid accidents?

I think of the Cessna 208. That wasn't the first report where there were problems with that plane. There had been similar difficulties on the west coast with that before, and your report was a major factor in limiting the capabilities of the Cessna 208.

In your review of that safety situation, were you aware before that accident in the west where the pilot took off with some icing—I don't know what the load was, but I think it was within limits—were you aware there was a problem with that plane before the accident happened with the Morningstar delivery of parcels?

Mrs. Wendy A Tadros: Let me back up and start with the beginning of your question.

The mandate Parliament has given us is to investigate accidents. So when there is an accident and we think there is something we can learn, those are the accidents we investigate. We try to find out what happened and why it happened and then we look at the underlying safety deficiencies. When we look at the underlying safety deficiencies, that allows us to determine whether there are problems in the system. If we determine there are problems we communicate those.

With respect to the Cessna 208, yes, there were some previous accidents, but we learned much more on the Pelee Island accident than we ever knew before, and on the Morningstar we learned even more, because on the Morningstar investigation we believed we had an aircraft that took off clean and encountered icing conditions. That allowed us to learn an awful lot more about the performance of the aircraft in those conditions, and that is why we made interim recommendations on the Morningstar.

Hon. Charles Hubbard: Just to clarify, it seems there's a void here. You are looking at the accident after it happened, but who was out there trying to prevent the accident from happening?

I see people here from the railway group. We have reports that the New Brunswick East Coast Railway are not maintaining their railbed. They've reduced the speed limit on the trains between Miramichi and Bathurst because of the declining railbed. We know there's going to be an accident. The speed has been reduced to about 60 kilometres an hour, when it could be up to 90 or 100 kilometres an hour.

Do you feel that the industry is really active in making sure accidents don't happen before you're called upon to investigate either a derailment or some problem with the railbed that would cause the closure of that line?

Mrs. Wendy A Tadros: I think inspecting the railways or other industries and putting safety regulations in place is within the purview of the Minister of Transport. We investigate, and everything we learn that we think could be of benefit to those communities or the regulator is communicated.

Hon. Charles Hubbard: There was nearly a 10% increase in railway accidents in 2004. We can go back to the years before that and look at the Burgess, for example, in British Columbia, the problems with derailments, and some of the misadventures there. Do you feel that the companies and Transport Canada are active enough in trying to prevent those types of accidents?

On page 7 you say, "When our recommendations go unheeded, I think we need to find a stronger voice...". What do you mean by

that? Who should the voice be to influence those—it must be Transport Canada—who can make transportation safer?

Mrs. Wendy A Tadros: Let me go back to the beginning of your question on the increase in rail accidents.

We have to be careful about the data we receive and the statistics. In 2004-05 the number of derailments was up substantially, but in the first quarter of this year it was down substantially. So before drawing any conclusions, I think you have to look at the whole trend and treat those statistics with caution.

From our perspective, we investigate each accident, each occurrence, to try to determine the underlying factors. If there are factors in common, we can do a safety issues investigation. But on the rail, derailments were up in 2004-05 and that caused some public concern, but again in the first quarter of this year they were down. So those are things we watch carefully.

The second part of your question was about our voice. We make all of our recommendations public. The Minister of Transport has 90 days in which to answer what he will do about not only our recommendations, but the findings on cause and contributing factors that we outline in our reports.

We also have very good and strong communications with the industries we investigate. So more often than not there is positive action. Every once in a while we like to tweak it a little bit.

• (1135)

The Chair: Mr. Laframboise.

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Ms. Tadros, I'd like to focus on your comments respecting the rail industry. You've tried to temper somewhat the statistics on rail accidents that occurred in 2004 and 2005. You claim that the number of accidents decreased in the first quarter of 2006, but that statement is hardly reassuring to the public. It's clear to Canadians that the number of accidents has increased in recent years.

What steps are you taking in an effort to improve the condition of the rails and thereby reduce the number of rail accidents? I'd like an answer to that question because I get the impression that you focussing on individual cases and that you're not so concerned about the overall picture. We are. It's all well and good to analyse every single accident that occurs, but the number of such incidents is on the rise. We expect a number of recommendations from you to reverse this trend.

Does the TSB make general recommendations about the state of the rail industry in Canada? Would you like your mandate to include responsibility for formulating policy guidelines or general recommendations? Perhaps you do not have the authority to do that, but we would like you to have that authority.

[*English*]

Mrs. Wendy A Tadros: On your question about our mandate, we have a full mandate to make any recommendations that we see fit. So if we are able to demonstrate, through one or a number of investigations, that there's an underlying safety deficiency, we do not hesitate to make a recommendation that the deficiency be addressed.

On the statistics, I did say that they bounce all over the place. You have to really stand back and take a careful look at the underlying factors at play. We are investigating a number of derailments this year, and thus far there doesn't seem to be any one pervasive factor. There are always a number of contributing factors. So we work objectively and methodically to determine what happened and why so that we can figure out if there are any systemic issues that need to be addressed. If we do find those systemic issues, we make recommendations.

[Translation]

Mr. Mario Laframboise: So then, you're telling me that since 2003, 2004 and 2005, there haven't been enough rail accidents to compel you to make a recommendation about the state of the industry in general.

• (1140)

[English]

Mrs. Wendy A Tadros: No, that's not exactly what I'm saying. I'm saying that before you make a recommendation you have to demonstrate, through proper investigation methods and using the tools available to us, what exactly is the problem and what are the issues that need to be addressed. We need to do that through solid scientific methods. If we do find that there are matters in common, that's what we do.

[Translation]

Mr. Mario Laframboise: Consequently, there are not enough common denominators at this time to make a recommendation with respect to the rail industry. Earlier, for instance, you stated that the TSB had made a recommendation concerning the fatigue experienced by airline employees. Therefore, you likely had enough evidence on file to make such a recommendation. However, you claim that with respect to the rail industry, you don't have enough evidence yet to make a recommendation about the quality of the rail network.

[English]

Mrs. Wendy A Tadros: We have enough information to make comments on the specific accidents, and in a number of the ongoing investigations we have safety communications on a number of issues. But if you're asking me whether there's one kind of Eureka thing that we think is going on, the answer is no. We investigate each accident fully to determine what happened and why.

[Translation]

Mr. Mario Laframboise: My next question pertains to your budget the amount of which is negotiated directly with the government. Do you operate with a fixed annual budget, or does it fluctuate, based on your requirements?

[English]

Mrs. Wendy A Tadros: It's really both. For 2006-07, the operating budget of the Transportation Safety Board is about \$25 million. We have a staff of about 240, and about 75% of our budget is for salaries. We also have a provision that when we have a very large investigation, such as the investigation involving Swiss Air 111—and we have a number that are ongoing at the moment—we can go to Treasury Board to request and demonstrate and make a case for additional funds.

[Translation]

Mr. Mario Laframboise: Are investigations always carried out by the same staff members? Do you hire people to work on contract or do you consult with other departments to acquire the services of experts? Do you have the in-house expertise you need?

[English]

Mrs. Wendy A Tadros: We generally have most of the specialists we need. You can't predict when accidents are going to happen, so there are fluctuating needs. We also contract with experts in Canada and have relationships with other investigating bodies around the world. We sometimes contract with the National Research Council and people who have very specialized expertise, but the bulk of our expertise is in-house in those 240 people.

[Translation]

Mr. Mario Laframboise: Can you tell me approximately what percentage of your budget is spent on outside experts?

[English]

Mrs. Wendy A Tadros: I will ask Mr. Kinsman to respond.

I'm not sure there's an exact—

[Translation]

Mr. David Kinsman (Executive Director, Transportation Safety Board of Canada): We'd have to do some research in order to come up with the exact figures. However, I would have to say that it's a small percentage of our budget. As Ms. Tadros indicated, most of our investigators have the necessary skills and expertise to start and complete an investigation. Occasionally, in light of the current technology in use in the four transportation sectors, we may not be certain that our expertise is the best. In such instances, we call upon the services of outside experts. As for the percentage of our annual budget spent on outside experts, it's really quite small. In most cases, I think it's substantially below \$200,000.

• (1145)

Mr. Mario Laframboise: I see.

[English]

The Chair: Thank you.

Mr. Julian.

Mr. Peter Julian (Burnaby—New Westminster, NDP): Thank you, Mr. Chair.

Thank you very much for coming. Your work is extremely important.

I've met some of the TSB investigators and I've always found them to be extremely professional.

I'd like to start off by asking, how many current investigations are in play and in what sectors?

Mrs. Wendy A Tadros: We'll have to get back to you. I can give you a ballpark figure; we have anywhere between 75 and 100 ongoing in any given year.

If you want the exact breakdown, we can get that for you.

Mr. Peter Julian: How would those be divided among the various sectors: marine, transportation, air, rail, pipeline?

Mrs. Wendy A Tadros: The majority is air.

What percentage, Nick?

Mr. Nick Stoss (Acting Director General, Investigation Operations, Transportation Safety Board of Canada): About 55% of the investigations would be air. The marine would probably be somewhere in the neighbourhood of about 25%, and I guess that would leave us about 20% for rail.

Mrs. Wendy A Tadros: The pipelines have very few, perhaps one to two a year.

Mr. Peter Julian: The issue that seems to have come up with both my colleagues, Mr. Hubbard and Mr. Laframboise, is the question of compliance. You have the power to make recommendations. The statute foresees that there is 90 days for the minister to reply on the finding. But there's no mechanism to ensure any compliance whatsoever. Is that not correct?

Mrs. Wendy A Tadros: If you're talking about the power to order people to do things, no, we don't have that in our legislation. There's a reason for that. It has been the thinking here in Canada, and around the world, in the U.S., Australia, and New Zealand, for example, that the regulator and the investigative body should be separate. This has been the model that Canada has followed since the early 1990s.

It's really a matter of independence. In the investigations, we may be looking at the regulator, we may be looking at their actions, we could be looking at steps they have taken; we need to be able to comment on those things. So the model that's used in Canada is a separation between the regulator and the independent accident investigator.

Just on the first point you made, in terms of advocating for the changes that are necessary, we feel we've been very successful in advocating for safety improvements. Each of the recommendations is put on our website; the response is on our website, and our assessment of that response is there. This is something we've been doing recently, and we have found it to be very effective. The feedback has been quite good on that.

Mr. Peter Julian: Have you ever studied the actual record of compliance versus non-compliance in any given year? We go back a couple of years for reports that had clear recommendations. Do you have any sense of what the percentage of compliance is? I'm thinking specifically of the carrier, but also in a broader sense, within each of the industrial sectors that we're talking about.

Mrs. Wendy A Tadros: I don't have the percentage, because it would depend on which period it was in, but I can tell you that the uptake on our recommendations is very high.

Mr. Peter Julian: Okay, but let's take a period that you're aware of. What would be the percentage of compliance that you're...?

Mrs. Wendy A Tadros: If you wanted to provide us with the periods you're interested in, we could provide you with that information.

Mr. Peter Julian: Well, I'm interested in—

Mrs. Wendy A Tadros: Because it's not compiled in that manner, I don't have it with me today.

Mr. Peter Julian: Okay.

I'd be interested in the last ten years. I'm sure my colleagues around the table would be as well.

If you were compiling those statistics, it would be important for us to be knowledgeable about what the compliance level is, whether we're talking about 75% or 95%, and depending on the sector. The latter would help us because we're doing a more in-depth study of safety issues in air, marine, and rail transportation. As my colleagues mentioned, we are concerned about the increase in rail accidents. So it would be helpful for us to know what the compliance level is in each of those sectors.

• (1150)

Mrs. Wendy A Tadros: Just to make sure that it's clear to me, are we talking about the reaction to, or the implementation of, our recommendations over the last ten years?

Mr. Peter Julian: Yes.

Mrs. Wendy A Tadros: Okay, we track that and have an annual reassessment, where we check and update the progress on each of the recommendations, so we don't have a problem providing you with that information.

Mr. Peter Julian: Okay, thank you.

You also have the power to make recommendations for changes in regulations. For example, there is the issue of flight attendants, which is something that's extremely important to the members of the committee. We've had the government flag that they are interested in reducing the number of flight attendants on Canadian flights. We also have a TSB investigation in place right now on the Air France accident that happened last year, or the year before, at Pearson Airport.

So I'm interested in knowing whether, in this kind of case, the TSB would issue a recommendation. If they know their regulations are coming forward, and if there are concerns about safety, would the TSB issue a recommendation in that kind of case?

Mrs. Wendy A Tadros: Well, that's an ongoing investigation, so I can't talk to you about what may happen when the final report is released or when it comes to the board, because it's too soon to say. I can tell you that when we investigate the kind of accident like the Air France one at Pearson on August 2, 2005, the TSB always evaluates cabin safety and evacuations. We have the qualified staff to do that, and if any issue of concern is identified around those areas, we would communicate it right away.

Mr. Peter Julian: So you could issue a preliminary report in that case?

Mrs. Wendy A Tadros: We don't normally issue a preliminary report. We would issue safety information letters, interim recommendations, and those kinds of things. The report waits for the entire investigation to be completed.

But we haven't found, in any of our investigations thus far, issues relating to the number of cabin staff.

Mr. Peter Julian: Okay. But since you have that ability to issue recommendations when there are changes to safety regulations, whether on the issue of flight attendants or the issue we're seeing now with Bill C-6, with SMS or safety management systems maybe giving more responsibility to the airlines to self-police, does the TSB make recommendations and are you consulted by the government? I'm asking more in a global sense. We're talking about specific cases, but in a more global sense, if there is legislation coming forward that lessens safety standards, is it not part of the purview of the TSB to issue recommendations?

Mrs. Wendy A Tadros: No, not unless we can link it to a particular accident. So if we investigate and we're able to demonstrate—because we have to be able to demonstrate scientifically that there absolutely is an issue there....

There are lots and lots of regulations that the government is making day in and day out; they are not something we would become involved in, unless they were at issue in one of our investigations. And if there is a safety issue there, whether it is regulatory or any other kind of safety issue, that's our bread and butter.

Mr. Peter Julian: Okay, and—

The Chair: I'm sorry, Mr. Julian. I've extended you.

Mr. Blaney, go ahead, please.

[*Translation*]

Mr. Steven Blaney (Lévis—Bellechasse, CPC): Good morning, Ms. Tadros.

The TSB has published a number of documents over the year — close to 130 in fact —including various recommendations, reports and advisories.

I understood you to say earlier that you evaluate on an annual basis the follow up given to your recommendations. Have you considered producing an annual report to inform the government of your activities? Given that several reports contain recommendations that are similar in nature and focus on certain sectors of activity, have you ever considered drawing up a synthesis report for the government? If so, would there be some merit to having the Standing Committee on Transportation, Infrastructure and Communities receive such a report annually? I'd like to hear your views on the subject.

• (1155)

[*English*]

Mrs. Wendy A Tadros: We are doing something similar. We're putting the response of the Minister of Transport and our assessment of that response up on our website. If you go to our website, you'll find that over the past year or so there has been a discussion and some information and a rating of each of the responses. As far as putting it annually in one document goes, no, that isn't something we've thought about, but it's food for thought.

Do you want to address the annual report, David? We have, potentially, a little bit of a change coming up with our annual report.

[*Translation*]

Mr. David Kinsman: By law, we are required to produce an annual report for Parliament. That's been a requirement since the

TSB's inception in 1990. Each year, we table a report summarizing all of the recommendations made throughout the course of the year, as well as the minister's response to those recommendations. Companies are not required to respond to the recommendations, but ministers are obligated to do so.

As I mentioned, these annual reports contain the recommendations issued over the course of the year.

This year, thanks to a new system in place, the report was released and posted on our website. We're now wondering if we can work with Treasury Board to combine this annual report with the other two reports that we're required to produce each year, namely

[*English*]

report on plans and priorities or the departmental performance report.

[*Translation*]

Mr. Steven Blaney: Mr. Chairman, it might be a good idea if committee members received the latest version of this annual report, for information purposes.

Mr. David Kinsman: In fact, a report is scheduled to be tabled to Parliament within the next two months or so. It all depends on Parliament's timetable. Otherwise, it will be tabled early this fall.

Mr. Steven Blaney: That brings me around to my second question concerning a synthesis report. Earlier, we discussed the problems noted in the rail industry. You have some insight into the situation in your particular sector of activity.

Are there any specific areas of concern highlighted in your reports? In your opinion, is some action warranted in these areas to improve safety?

[*English*]

Mrs. Wendy A Tadros: It depends on which timeframe you're talking about. I suppose if you take a snapshot at any given time, the concerns change. When there are concerns and we think we have the data that allows us to show that there is a problem or a safety deficiency demonstrated by more than one accident, we can conduct what's called a safety issues investigation. We're doing one right now in the air mode on post-impact fires in small aircraft. That's an example of how, rather than investigating here and here and here, we would pull together all of the data that is available on accidents within that category and do a complete analysis. Post-impact fires is an example of that.

[*Translation*]

Mr. Steven Blaney: That's one example in so far as the airline industry is concerned. Fine.

Do you have any other examples?

Getting back to the rail industry, when many accidents occur in the same sector, shouldn't this tweak the legislator's curiosity? You refer to these individual cases in each report, but when accidents occur repeatedly, do you bring the situation to the attention of lawmakers? Can you give us any other examples that you may have cited in your reports?

•(1200)

[English]

Mrs. Wendy A Tadros: Yes, there have been several examples over the year. But in terms of the rail, you asked if—

Mr. Steven Blaney: If there's a link between all the accidents.

Mrs. Wendy A Tadros: Okay. What it does is it leads me and the investigative staff to ask the question, is there any commonality between these accidents? What we have found is that you have to get into the investigation, look at what happened and why it happened, and look at the safety deficiencies in the system. What are the underlying factors? You have to do that methodically for each one, before you would ever arrive at the point where you could determine if there was any commonality.

So with the ongoing rail investigations, with Wabamun Lake, Cheakamus—there's a number of others—that's what we're doing. With McBride and Whitby, that's what we did. We investigate each one and look at it in its entirety. If we see some kind of common thread, then certainly we would bring that to the attention of the Minister of Transport.

[Translation]

Mr. Steven Blaney: My next question has to do with internal management. In your estimation, do you have the required human and financial resources to carry out your mandate and achieve your objectives?

[English]

Mrs. Wendy A Tadros: I think any government agency or department, if you ask them that question, would say we would love to have more money. However, I also think that we are carrying out our mandate effectively with the resources we have and with the provision to go to Treasury Board, if there's a large accident, to ask for funds for the investigation. I think we're carrying out our mandate very well.

[Translation]

Mr. Steven Blaney: Do you receive any private funding? Have you ever considered securing funding from the private sector to cover the TSB's operating expenses?

[English]

Mrs. Wendy A Tadros: That issues comes up from time to time; it's a question of independence. So if you have rail carriers, air carriers, or air manufacturers funding your investigation, you have issues of independence.

The Chair: Mr. McGuinty.

Mr. Steven Blaney: I'm looking forward to visiting your lab.

Thank you.

Mr. David McGuinty (Ottawa South, Lib.): Good morning. Thanks for coming in. It's a pleasure to meet you.

I'm the new critic for the opposition on transport, so it's my first official meeting on this committee as a fully sworn-in member—a voting member, they tell me. It's a pleasure to meet you all.

I have a couple of quick mandate and governance questions for you. You have no formal board, is that right? You have no members on a board in the classic definition of board?

Mrs. Wendy A Tadros: We have members on our board who are appointed by the Governor in Council.

It's not a board in the private sense, but like any federal tribunal, such as the National Energy Board or the CRTC.

Mr. David McGuinty: But you're not quasi-judicial?

Mrs. Wendy A Tadros: No, we have a slightly different mandate because we are scientific and investigative.

Mr. David McGuinty: Are you a separate employer?

Mr. David Kinsman: No, we're not. We fall completely under the public service provisions.

Mr. David McGuinty: The GICs then apply to the chair and the members of the board?

Mrs. Wendy A Tadros: That's correct.

Mr. David McGuinty: And what are their terms?

Mrs. Wendy A Tadros: The terms vary; it depends on—

Mr. David McGuinty: Up to a maximum of say seven years, is that it?

Mrs. Wendy A Tadros: I believe it is seven years; the last three have been five.

Mr. David McGuinty: Is it a per diem based GIC appointment?

Mrs. Wendy A Tadros: We have two types of members who sit on our board. The majority of the board members are full-time, so they are paid a salary just like any public servant. We have one part-time member.

Mr. David McGuinty: Okay. And what is the source or the genesis of names for consideration by the GIC?

Mrs. Wendy A Tadros: I believe the system is changing, but that's a matter for the government. What I understand is that more and more of these positions are going to be advertised. The issue of appointments is something for the government.

Mr. David McGuinty: Do you have vacancies now on your board?

Mrs. Wendy A Tadros: Yes, we do.

Mr. David McGuinty: How many vacancies do you have?

Mrs. Wendy A Tadros: We have the chair's position, which has been advertised, and we have one other position.

Mr. David McGuinty: I'm sorry, how many members are there in total?

•(1205)

Mrs. Wendy A Tadros: A total of five.

Mr. David McGuinty: Five on the board as a whole, including the chair?

Mrs. Wendy A Tadros: Yes.

Mr. David McGuinty: Thank you.

The second theme is harmonization. I think on your website you refer to working with other organizations, both nationally and internationally. To what extent are you seized with tracking what's happening in the United States, western Europe, and other countries, and to what extent now is there a move afoot to harmonize standards?

Mrs. Wendy A Tadros: Well, we do track what happens internationally. I can't really speak to harmonizing standards because that's a regulatory matter, but we do work with a number of other investigative bodies around the world. Particularly in the air field, the issues we find are the issues that other investigative bodies find, whether it be the U.S., France, Australia. We work very closely with those other bodies.

Mr. David McGuinty: You must. I mean, the Air France crash would be a good example, of course.

Perhaps this is a question best put to your executive members here. Is there a move afoot in transportation safety worldwide now or is it a de facto happening that there is already now a move towards a standardization of regulatory standards? You would be looking, as a minimum threshold, for example, at a standard recommended by the Australian transportation safety board, the United States transportation safety board, etc. Is there an emerging, kind of international level or standard now across the system?

We're talking about fewer and fewer manufacturers of planes, trains, double-hulled ships, and so on. Isn't there an emerging international standard or set of standards?

Mr. Nick Stoss: Again, the issue dealing with international standards with regard to the regulatory aspects is handled by the regulatory agencies or the civil aviation administrations in the various countries.

With regard to the investigation practices, there are a number of international investigation organizations, and actually ICAO is one that provides the international civil aviation organizations.... Annex 13 provides all the standards for conducting investigations that we're concerned with.

There's also the IMO, which is on the marine side. They have a similar thing there.

Part and parcel of any investigation that we do is of course adherence to the standards, but we also share the information and actually use the expertise from those various foreign states we come into contact with. The only other international force that is driving us to work internationally is the dispersal of all the various products—Canadian products, Bombardier products—throughout the world, which causes us, again, to come in contact with, learn from, and use data from those other countries.

Mr. David McGuinty: Very quickly, I have a last question.

Have you in the last five years received any whistle-blowing complaints in Canadian society that have been brought to the attention of the Transportation Safety Board?

Mrs. Wendy A Tadros: No. Those whistle-blowing complaints and that issue goes to the Canadian Transportation Agency.

Mr. David McGuinty: Should such a complaint come to the TSB, would it then be routed elsewhere?

Mrs. Wendy A Tadros: That's correct.

Mr. David McGuinty: Thank you.

The Chair: Mr. Carrier.

[*Translation*]

Mr. Robert Carrier (Alfred-Pellan, BQ): Good morning.

The annual report you spoke of earlier summarizes your recommendations. Can you tell me if you also follow up on your recommendations, to see if the recommendation has either been implemented or put on hold?

Since you're familiar with the body of safety regulations, you surely keep abreast of developments and of all regulatory changes. Therefore, you must also know if a particular regulation has been enacted to correct a particular problem.

Is mention made of these changes in your report, or are you merely content with pointing out that you have made a certain number of recommendations, without actually trying to find out if these recommendations have been implemented or not?

[*English*]

Mrs. Wendy A Tadros: We track each and every one of our recommendations and indicate the action that has been taken. If something happens between the last time we tracked and the next time, if there's some action on that issue, we put it in there.

[*Translation*]

Mr. Robert Carrier: The follow up action taken is detailed in your annual report?

•(1210)

Mr. David Kinsman: Until now, this has not been covered in the annual report. We simply list the recommendations made over the course of the year in question.

As Ms. Tadros explained earlier, last year we initiated a process whereby each recommendation not deemed fully satisfactory is reviewed by our staff to see if any improvements or changes have been made further to our proposals. Our Board then determines if the follow up action is satisfactory, somewhat satisfactory or unsatisfactory.

The results will be posted this year on our website, rather than be included in our annual report.

Mr. Robert Carrier: Therefore, if parliamentarians want a status report on follow up action, they need only consult your website.

Mr. David Kinsman: For now, yes.

Mr. Robert Carrier: Is there any chance that these findings could be included in the annual report?

Mr. David Kinsman: There is no reason why they couldn't be.

Mr. Robert Carrier: I'd like that.

Now then, I'd like to turn your attention to the Air France accident in Toronto last summer. You state in your report that when any shortcomings are noted, you take immediate action and contact stakeholders, rather than wait until the release of your final report. To my knowledge, no incident report has been released in connection with this accident. Transport Canada is planning to reduce the number of flight crew members. Therefore, it would be interesting to see your report to find out where you stand on this proposed initiative. Would you care to share your views with us?

[English]

Mrs. Wendy A Tadros: We have done an update on the Air France investigation. You're right that we haven't issued safety communications to date on that investigation. But in order to communicate with Transport Canada on that issue, we would have had to identify it and determine that there was a safety deficiency in that accident. We have cabin safety specialists on the staff of the board, and it's one of the issues we are looking at.

[Translation]

Mr. Robert Carrier: Do you know when your report into this particular incident will be released?

[English]

Mrs. Wendy A Tadros: I can't give you an exact date, but I can tell you where it is in the process. The draft report is being created. That draft report will then go to the designated reviewers. They will have 30 days in which to comment on it. Then we will go through each and every one of those representations and develop a final report.

[Translation]

Mr. Robert Carrier: That seems like a rather lengthy process.

Surely your specialized staff needs ongoing training to review all of the new regulations in force in Canada and in foreign countries. Do you have an adequate budget for training? Is it a fixed budget? Do you have a problem providing training to your personnel?

Mr. David Kinsman: You're quite right. In the case of an organization like ours that is constantly confronted with technological advances, it's important to keep abreast of new developments. We do our best to ensure that our experts are up on technological advances because it's very important to us that our employees are considered experts in their field.

Each year, we earmark funds specifically for training which is provided in house, elsewhere in Canada or, in some cases, abroad. This is one area that Mr. Stoss needs to monitor closely. We want to be certain that we're never in a position where our employees lag behind others in terms of technical expertise.

[English]

The Chair: Mr. Fast.

• (1215)

Mr. Ed Fast (Abbotsford, CPC): Thank you, Mr. Chair.

Thank you all, three of you, for appearing before our committee.

I'd like to follow up on an earlier line of questioning that had to do with the relationship between the investigative function and the enforcement function. You've made it very clear you're not a quasi-

judicial body, in that you don't actually make decisions on fault. As I understand it, a number of other steps could be taken beyond your mandate. One would be within the regulatory and perhaps legislative process, and the other would be the enforcement process.

Out of any accident, issues of enforcement may arise. Can you take us on that journey, tell us how that would happen, and advise the committee as to whether the evidence that's gathered within your investigative function can be used in subsequent proceedings? Can you recommend that charges be laid? I'm assuming you can't. If not, then who actually makes those decisions? I'd just like to understand that relationship between the various bodies within the transportation field.

Mrs. Wendy A Tadros: I'll start with the notion of charges being laid, because that's something that comes up from time to time. In the accident investigation world it's really an anathema, because we're trying to figure out what happened and why and get to the bottom of it and look at the underlying safety deficiencies. So to find somebody and say, aha, this is the fellow who did this and he should be charged—that doesn't take us to where we need to go. Where we need to go is to figure out what was happening within that system and make recommendations to bring about the changes.

However, it's a complex world, and there are always a number of organizations, including police organizations, that may be working on the same set of facts. In terms of going step by step through the kinds of situations we might face in an investigation where there is also a suggestion of criminal activity, I'm going to turn it over to Mr. Stoss, because he's been on the ground an awful lot.

Mr. Nick Stoss: I'll cover your first question, which was our involvement with other enforcement agencies, for example, Transport Canada. The Minister of Transport has an observer on our investigation whose job is to see if there are any significant issues there. If we see a serious regulatory infraction, we are compelled to report it to them. However, Transport Canada does its own separate investigation.

We have similar provisions in our act. If we find criminal activity we must notify the responsible police force. It is up to the police force to conduct its investigation. We will continue conducting our safety investigation.

Mr. Ed Fast: But the evidence gathered within your investigation can be used in subsequent proceedings, whether civil or criminal?

Mr. Nick Stoss: The information we have is used strictly for safety purposes. If I may comment on that, there are provisions within the act that any of our reports or any sort of evidence we have cannot be used in other legal proceedings.

Mrs. Wendy A Tadros: So we have very strong provisions in our legislation that can draw a circle around the information we gather during our investigation, and neither that information nor our report flow over into the court processes.

Mr. Ed Fast: They cannot? This is very important.

Mrs. Wendy A Tadros: They cannot. Well, there are never any absolutes. The provisions in the act are like those little Russian dolls, where there's a doll inside a doll. So there are provisions for judges to order that information produced if it's absolutely necessary, but that's a very, very rare circumstance.

Mr. Ed Fast: Is one of the reasons why you have a separation of the investigative function from the enforcement function the fact that it's easier for you to obtain evidence and get to the root of the problem by ensuring those you're investigating are going to be more forthright with that information? Is that the underlying reasoning?

Mrs. Wendy A Tadros: That's absolutely it.

Mr. Ed Fast: Has any thought been given to merging those functions, or is that something that has worked very well?

• (1220)

Mrs. Wendy A Tadros: Which functions do you mean?

Mr. Ed Fast: I mean the enforcement and investigation functions.

Mrs. Wendy A Tadros: It's not something I would encourage.

Mr. Ed Fast: Thank you, Mr. Chair.

The Chair: We'll have Mr. Bell.

Mr. Don Bell (North Vancouver, Lib.): Thank you, and welcome again.

I have a question with respect to hazardous goods. I noticed that in your 2004-05 annual report to Parliament, you said that dangerous goods leaks were down and rail incidents with hazardous goods were down. Yet the information I have is that reportable accidents involving the transportation of dangerous goods increased by 11.4%, from 370 in 2004 to 412 in 2005. I'm just wondering if they are all rail-related. Do you deal with trucks, as well, or is it primarily rail-related?

Mrs. Wendy A Tadros: We don't deal with trucks, sir. We deal with rail, air, marine, and pipeline.

Mr. Don Bell: Okay. In the previous report you said that in 2004 they were down, and now, in 2005, they're up. Is this a trend or an anomaly?

Mrs. Wendy A Tadros: Let's take a close look at that. If you're talking about the release of dangerous goods in rail, the figure I have is that from 2000 to 2004 the five-year average was 222.

Mr. Don Bell: Yes, I have that. It was down, but the other information I have is that in 2005 it was up.

Mrs. Wendy A Tadros: For 2005 we have a year-to-date figure of 216.

What is the total number in 2005, Nick?

Mr. Nick Stoss: It is 216.

Mrs. Wendy A Tadros: The total number is 216 in 2005. The five-year average is 222.

Mr. Don Bell: It was down, then, overall.

Mrs. Wendy A Tadros: In 2004 it was 208.

Mr. Don Bell: When you're doing rail analysis, you talked about looking for commonalities. In the B.C. rail derailments, the ones that contaminated the Cheakamus River, for example, I heard that part of the problem was that the trains were longer—they had been increased in length with the change in rail management—and they were running faster. I wonder if you discovered anything in the most recent period of derailments that occurred in B.C., because there were several of them.

Mrs. Wendy A Tadros: In terms of the Cheakamus Canyon investigation, we did issue a safety advisory to Transport Canada

suggesting a review of CN's train operations over the former B.C. Rail territory, and I believe that the Minister of Transport put measures in place that dealt with the operation of longer and heavier trains. There were operational requirements that were put in place.

Mr. Don Bell: Okay. Do you ever get involved in accidents? I see that there's a reference to crossing accidents in your report. With regard to crossing accidents in municipalities, there is the ability, by resolution of councils, to request that the signals be silenced. In West Vancouver and North Vancouver, in my riding and in the adjacent riding, there has been a history, traditionally, with B.C. Rail, by resolutions of municipalities, to not have the signals and the noise, because it has disrupted the adjoining residential areas. I'm just curious about whether you have had any experience with that.

Mrs. Wendy A Tadros: I'm not aware of the request to have signals silenced, but I am aware of anti-whistling requests. Some communities have gone through the process of requesting that there be no whistling of trains, either through their communities or at certain hours.

Mr. Don Bell: Yes, that's correct. Have you found any issues with that?

Mrs. Wendy A Tadros: If we had found that as an issue, if in an investigation we were able to link the fact that there was no train whistle to an accident, that's something we would comment on. We have a couple of ongoing investigations at the moment involving both vehicles at crossings and pedestrians.

• (1225)

Mr. Don Bell: Do we have a comparison with the States, the FAA? As I understand it, when there is an air disaster, the FAA is the first on the ground. Would you be the first, or is there a parallel agency in Canada? Is the Canadian Transportation Agency, which you referred to, parallel to the FAA?

Mrs. Wendy A Tadros: No. The parallel to the FAA would be Transport Canada.

Our parallel is the National Transportation Safety Board. There are some differences there, but they have a similar mandate to ours.

Mr. Don Bell: If there's an air accident in Canada or in the U.S., are there, in effect, duplicate investigative agencies?

Mrs. Wendy A Tadros: That's worked out by ICAO, the International Civil Aviation Organization, in annex 13, which determines which investigative body has priority.

If you want more information on how that works, Mr. Stoss is quite familiar with it.

Mr. Don Bell: I was just interested in that aspect of it.

That's fine. Thank you.

The Chair: Thank you.

Mr. Storseth.

Mr. Brian Storseth (Westlock—St. Paul, CPC): Thank you, Mr. Chair.

I'll be splitting my time with Mr. Norlock.

I have a couple of questions. This is not regarding any particular, ongoing case, but if something came about where you could demonstrate that there was a problem with the system or regulation, would you issue an interim report stating this?

Mrs. Wendy A Tadros: We don't issue an interim report, but we would make interim recommendations.

That's what we did in the context of the Morningstar investigation. We issued recommendations on winter operations of Cessna 208s. In March we also issued recommendations on the inspections of some Airbus rudders.

Mr. Brian Storseth: Are there any other interim recommendations that you have made recently?

Mrs. Wendy A Tadros: We made an interim recommendation on the *Ryan's Commander* having to do with requirements for stability of fishing vessels.

Those are the most recent interim recommendations.

Mr. Brian Storseth: How do the differences in the safety management systems across the different sectors—marine, air, rail—impact your investigations?

Mrs. Wendy A Tadros: Safety management systems are something that is new in the last number of years. Recently, most of the industries are putting these in place. We look at the implementation of the safety management system. If we think there's a problem with the implementation or the way it's being carried out day to day, that would be something we would comment on. It's part of a whole number of issues that we may look at in an investigation, in any of the modes.

Mr. Brian Storseth: Thank you.

The Chair: Mr. Norlock.

Mr. Rick Norlock (Northumberland—Quinte West, CPC): Thank you.

I'm particularly interested in the North American interrelationship of our transportation system, and in particular, the rail system. We've heard comments of late, particularly in the press, with regard to certain derailments, etc., that somehow the maintenance of our rail system is somewhat different from that in the U.S. Have you looked at how we manage railways vis-à-vis the U.S.—in particular, the amount of service per kilometre or per mile that we would need?

Mrs. Wendy A Tadros: I'm not sure that we've looked at that on a comparison basis. We certainly have looked at maintenance in a number of ongoing investigations. We would particularly look at it if you had a track problem. You would look at the maintenance records and the physical structures that were there, but in terms of the comparison, I'm not aware of that.

Are you, Nick?

Mr. Nick Stoss: No. The important thing in our investigations is that we'd be looking at that aspect. We'd find some facts, then we'd go back to the regulatory requirements. In addition to whether they knew that they were there, we'd measure to see if they were applied. Even if they were applied and we found a problem with them, we may then question the regulations and come up with a recommendation. So we evaluate all the defences within the network, the regulations being one of them.

• (1230)

Mr. Rick Norlock: Do you deal specifically with the regulation, as opposed to looking abroad to see if there's something better that could be applied?

Mrs. Wendy A Tadros: Well, yes.

Mr. Rick Norlock: Do you stay within the parameters of the given set of regulations?

Mrs. Wendy A Tadros: No, not entirely. For instance, in rail you have a number of requirements that are transborder that have to do with the FRA. There are committees within the FRA that determine a number of things including the requirements for tank cars. There is an integration there, and we do look at those things.

The Chair: Mr. Scott, go ahead, please.

Hon. Andy Scott (Fredericton, Lib.): Thank you very much.

Welcome.

As was the case with Mr. McGuinty, this is the first time I've had the opportunity.

I have three quick questions. First, you mention in your opening comments a wealth of experience, and I'd like to call on that experience to assist us. In your presentation you said we could help you by letting Canadians understand better what it is you do.

Give us a real life example of a case—perhaps one of the cases you described in your comments—in which your mandate and the process have worked the best, and tell us why. Then, describe for us a case in which the process didn't work, and tell us why. We can then get a sense of (a) what you do in the context of being able to do that, and (b) what we might be able to do to help in the area of public policy to remedy situations where it hasn't worked.

Mrs. Wendy A Tadros: I think there are no situations in which it hasn't worked. What we have are situations of some investigations being more challenging than others. Regardless of the challenges that are out there, we work our way through them and do our work. We come to the bottom line of what happened and why.

You asked me for one case that I thought was exemplary—I don't think you used the word, but that was the idea. I think the golden standard was Swissair 111. The investigation of the Swissair 111 crash was very complex, but the investigators were dogged, and the work they did was absolutely leading edge.

Hon. Andy Scott: When I asked the question about when it didn't work, you went into the investigative part and said it was a challenge to do the investigation. I was thinking more on the compliance side. The idea here is that by virtue of your investigation, your recommendations, and others people's response to those, you have a role in that, because, you said, you post your response to their responses to make sure people realize and that people are watching. I was thinking more about compliance rather than about an investigation.

Mrs. Wendy A Tadros: I think the very first issue was public awareness of who we are and what it is that we do. We're taking steps to try to bring that about. In any investigation, if you read the newspaper, you'll find that sometimes the understanding about who we are and what our role is isn't there. We're taking steps day by day to try to improve that.

As for the recommendations, we have a pretty good compliance record—if you want to call it that—as evidenced by the response, or the uptake, or the changes that are being made to advance safety as a result of our investigations. I think the record is very solid. We'd always like to move it a little further along.

Hon. Andy Scott: Can you give us a specific example?

Mrs. Wendy A Tadros: Of what we would like to see?

Hon. Andy Scott: No, I mean of a particular case. You spoke about a case in which you were happy with the investigation, the reports, the response, presumably all of those things. I was looking for one, not for any purpose specifically but rather as a real-life example of a case in which things didn't work as well as you might have wished, so that we could look at it and say here is what might help so that things will work better the next time.

Mrs. Wendy A Tadros: I'll give you an example. It did turn out with positive results in the end, but along the way the road was a little bumpy. It had to do with fishing vessels' stability. We made two recommendations following the *Cap Rouge* accident in the islands off of Vancouver Island. They languished for a while, and there was no uptake. We brought those concepts about fishing vessel stability back in the *Ryan's Commander* investigation and made an interim recommendation that said we want you to go back to *Cap Rouge* and we would like to see that recommendation implemented and have some interim measures for the fishing vessel stability. That has now been done.

• (1235)

Hon. Andy Scott: What time passed?

Mrs. Wendy A Tadros: Two or three years, approximately.

Hon. Andy Scott: Thank you, Mr. Chair.

The Chair: Mr. Hubbard.

Hon. Charles Hubbard: I have one very quick question in terms of the trestles on the west coast. I know you've addressed those in terms of train size—the length of trains, and overall volumes they're having, and the number of engines they're using—but are you satisfied with the outcome that the two railways, in particular, have had in terms of their inspections of those trestles, and do you have some assurance that those old structures are meeting the safety needs of the 21st century?

Mrs. Wendy A Tadros: The issue that we had with bridges wasn't necessarily the longer, heavier issue; it was the issue of maintenance, and it arose in the McBride investigation. We addressed those issues and said clearly in our report, and in our communications with the railways and Transport Canada, what we think needed to be done to improve the inspection and the record-keeping. Those steps have been taken.

Hon. Charles Hubbard: Thank you, Mr. Chair.

The Chair: Mr. Carrier.

[*Translation*]

Mr. Robert Carrier: On a point of order, Mr. Chairman, I just want to mention that there's another item on our agenda, namely the notice of motion tabled last Thursday. I just want some assurances that we will get around to discussing it today. Time is passing quickly. Since we've completed the first round of questioning, I ask that we move on to the motion.

[*English*]

The Chair: Mr. McGuinty.

One last question and then we'll move to your point of order.

Mr. David McGuinty: I just want to come back to a question I raised earlier, just so that I understand this. The government is speaking now and your minister is speaking now openly about the appointments process to federal boards, agencies, commissions, and so on. I asked this question earlier, but I didn't quite understand the response. There are five board members at the TSB. Correct? And there are how many vacancies now?

The chair is a vacant position, or is acting—

Mrs. Wendy A Tadros: I'm acting as the chair, and my understanding is that the position is going to be filled on a permanent basis. And we have one further position.

Mr. David McGuinty: Has the chair's position been officially gazetted?

Mrs. Wendy A Tadros: Yes, it was last Saturday.

Mr. David McGuinty: Was a head-hunting agency engaged by the TSB or by the PCO to interview potential candidates?

Mrs. Wendy A Tadros: It's their process; it's not our process. So I didn't hear that; it's not our process.

Mr. David McGuinty: So we don't know whether an outside agency was retained by PCO? Or did TSB not retain an outside agency?

I used to head up an agency like this, and it was common practice at the time, when you were looking for board members, to hire a local head-hunting agency to sift through applications and generate options for consideration by, in this case, the GIC.

Mrs. Wendy A Tadros: I can't speak to that, Mr. McGuinty.

Mr. David McGuinty: Mr. Kinsman?

Mrs. Wendy A Tadros: It's not a process that we are running; it's a process of the PCO and PMO.

Mr. David McGuinty: So the TSB has not engaged—

Mrs. Wendy A Tadros: Mr. Kinsman has just reminded me that we did not hire a headhunter, nor would we, because it's not our process.

Mr. David McGuinty: Okay.

Thank you very much.

• (1240)

The Chair: I will thank our guests. We appreciate your comments.

We do have other business to attend to, so thank you very much, and thank you for the presentation.

Mrs. Wendy A Tadros: Thank you very much.

The Chair: We do have a notice of motion on the floor from Mr. Carrier. I'll ask him to comment on it.

At the outset, whether rightly or wrongly, when I saw it this morning on the order paper, I thought it was actually the notice of motion. I have no record in my records of receiving it, but I do want the committee to comment on it. I've checked my electronic records, but I have no record of it, and I don't know if other members had it in advance. As the chair, I don't remember receiving it last week, but I would throw this open to the committee for comments.

Mr. Carrier.

[*Translation*]

Mr. Robert Carrier: As far as I know, the notice of motion was placed in our respective files last week, precisely so that we could examine it today. That was the arrangement I made with the clerk.

[*English*]

The Chair: I wanted to make that comment right from the outset. I have checked with my records and my file. I don't have it, but again I think the committee should have some comment on it.

Mr. Jean.

Mr. Brian Jean (Fort McMurray—Athabasca, CPC): Quite frankly, the only issue I have is that I didn't have any notice of it. I didn't receive it last week. I've checked my records as well and couldn't find anything. I would ask that we receive proper notice, so I can have an opportunity at least to discuss it with the minister, since it includes him.

Of course, the other issue is it sets a very dangerous precedent because the committee is asking for some semblance of oversight on regulations. It's not just legislation that we're dealing with as legislators, it's regulations, which quite frankly is usually left to experts to give their opinion. Basically, regulations are based on expert reports, not on legislators' decisions.

Because of its nature and because it's setting a precedent, my understanding from a quick e-mail to the department is this has never been done before.

Hon. Charles Hubbard: Point of order, Mr. Chair.

I think we're debating, and I'm not sure. Normally this would go to the clerk, who would have submitted it to members. I don't think it's up to a member to give it to other members.

When did the clerk receive the notice of motion?

The Clerk of the Committee (Mr. Georges Etoka): Last week.

Hon. Charles Hubbard: When was it circulated to members?

The Clerk: I'm trying to check with my assistant, but there's no way to reach her. I'll ask her to see what she did.

Hon. Charles Hubbard: So it is on the table for discussion—is that correct, Mr. Chair?

The Chair: I put it out there for the simple fact that I do not have a record of receiving this. In fact, when I saw it this morning on the order paper, I thought this was the notice for the next meeting. I'm told that others have received notices, and others haven't. I'm looking for comment from the committee.

Mr. Carrier.

[*Translation*]

Mr. Mario Laframboise: Mr. Scott received it.

[*English*]

Hon. Andy Scott: Yes, I received it last week and came prepared to discuss it today.

The Chair: Mr. Julian.

Mr. Peter Julian: I have it. I'm prepared to discuss it, and I support this motion. This is perfectly in keeping with what the transport committee decided last fall—unanimously, it should be underscored. What we're simply doing is reiterating concerns we had last fall. I think Mr. Carrier is putting forward a perfectly legitimate motion, which we should be voting on today.

The Chair: Mr. Jean.

Mr. Brian Jean: I'm wondering if the other members received proper notification of this. Mr. Hubbard, did you receive proper notification?

I didn't, and I think first of all it's flawed.

Secondly, as a side note regarding unanimously, there were at least three members who abstained last time, and this is a precedent.

I want to take a look at this, and I want to talk to the department about it before it's voted on, because quite frankly I didn't have proper notice, and that's what it comes down to.

The Chair: Mr. Laframboise.

[*Translation*]

Mr. Mario Laframboise: The notice was tabled in accordance with the committee's rules of procedure. You received it. It was tabled here. I have a copy of it. A copy was also placed on your desks. If you didn't bother to pick it up, that's not my problem. The fact remains that it was tabled within the prescribed time frame and in accordance with the committee's rules. I trust that we will discuss it today, Mr. Chairman.

If the parliamentary secretary has a problem with the motion, then he should oppose it. End of story. However, in accordance with our rules, we should discuss it today.

• (1245)

[*English*]

The Chair: I think the only difficulty I have is the fact that I canvassed my colleagues to my right, and none of them received that notice, including myself. I do have a concern with that, as the committee chair. I don't have an electronic notice, which normally we get.

The suggestion is that we defer it until Thursday for a vote, and we can deal with it as the first order of business.

There's been some objection raised that notices haven't been given, and I'm asking the committee for their thoughts.

Mr. Carrier.

[*Translation*]

Mr. Robert Carrier: Mr. Chairman, the motion doesn't exactly cover new ground, and it's not out of order. It merely seeks to extend a motion that, without getting into specifics, has already been unanimously endorsed by the committee. We're once again tabling the same motion. There's nothing new here. Perhaps some of you haven't read it in advance, but its purpose is merely to extend the motion so that it could be adopted during this Parliament, instead of our having to refer to a motion passed by the previous Parliament. It merely seeks to extend what was already unanimously agreed to.

I fail to see the problem mentioned by Mr. Jean. If we agree to examine the motion and to vote on it today, in my view, this would be easier than resuming our discussions next Thursday.

[*English*]

The Chair: My only comment is that this is new to me as chair and I personally did not receive the notification.

Mr. Jean.

Mr. Brian Jean: I'm asking for a ruling from the chair. It's not proper notice, and I'm not consenting to allow it in as a single member here. I didn't have notice of it, and I think something as important as this should be...

With all due respect to Monsieur Carrier, the reality is I didn't receive the notice paper and nobody else here did, including the chair. That's deficient notice. We got notice today, so I can actually do some work on it. I think all the committee members realize that we do homework on this side of the House, and I need to do some homework to ascertain the significance of this.

The Chair: Mr. Laframboise.

[*Translation*]

Mr. Mario Laframboise: Once again, Mr. Chairman, I'm sorry but the committee must follow certain procedures. The clerk must distribute the motion. If he says that he distributed copies and you say you didn't get one, then it's a moot point. A committee staff member is responsible for receiving and providing members with copies of the motion. If you neglected to take a copy of it, then that's not my problem. However, our rules stipulate that the notice of motion must be tabled to the committee within a prescribed time frame. As I see it, I complied with the rules. If members failed to pick up a copy of the motion and we decide not to consider it at this time, then this type of thing could happen again. There will always be someone who claims that because he hasn't read the motion, it should be taken up only at a later meeting. That's not the way the system works. The clerk is responsible for tabling any motions he may receive. If subsequently members neglect to take copies, then that's their business. All they need to do is oppose the motion.

[*English*]

The Chair: It does seem ironic that all members on this side wouldn't have picked it up or received it. I think that's a fair comment. I don't think we're irresponsible enough to leave a document that was intended for us, but I put that out.

Mr. Fast.

Mr. Ed Fast: Mr. Laframboise is correct. He did circulate this motion at the last meeting, because I know I have it on file. The

problem is that it wasn't formalized. Until I got to this meeting I didn't know it was going to be on the agenda for today.

I've been encouraged by the work of this committee, quite frankly, simply because I don't see some of the pettiness here that I've seen at my other committee. In the interest of preserving that good will, give us an opportunity to consult with the minister before we address this here at the table. We may be able to concur with this motion, and it would strengthen Mr. Carrier's cause.

Just as a side point, is it typically appropriate to underline words in motions? I just want clarification for my edification in the future. Would it be underlined in a report to the House? I'm not trying to be nitpicky; I'm just not sure that's appropriate.

Mr. Laframboise is correct. That motion was circulated at the last meeting, so it's not as if he is doing something underhanded. It was in my file, but we never got the formal notice of it, just for the record.

• (1250)

The Chair: Mr. Scott.

Hon. Andy Scott: It isn't unusual. In fact, it's probably more often the case that once the notice is given, the member who gave the notice can act on it at any time.

The issue is to give everybody proper time to prepare. Once you're given that proper time—and I've sat on notices myself for weeks—it's in the system, notice has been given, and obligations have been met on giving colleagues notice. But the reality is that because he gave it, there's no formalization, as Mr. Fast has referred to it; there's no process to formalize the fact that it's going to be on the agenda today.

It was given in due process, and he can act on that notice any time. He can act on it next Thursday; he can act on it in September. It's in the system, it's been given, and you know it's coming. The obligation is on the part of colleagues to be prepared for whenever that happens. The point I'm making is that it's not going to be any more formal than that in the future.

The Chair: Mr. Fast.

Mr. Ed Fast: Mr. Chair, my response would be this. We have evidence that other members of the committee never saw this until this morning. If Mr. Laframboise circulated the motion, I certainly have a copy on my file, but I'm not aware that it was formally delivered to the clerk.

Mr. Carrier may confirm that it was delivered to the clerk at that time.

Mr. Brian Jean: Even the chair didn't receive it. I mean, it seems very obvious.

I'm sorry that I'm speaking out of order, Mr. Chair. I'll let Mr. Julian have the floor.

The Chair: Mr. Julian.

Mr. Peter Julian: Mr. Chair, we had Mr. Carrier distribute it in two ways. He distributed it to the clerk. It was also distributed last Thursday, and my colleague passed on the motion to me. Very clearly a member of this committee, in good form, deposited a motion five days ago.

It's time to debate, discuss, and adopt or reject that motion. I don't think we should have any further procedural delays. This member tried through two methods to get it to all members. I think he's done honest due diligence and no delays should be brought. We should move to vote on the motion itself.

The Chair: Are there any other comments?

Mr. McGuinty.

Mr. David McGuinty: I don't think the obligation is on the member proposing the motion. If I remember the rules to warrant that the clerk's staff may or may not have distributed it, I think the obligation is on the member of the committee to actually present the motion to the clerk. Once that is done, it constitutes sufficient notice. Is that not correct?

The Chair: I'm advised that is correct, but the members need to have a copy. I would again advise the committee that I have no record of that document at all, electronically or on paper.

Mr. Jean.

Mr. Brian Jean: I'm simply asking for 48 hours. We meet in two days, or do we meet in five days?

I'm asking for two days. Mr. Julian, of course, received the same kind of consideration on another notice of motion that was put forward in a similar manner, but we are asking for two days.

With respect, I think this is a serious precedent that we are trying to set here today. If nothing else, don't you think that as members you'd want to have a full understanding of what's going to take place before you make a motion like this? Don't you think there's a possibility that we might have something? We know that delaying for two days is not going to cost anything.

The Chair: Mr. Carrier.

[*Translation*]

Mr. Robert Carrier: Mr. Chairman, you're being asked to set a totally unreasonable precedent. I submitted the motion to the clerk last Wednesday for distribution at last Thursday's meeting. A certain amount of time has passed since the motion was tabled. Everything was done according to the rules. Moreover, Mr. Fast admitted that the motion was placed in his files last Thursday. I think that proves most of you received it. I don't see why we should wait another two days to consider a motion that was tabled in accordance with the rules of procedure of this committee and that is by no means revolutionary in scope. I don't see why we would agree to a further postponement, since everything was done by the book. Therefore, I ask that we vote today, perhaps even right away, in fact, on whether or not the motion is in order, so that we can proceed with our discussion.

• (1255)

[*English*]

The Chair: Well, there are no other comments from committee members.

Pardon me?

Mr. Brian Jean: Mr. Fast was asking a question.

The ruling that I asked for is the first thing that we have to deal with, of course.

The Chair: Yes, the suggestion has been made that we delay it for two days.

I will ask the committee if they will consider bringing it back here on Thursday and that it be the first order of business for Thursday. I would have to ask for a show of hands. I presume that's the route I have to go.

Hon. Andy Scott: I would defer to the presenter. He's done everything here. The request would be from him, and my sense is that he feels he's done everything he's supposed to do. We'd therefore like to proceed.

I would defer to Mr. Carrier.

The Chair: Mr. Jean.

Mr. Brian Jean: My understanding of the proper notice is that it's not just giving notice to the clerk; it's giving notice to the committee members.

I don't know. Mr. Fast said he has a copy in his file, but he doesn't recollect anything in relation to the motion itself. If it was passed around, I would suggest it was circulated to some members. I do not have it in my file, and, as you can see, I have a fairly detailed one.

It's not only to provide it to the clerk. The clerk is under an obligation to give 48 hours' notice of any motion to the members. It's got nothing to do with the clerk. The deficiency that I find is the membership.

It's not whether or not Mr. Carrier did something right or wrong; it's whether or not it went from there to proper notice. It didn't have proper notice.

The Chair: Mr. Julian.

Mr. Peter Julian: Mr. Chair, the motion has been deposited, it's been moved and seconded. I call the vote.

Mr. Brian Jean: I'm asking for a ruling from the chair first.

The Chair: I'm advised I can't rule it out of order, according to the members of the committee who have acknowledged they've received it. I have asked the committee to consider deferring it till Thursday, and they have said no.

Mr. Brian Jean: Do we still vote on that, Mr. Chair?

The Chair: It doesn't have to come as a vote. It was asked of the person who presented it.

With that, I will call the question. The motion has been made.

Mr. Ed Fast: What is the motion? I understood it was to defer it for two days. That was the initial one we talked about.

The Chair: The motion basically states that the committee ask the Minister of Transport, Infrastructure and Communities to ensure that officials of the transport department will notify—

Mr. Ed Fast: That's fine, Mr. Chair. As long as I understand what you mean.

The Chair: Okay.

(Motion agreed to [See *Minutes of Proceedings*])

Mr. Peter Julian: Mr. Chair.

The Chair: Mr. Julian.

Mr. Peter Julian: I have a final item of business. I submitted about 14 witnesses to deal with the issues of air transport safety, marine safety, and rail safety. I'd like to know which witnesses are coming forward on Thursday.

The Chair: We are bringing in department people with regard to safety and security. I don't believe that bill is at a point where we will be calling witnesses. Am I correct?

We don't have any bill before us.

Mr. Peter Julian: No, no, no, but the issue we decided to tackle, as a committee, was that we would deal with marine safety, air safety, rail safety. We supplied witnesses to the clerk, and not a single one of the witnesses we've passed on has yet been called and contacted by the clerk.

•(1300)

The Chair: This was the first presentation we've had on this issue. On Thursday we have government officials, then we will be notifying people as to available times. We're going to continue with this discussion until we've heard from them.

Mr. Peter Julian: Next week, both Tuesday and Thursday, we will have the witnesses that we have—

The Chair: I believe so, unless something comes forward in the interim. But I don't see that happening at this point.

Mr. Peter Julian: Thank you, Mr. Chair.

The Chair: Okay.

The meeting is adjourned.

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