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Chair

Mr. Merv Tweed

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Standing Committee on Transport, Infrastructure and Communities

Wednesday, March 21, 2007

• (1535)

[English]

The Chair (Mr. Merv Tweed (Brandon—Souris, CPC)): Thank you, and good afternoon, everyone. Welcome to the Standing Committee on Transport, Infrastructure and Communities, meeting number 40. Pursuant to the order of reference of Tuesday, November 7, 2006, we are studying Bill C-6, an act to amend the Aeronautics Act and to make consequential amendments to other acts.

Joining us today we have Daniel Maurino—I was actually going to say I've seen you play football a lot, but you're not him—who is the coordinator of flight safety and human factors. He's with the International Civil Aviation Organization.

We do appreciate you taking the time today to be here. I'm sure you may have been informed that we'll ask you to make a brief presentation, and then we'll do rounds of questions from the members.

Please begin.

Capt Daniel Maurino (Coordinator, Flight Safety and Human Factors, International Civil Aviation Organization): Thank you, sir, and good afternoon, everybody.

I am about 100 kilos and several millions of dollars short of the real Dan Marino, but I wish I had them.

It is an honour to be here this afternoon. I think I could use my time in a most useful manner by providing the committee with the briefest of pictures as to what ICAO, the International Civil Aviation Organization, is.

I believe the best way to describe ICAO is to say it is the specialized aviation agency of the United Nations. We are part of the UN system. Our basic mandate is set in a document called the Chicago Convention. It's a broad blueprint of how to conduct the business of international civil aviation in a safe, efficient, and orderly manner.

The organization was created back in 1944, in Chicago, so we've been in existence for over 60 years now.

The Chicago Convention is our guiding document. The actual implementation of the actual business of harmonizing safety in international civil aviation is conducted through the application of the requirements in 18 annexes to the convention. Each annex to the convention refers to a particular component of the aviation system. Annex 1 refers to personal licensing, annex 2 refers to rules of the air, annex 3 refers to meteorology, and so on and so forth.

Our basic job, on a day-to-day basis, is keeping these annexes to the convention up to date. These annexes define the standards and recommended practices that states have to follow in order to be members of this universal partnership.

The important thing to highlight here is that as long as a state is involved in international aviation operations, the state in question has to follow the standards in the different annexes. The states may file differences with the standards in the annexes, but it's not a ticket out of compliance. The differences can only be applied for domestic operations. The moment you're engaged in international operations, you must follow these standards.

The subject of interest to this committee, or at least to this session, safety management systems, is contained in standards that are included in three of these annexes. They are annex 6, which refers to the international operation of aircraft; annex 11, which refers to air traffic services, and that includes both air traffic control and air traffic management; and lastly, annex 14, which deals with aerodromes.

In order to implement these standards, we publish a diversity of materials, including manuals and circulars, and occasionally we get involved in training, as in the case of safety management systems.

My closing remark is to re-emphasize the point that compliance with this standard, this universal standard, is not something you might or might not elect to do; you have to do it. So there's quite a force behind these standards.

Thank you, sir.

The Chair: Thank you very much, Mr. Maurino.

We'll go to Mr. Volpe.

Hon. Joseph Volpe (Eglinton—Lawrence, Lib.): Thank you very much. That was one of the briefest presentations we've had. So Mr. Maurino, thank you very much, and welcome to the committee.

The last time Canada was audited by ICAO was in 2005, and it recommended, if I'm correct, that Canada comply with international standards. We had a witness here before, Judge Moshansky, whose opinion was that Transport Canada did not, and that in fact Transport Canada might be in violation of international safety standards. Is that your opinion, too?

Capt Daniel Maurino: Well, sir, there are over 15,000 standards in the 18 ICAO annexes. So to say that a particular state does not comply with standards, without being precise as to what standards we're talking about, is a kind of generic statement, and I couldn't comment without having more specifics in front of me.

I would say, nevertheless, as a generic statement, that I don't think that's true at all. I think if there is one particular civil aviation administration that is an example for others to follow, that would be Transport Canada, without any doubt in my mind.

• (1540)

Hon. Joseph Volpe: I guess you've kind of pre-empted the subsequent question I was about to ask you, and that is whether there are areas in that report, that you're aware of, that indicate that Transport Canada would be in violation of any of those regulations.

Capt Daniel Maurino: No, sir, I'm not aware.

Hon. Joseph Volpe: But we still have other opinions that Canada is the only nation that will have introduced an SMS system without requiring a concurrent, or parallel, system of effective regulatory oversight by aviation inspectors. Is that an accurate statement?

Capt Daniel Maurino: I'm not aware of the details of the implementation of SMS in Canada. I am aware of the concept Transport Canada is following in terms of the implementation of SMS. There is nothing in what I know about the SMS concept in Canada that means the elimination, substitution, or what have you in terms of civil aviation inspections. I cannot identify any trend in that direction, sir.

Hon. Joseph Volpe: Is it true or not that other countries that have put in an SMS system also have a very viable and effective inspectorate?

Capt Daniel Maurino: I believe it's important that we make something clear at the outset. There may be a perception in this committee that SMSs are deployed on a worldwide basis and that Canada is trying to catch up, when it is in fact entirely the opposite situation. Transport Canada is leading the world aviation community in the deployment of SMS in civil aviation.

Hon. Joseph Volpe: I thank you for that kind of vote of confidence in our country. I don't think the committee has any preconceived notions. The committee is just trying to get at the root of some of the perceptions that have been raised and some of the opinions that have been expressed here. At the risk of sounding repetitive, I think one of them is that having a regulatory body—an inspectorate system—that's responsible to Transport Canada, the government, that runs parallel to an SMS system to encourage voluntary reporting by the marketplace is the only viable alternative. It's the only viable option for any public anywhere to have and still feel comfortable that aviation security will be handled appropriately. Do you share that or not?

Capt Daniel Maurino: I do, without any question, sir. I don't believe that the notion underlying SMS is that you are going to get rid of your regulatory framework and that SMS means throwing your civil aviation regulations, or whatever you want to call them, out the window. The notion of SMS is that it's an additional layer, an additional safety buffer, that builds up on a solid foundation provided by civil aviation regulations.

Hon. Joseph Volpe: Mr. Maurino, I want to make sure that I don't mislead you or mislead myself. I don't think the committee is for a moment suggesting that we get rid of regulations; I think the issue that's surfaced before this committee has to do with how the inspection of the adherence to those regulations is conducted. It has to do with whether the inspection is solely by the SMS system or whether there is an inspectorate that is responsible to a government

body and that runs parallel to this SMS system. Is that the most appropriate thing, or should it be an SMS system like the one being considered under Bill C-6, to eventually do away with the inspectorate?

• (1545)

Capt Daniel Maurino: No, I don't think that would be appropriate, sir. An inspectorate force would remain an important part of the overall scheme. It should.

The Chair: Monsieur Laframboise is next.

[Translation]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Thank you, Mr. Chairman.

Mr. Maurino, what you're saying is important to us and we need to understand you clearly.

If I understand correctly, the ICAO would like safety management systems to be subject at all times to regulatory oversight. In other words, the organization believes that while safety can be assured with SMS, a regulatory oversight regime must nevertheless be in place.

Have I understood your position clearly?

[English]

Capt Daniel Maurino: Yes, sir, absolutely.

[Translation]

Mr. Mario Laframboise: I understand. That's where we have a problem with Transport Canada's approach. You audited Transport Canada's operations in 2005. In March of 2006, after safety management systems were put in place, Transport Canada terminated the National Audit Program which targeted the eight largest air carriers in the country. This means that the eight largest air carriers are no longer subject to an annual audit.

I won't ask you a question about that, because perhaps you're embarrassed by Transport Canada's actions, but I don't feel that Transport Canada is being reasonable by terminating an audit program simply because safety management systems were put in place.

Would you agree with me?

[English]

Capt Daniel Maurino: Yes, sir. In any change there is a transition period. What is the safety picture going to be in 20 or 25 or 30 years' time? Nobody really knows. If SMS evolves to the potential that we hope it will achieve, there may be a scenario in which audits are no longer going to be necessary.

But we're at the beginning. I want to reinforce a notion that I have expressed already. We're talking about SMS as if SMS were a done deal. It is not. We're at the beginning. We haven't even landed. We haven't even started this campaign. I believe that what's going on here is the fate that trailblazers suffer, which is growing pains.

In many aspects, we're learning as we move, and we become wiser as we get additional feedback. What I'm trying to say is that this early in the game, taking any radical measures, whatever they might be, would be unwise. I think the elimination of an inspectorate force, audits, or other conventional mechanisms that have ensured safety in aviation for over sixty years would not be applicable until we are absolutely certain that what we're removing is being replaced by a better system.

[*Translation*]

Mr. Mario Laframboise: I totally agree with you. That's what this committee is attempting to find out.

Let me give you an example. As I understand it, the ICAO recommends that airports be inspected every three years. However, in March 2006, Transport Canada terminated its National Audit Program which targeted the five largest airports in Canada.

We don't want to see safety management systems taking the place of audit and inspection systems until they've proven to be effective. We're concerned that Transport Canada has terminated its National Audit Program at the five largest airports in the country.

I realize that you have not done an analysis, but are you concerned, as we are, that existing audit systems are being replaced before SMS has proven to be effective? Audits were conducted in 2005 and Canada was probably found to be a relatively safe country at the time. Administrative decisions are being made at this time to save money, but in our view, SMS has not yet proven its mettle.

• (1550)

[*English*]

Capt Daniel Maurino: I'd like to emphasize the fact that I am by no means an expert in the internal Canadian situation, so I am not familiar with many of the details the committee is presenting. I don't know about Transport Canada doing certain things. I can only present a conceptual view of how an SMS system should operate based on the general direction that ICAO is following.

I can only reiterate what I've already expressed. It is a basic principle in the management of change that you must introduce change gradually, checking that whatever change is introduced does not introduce additional hazards into the system. You do not remove existing defences until you have other defences in place, and so on and so forth.

If you are presenting a scenario in which you tell me that we have a defence in the system that is a tested defence, a proven defence, and we're entirely removing that defence and replacing it with another defence that we have yet to identify as such a valuable defence, my reply would be that that's very poor management of change. But that's a basic kind of conceptual issue, and that's as far as I would dare go on this particular question.

The Chair: Mr. Julian is next.

Mr. Peter Julian (Burnaby—New Westminster, NDP): Thank you very much, Mr. Chair. Thank you, Mr. Maurino, for being here today.

We've got lots of questions to ask. I'll start with a quick one. Did you receive a briefing from Transport Canada officials before you came to this committee?

Capt Daniel Maurino: No.

Mr. Peter Julian: So you haven't had any discussions about what has transpired most recently in Canada?

Capt Daniel Maurino: No.

Mr. Peter Julian:

Okay. I want to come to the report that ICAO finalized in January 2006. My colleagues have referred to it. Two elements came out of that. One was an observation:

Transport Canada's enforcement programme complies with Article 12 of the Chicago Convention by ensuring that every aircraft complies with the regulations and by providing for the prosecution of persons violating the regulations.

We have a bill before us that essentially takes away that element of prosecution of persons violating the regulation. Would that be a matter of some concern for ICAO, since it's very clearly stated in the audit done in 2005 that it is one of the advantages of the system that we currently have, or had at that time?

Capt Daniel Maurino: I believe that's probably one of the most sensitive and contentious issues within the entire SMS concept. SMS systems, gentlemen, are data-intensive. It's essentially replacing opinions with data, so we have to acquire the data.

Nobody—nobody—knows better how a system really works, and I underline the word “really”, than the people who operate the system: the pilots, air traffic controllers, mechanics, cabin crew, and ground personnel. If you want to know how your system works beyond regulations, beyond what the book says, you've got to ask these individuals.

If we need data, who is in the best position to provide this data? I believe the reply is so obvious—operational personnel—but if we are asking people to report on what they see, to report on flaws in the system that are there and were not anticipated when the system was designed, if we're telling these people to come forward with this vital safety management information, we cannot expect them to do it if the only reward they are going to receive is punishment.

• (1555)

Mr. Peter Julian: But the ICAO report was very specific in saying that providing for prosecution of persons violating the regulations is an important component.

I'd like to turn to another component that is specifically mentioned. My colleagues mentioned it as well. It is the national audit program. The continuous airworthiness surveillance of commercial aircraft is performed through the national audit program, ramp checks, and the inspector assigned to the air operator. This was specifically mentioned in the audit undertaken in 2005, and as my colleagues have mentioned, in March 2006 the national audit program was essentially killed.

Is that a matter of concern? We have, again, a specific recommendation, a specific observation of the existing air safety system that subsequently has been abandoned or gutted. Is that not a source of concern, given the ICAO audit of Canadian airline and air safety operations?

Capt Daniel Maurino: I'm not quite sure it's a matter of concern, sir. If you have a system of checks and balances, the audit is one more component of that system, but not the only one.

I would like to stress the fact that when we say.... The question of errors and violations is fundamental here. Unless we understand that and deploy the appropriate measures to ensure that a balanced perspective is achieved, we're not going to go anywhere with safety management systems. We need to protect our sources of safety data, and I don't mean that we should create a special kind of workforce or citizens above the law; all I'm saying is that if we want to have access to certain specific safety data, we need to deploy the necessary mechanisms to ensure we have access to that data.

Mr. Peter Julian: There is a contradiction between what ICAO has said in its audit and the measures that have been taken, the national audit program, and in October 2006, where all the enforcement investigations on safety violations in place, if there was an SMS in place, were abruptly abandoned. There again, very clearly, in the audit that was undertaken, there is concern implicitly, because what is very explicit is that those are extremely important components. Having that national audit program and having the enforcement components are extremely important elements of our existing safety system.

I'll move on, then, to the next issue, which is the number of inspectors. We have data that clearly shows that the number of civil aviation inspectors has gone down, and we've had previous witnesses who have testified to that as well. In fact, within the next few years we will see a serious shortage in the number of civil aviation inspectors because of retirement. The number has gone down, and through attrition we're going to lose even more. Could that not be a source of concern to ICAO, given the report that we would have fewer inspectors in place and the functions they had seemingly have been abandoned or gutted?

Capt Daniel Maurino: There are two questions there.

First of all, going back to the question of enforcement, if you were to tell me that Transport Canada or the Canadian government is considering totally discarding enforcement, my comment would be that it's a very bold measure. I'm not sure I would agree with that. If you're telling me that Transport Canada is considering somehow changing or adopting its enforcement policies to reflect a more contemporary approach to enforcement underlying SMS, that's a completely different matter. They are not the same, as I'm sure you realize.

Secondly, you might have a million inspectors and be absolutely ineffective, and you might have 100 inspectors and be absolutely effective. So I couldn't comment on numbers. To me, the safety performance of the system should be the parameter, not the number of people manning the system.

• (1600)

The Chair: Mr. Fast.

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

I thank the witness for being forthright and for that very useful information. I think Mr. Julian has been trying to draw you into a conclusion that you cannot make on the facts, and I've noted that you've resisted doing that. You've already stated that you haven't

been briefed by Transport Canada staff on this. Have you had a chance to look at Bill C-6?

Capt Daniel Maurino: Yes, sir.

Mr. Ed Fast: So you know that proposed section 5.39 does address the issue of ongoing audits within a new safety management framework.

There's also a suggestion by another member of this committee that somehow inspections are going to disappear as a result of this bill. I don't read that in the bill. I've spoken to Transport Canada staff and I've spoken to the parliamentary secretary. I don't see any evidence of that actually being the intention.

You've had a chance to view the act. Does the act suggest that SMS would be applied and implemented in a way that ongoing inspection and audit functions would still be performed?

Capt Daniel Maurino: As a technical person, as a safety practitioner, it is extremely difficult for me to read the details of the legal word. I have to admit that although I did look at the act, I didn't read it in any detail. On the surface, at face value, I don't read anything in the act that indicates to me that audits are going to disappear. If it's there, I have not been able to identify it, sir.

Mr. Ed Fast: That's my understanding as well, and I've read the act through several times to try to understand this issue.

I'd like to go back to the audit that was recently performed by ICAO. Is it safe to conclude that Canada has one of the safest aviation systems in the world?

Capt Daniel Maurino: To me it is, but not because of the audit. It's because of my knowledge of the Canadian aviation system. The audit means, to a large extent, maybe, ticking boxes. Who knows?

Mr. Ed Fast: What did the audit disclose in terms of results? There was significant compliance with ICAO standards. Is that not correct?

Capt Daniel Maurino: I am not familiar with the results of the audit. I cannot comment on the audit report itself because I have never seen it.

Mr. Ed Fast: Do you sense that this federal government's attempt to introduce Bill C-6 and formalize the use of safety management systems within Canada's aviation industry is a significant step forward in ensuring ongoing safety within the industry?

Capt Daniel Maurino: I wouldn't know about this particular government, sir, but I do assure you that any attempt to introduce safety management systems in aviation is a significant step forward in terms of safety.

Mr. Ed Fast: You mentioned that Canada is a leader, it's at the leading edge. Could you expand on that?

Capt Daniel Maurino: Yes, sir.

There is no other civil aviation administration among the 190 contracting states to ICAO that has progressed implementation of the concept of safety management systems to the extent that Transport Canada has progressed it.

I know there is a perception that the Australians, the New Zealanders, and the British have not gone beyond the production of a couple of manuals and some guidance material. There's nothing in their regulatory systems that somehow conveys the notion that they are going to react like the other 189 contracting states to the ICAO SMS requirement in annexes 6, 11, and 14. Canada is the only civil aviation administration that was ahead of the game before ICAO produced these requirements.

• (1605)

Mr. Ed Fast: So you're suggesting that Canada is actually a role model in the world in terms of aviation safety and now moving toward SMS implementation.

Capt Daniel Maurino: Yes, sir, that's what I'm saying.

Mr. Ed Fast: Really?

Capt Daniel Maurino: Yes, sir.

Mr. Ed Fast: Could I ask you again, of your knowledge of the Canadian aviation industry and our safety record and the direction we're moving in, have you heard any indication that there's an intention to reduce the number of inspections so as to negatively impact aviation safety?

Capt Daniel Maurino: I'm hearing that here today. I had no knowledge of anything of that nature before today.

Mr. Ed Fast: Just so you know, there is a suggestion that there had been a general sentiment from the witnesses that in fact that was happening. That's actually not the case. In fact, overwhelmingly, the witnesses who appeared before this committee actually strongly supported Bill C-6, subject to minor modifications, and we're working through some of those. But in fact there was general consensus, except for one or two exceptions, that this is an excellent direction for Canada to go. Just so you know that.

Thank you, Mr. Chair.

The Chair: Thank you, Mr. Fast.

Monsieur Bélanger.

[*Translation*]

Hon. Mauril Bélanger (Ottawa—Vanier, Lib.): Thank you, Mr. Chairman.

[*English*]

Mr. Maurino, just so I understand the relationship between Transport Canada and the association you're representing today, would your association be consulted among the stakeholders when Transport Canada undertakes a review of its regulatory or legislative air safety framework?

Capt Daniel Maurino: You mean if other countries—

Hon. Mauril Bélanger: No. Would Transport Canada consult your association, the International Civil Aviation Organization, when it is proposing to introduce major changes to its regulatory or legislative framework?

Capt Daniel Maurino: Only to the extent that those changes would imply a deviation from Canada's international obligations vis-à-vis the annexes of the convention.

Hon. Mauril Bélanger: Do you know, in this case, whether there has been any consultation by this government or previous

governments in the preparation of this bill in whatever iteration it has been before Parliament?

Capt Daniel Maurino: If the bill doesn't imply, again, a deviation from international standards, there would be no need for Transport Canada to notify ICAO. If we learn about it, it's through the normal exchange of information that we have with working partners, so to speak.

Hon. Mauril Bélanger: Fair enough.

In response to a question from Mr. Fast, he was asking you whether or not there was any indication in the act that's before us that inspections were going to disappear. You responded that no, you didn't see any such measures. Would you also say the same thing in the case of whether there is any assertion in the act that they were not going to disappear? Have you seen any of that in the act?

Capt Daniel Maurino: No, sir.

Hon. Mauril Bélanger: Either way?

Capt Daniel Maurino: Either way.

Hon. Mauril Bélanger: Okay.

I've got a letter here from... Are you familiar with Judge Moshansky?

Capt Daniel Maurino: Yes, sir, very well.

Hon. Mauril Bélanger: He has a letter to the Minister of Transport, the Honourable Lawrence Cannon, and every member has a copy of this letter, and we'd be delighted to give you one too.

He writes towards the end of his letter—it's a long one:

In summation, the fact that, in March, 2006, Transport Canada suspended its National Audit Program, which is an integral part of any regulatory oversight program, belies any suggestion that an adequate regulatory oversight program is now in place in Canada. In my view, in order to assure the safety of the Canadian air travelling public...

—and I'll say that is the purpose of our being here today—

... in order to assure the safety of the Canadian air travelling public, Bill C-6 must be amended to:

—and he raises two points in particular—

Protect air carrier employees who report safety violations to the regulator with an effective "whistleblower" amendment. Failure to do so will be the Achilles heel of SMS.

Severely limit or rescind the Bill C-6 provision that allows Transport Canada to delegate safety oversight to an industry association.

Would you comment on those recommendations from Judge Moshansky, please?

• (1610)

Capt Daniel Maurino: The question of violations, whistle-blowers, and what not, again, is an extremely sensitive issue. I believe there is a big difference between protecting whistle-blowers and protecting sources of safety information. I think that what a safety management system should aim for is to protect the sources of safety information on the understanding that if you protect the source, i.e. if you provide the source of safety information with some kind of qualified protection, you are going to be protecting individuals who report.

I insist that this is a very fine line we're walking here, and it's very easy to go one way or the other—

Hon. Mauril Bélanger: What about his second recommendation?

Capt Daniel Maurino: Which was?

Hon. Mauril Bélanger: Which was “severely limit or rescind the Bill C-6 provision that allows Transport Canada to delegate the safety oversight to an industry association.”

Capt Daniel Maurino: I believe that a very careful delegation of a number of responsibilities, a controlled delegation, is something we should consider as a future component of the safety management system. Now whether systems are mature for that delegation to date, I wouldn't know, but it should be an objective.

The Chair: Monsieur Roy is going to give his five minutes to Monsieur Laframboise.

[Translation]

Mr. Mario Laframboise: Therein lies the problem, Mr. Maurino. The bill makes no provision for regulatory oversight. We have a bill on SMS without any guarantee of adequate regulatory oversight. That's a fact. Regardless of how you look at it, the bill contains no guarantee that a regulatory oversight regime will be maintained. That's what has us worried.

What you don't understand is that at the same time that this bill was introduced and that we were working on Bill C-6, the National Audit Program was cancelled. Right now, the eight largest airlines are not inspected annually and the five largest airports in Canada are not subject to inspections every three years, as recommended by the ICAO, the reason being that this program was abolished in March 2006. We are concerned about these developments.

I'm not saying that things are going badly. However, since the bill makes no provision for regulatory oversight, there is a danger that one day, the entire safety system will be at risk, because it could be found that ICAO standards are not being respected when the next audit takes place. I believe that will be in five years' time.

We'd like to hear your views on this matter. We don't want to see Canada head down the wrong path because Transport Canada thought SMS would replace regulatory measures.

[English]

Capt Daniel Maurino: I'm not sure what the question is, sir. But if the situation is that you're telling me Transport Canada has totally eliminated the proficiency check-in and any other requirement in annex 6, without an alternative method of compliance, then it would be a case of a violation of international standards.

I cannot comment, because I don't know if that is the case. I'm not aware of it, and I'm not familiar with the internal situation in Canada.

If it has happened that way, yes, it is a difference, and we should have been notified. If one means of compliance is replaced by an alternative means of compliance, there is ample latitude in the annexes for interpretation. It would be a question of analyzing this alternative method to see whether or not it complies with international standards.

•(1615)

[Translation]

Mr. Mario Laframboise: Basically, that's what we want. We want a guarantee of some kind that international standards will be

respected. If that means incorporating into the act a parallel regulatory oversight regime, then so be it. I think you will go along with that, even if we were to make some changes. It's the committee's job to amend the bill and that's what we want to do. We want to try and improve the bill so as to maintain a regulatory oversight system and to ensure that the safety management system operates effectively.

Do you agree with our proposed course of action?

[English]

Capt Daniel Maurino: Yes, sir. I certainly agree, but I'd again like to warn the committee that it is important that the ICAO standards give considerable leeway to states in terms of implementation. They are generic because we need to take into consideration the different possibilities and constraints of an audience and membership that go from states with resources, such as the U.S. and Canada, to Montenegro. These are very generic standards. There is leeway for states to implement these standards in ways that are appropriate to their resources and limitations.

Furthermore, this is a word of caution regarding the audits. You might end up with a different file because you've done better than the standards.

I'll give this committee one specific example. Annex 6 clearly indicates that flight crew members should undergo periodic training every six months. The Federal Aviation Administration devised a program, which is called the advanced qualification program. It is a state-of-the-art training system that allows airlines in very controlled environments to have their crews trained once a year. It is a superior system, and it's so complex and sophisticated that it has only been implemented in a few carriers within the United States.

But the fact remains that those carriers cycle their flight crews through the training system once a year, not twice, as annex 6 imposes. Even when the system is superior, in the audit of the FAA, it was marked as a difference.

Not meeting standards does not necessarily mean substandard performance. It simply means you're not ticking a box.

The Chair: Mr. Storseth.

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

Thank you very much for coming forward today.

To your knowledge, what other countries have implemented SMS, safety management systems?

Capt Daniel Maurino: To the extent of Canada, no one has.

Mr. Brian Storseth: Are there countries that have already implemented the system but not to this extent?

Capt Daniel Maurino: There are countries moving in that direction, the United States most notably. States will now have to move in that direction because of the ICAO standard. As we speak, other than Canada and the U.S., that's it.

Mr. Brian Storseth: So we will be one of the first countries, should this legislation go forward, to actually achieve that new standard.

Capt Daniel Maurino: You would.

Mr. Brian Storseth: One of the aspects that your organization looks at is the minimization of the adverse effects of civil aviation towards the environment. Correct?

• (1620)

Capt Daniel Maurino: I'm sorry. I don't understand what kind of environment you are talking about.

Mr. Brian Storseth: In reducing emissions.

Capt Daniel Maurino: You mean environmental?

Mr. Brian Storseth: Yes.

Capt Daniel Maurino: Yes.

Mr. Brian Storseth: Your organization looks at this, correct?

Capt Daniel Maurino: Yes.

Mr. Brian Storseth: There are some amendments in this legislation that would go towards this. Could you comment on how these amendments would have perceived benefits?

Capt Daniel Maurino: I'm sorry. I'm by no means involved in environmental issues.

Mr. Brian Storseth: Not a problem.

It's my understanding that this legislation also brings forward amendments that go above and beyond and would make the Canadian civil aviation sector even more green than it already is.

I'd also like to talk to you a little bit about the process of which you were speaking earlier. Unfortunately, many of our colleagues have decided to talk about the process in a negative light, but I think it's important to talk about this in a positive light, the process of change going towards the SMS system and how Transport Canada is doing it in a very positive fashion by actually overlaying it and interlocking it with the regulations that are already in place.

Do you see this as a positive?

Capt Daniel Maurino: I think it's the only possible way to move forward. Aviation hates revolutionary change. Throughout our history we have followed, with a religious fervour, evolutionary change. So it means you build on top of your existing structures.

We've only tried to introduce revolutionary change in aviation a couple of times, and the consequences were terrible, so we shouldn't do that again, ever.

Mr. Brian Storseth: So the way you see it, we're doing it precisely the way it needs to be done, slowly and methodically over top of the current regulations.

Capt Daniel Maurino: To the extent of my knowledge, yes.

Mr. Brian Storseth: And it is your recommendation that this will definitely make the Canadian aviation system a safer system?

Capt Daniel Maurino: If SMS delivers the potential, if we can unlock the potential that SMS holds, yes.

Mr. Brian Storseth: You talk a little bit about reward versus punishment and the necessity to have voluntary reporting.

Especially, we've heard from other witnesses, some of the pilot associations, of the necessity of this.

Are you aware of any circumstances or instances where this has brought forward advancements within the system itself?

Capt Daniel Maurino: If you're talking about any specific event, no. But generally speaking, we could broadly talk about two different legal frameworks, the Anglo-Saxon or common law system, and then the Napoleonic code system, typical of Mediterranean and Latin countries. Where we see safety initiatives progressing above and beyond, it's in those countries that are under the Anglo-Saxon law because the Anglo-Saxon law or code is friendlier to the objective of protecting sources of safety information.

As a general statement, in those countries such as Canada, Australia, and New Zealand, their transportation safety or their accident investigation acts are more flexible. They allow going deeper into event investigation because they breed a degree of confidence between the investigator and the investigated. So there are definite advantages.

And I don't recall using the word "reward". I'm not talking about rewarding people for reporting. I'm only talking about not punishing them for reporting, which I think is a big difference.

Mr. Brian Storseth: One of the benefits, obviously, that I see to this isn't just after the accident; it's helping to prevent these accidents by people coming forward before these things happen and identifying core problems that might be happening.

Capt Daniel Maurino: I've been in aviation for 42 years now. You can't imagine how many times I, and I'm sure other individuals in this room, have heard this expression, "Oh yes, we knew it was an accident in the making." Why did I know it and the system not know it? It's because I was concerned about reporting and being punished.

• (1625)

The Chair: Thank you to Mr. Bell, who has relinquished his time to Monsieur Bélanger.

Hon. Mauril Bélanger: Thank you, Mr. Chairman.

Mr. Maurino, I wanted to see if you could help me understand this matter of the standards and whether a country is obliged or not.

When we had a presentation from Mr. Holbrook, who was representing the Canadian Federal Pilots Association, he said in his testimony that some decisions regarding the PPCs—the pilot proficiency checks—are putting Canada in violation of international standards. Then he referred us to some tabs. Essentially, some of this is highly technical, but there are some statements from Transport Canada in one of its circulars saying that Transport Canada will eliminate the current provisions for PPCs conducted by inspectors by December 31, 2007.

Then in the final report on the safety oversight of your association, there is a reference made that indeed pilot proficiency tests in Canada are only going to be every two years now.

For your organization they're every six months, I believe. Does that mean that a Canadian pilot who only has a proficiency check every two years cannot operate internationally?

Capt Daniel Maurino: It should not.

Hon. Mauril Bélanger: If, therefore, any pilot operating for Air Canada or anyone else wants to operate outside Canada, they must meet the proficiency standards, or the standards set by your association.

Capt Daniel Maurino: But it doesn't mean that the proficiency check has to be delivered by a Transport Canada inspector.

Hon. Mauril Bélanger: I understand that.

Do you know, by any chance—perhaps the question should be addressed to the pilots or someone else—whether this is a decision that belongs to the pilots themselves or to the company that hires them, or to Transport Canada, as to whether or not they can get their pilot proficiency checks done every six months or so?

Capt Daniel Maurino: If Transport Canada were to give waivers to any particular airline in terms of current training, Transport Canada should notify ICAO of the fact. But again, if, for example, Air Canada decides to give proficiency checks every two years, it would be perfectly legal for those pilots to fly within Canada, but it would be like driving without a licence outside Canada. That would apply even to a flight from Montreal to Halifax, because you would fly over the U.S.

Hon. Mauril Bélanger: So who would make the decision to only test every two years instead of every six months? Would it be the pilots or the corporations, or is it covered in the collective agreements? Would you know?

Capt Daniel Maurino: It may be a question of bilateral negotiation, or whatever.

Hon. Mauril Bélanger: All right. Thank you.

[*Translation*]

I understood that the ICAO required operational oversight. Let me quote once again Mr. Holbrook's testimony to the committee. He stated the following:

In the system that has delivered Canada's current high safety rate, inspectors were under the hood of companies they audited and inspected. We flew with the pilots. We were in the maintenance shops. We were in the flight operations centres. With SMS, we will no longer do regular audits and inspections. We will review SMS documents, SMS reports, and system structures only. Our focus is shifting from actual operations to paper and policy.

Could you comment on this statement by Mr. Holbrook and on the ICAO's requirement of operational oversight? What exactly does that mean?

[*English*]

Capt Daniel Maurino: I hate to say this, but I was listening to you with one ear more or less in French and the other in English, and I don't think the two versions came out equally. I'm not sure what the question is. I'm sorry to say this.

• (1630)

[*Translation*]

Hon. Mauril Bélanger: I'll try one more time.

According to my sources, the ICAO requires operational oversight. Mr. Holbrook from the Canadian Federal Pilots Association stated the following when he testified before the committee:

In the system that has delivered Canada's current high safety rate, inspectors were under the hood of companies they audited and inspected. We flew with the pilots. We were in the maintenance shops. We were in the flight operations centres. With SMS,

we will no longer do regular audits and inspections. We will review SMS documents, SMS reports, and system structures only. Our focus is shifting from actual operations to paper and policy.

Would you care to comment on Mr. Holbrook's statement and can you tell me what the ICAO means by operational oversight?

[*English*]

Capt Daniel Maurino: Operational surveillance is the oversight of airline operations by the civil aviation authority in the broadest sense. I'm afraid I cannot comment on Mr. Holbrook's comment, because I don't quite understand the angle. I have to admit, and I'm terribly embarrassed for this, that I'm not sure I understand what the issue is here. I'm sorry.

Hon. Mauril Bélanger: Shall I perhaps try it in English? It'll be the last time. I'll summarize this.

Mr. Ed Fast: Clarify that it's the union representing the inspectors.

Hon. Mauril Bélanger: Yes, well, I said that. I did say that, Mr. Fast, twice.

Mr. Ed Fast: I didn't think about it. Maybe I'm slow.

Hon. Mauril Bélanger: My sense of what he's saying is that they're going to go from actual touch and see to reading it on paper. How does that jibe with the request for operational surveillance? That is essentially my question, as well as I can summarize it.

Capt Daniel Maurino: It's clear now. Again, with touch and see on a line check, inspectors do not capture what really goes on in unmonitored conditions.

I'm a pilot and I may be dumb, but I'm not stupid. If I have a Transport Canada inspector on my back, I'm on angel behaviour. I won't read the paper; I won't amend my Jeppesen binder; I'll go by the book.

What I get through those inspections is simply ticking the boxes. If you believe that regulatory compliance is the only way to achieve safety, then there you have your answer: do regulatory compliance. But by no means do I believe that simply complying with regulations is enough to ensure safety.

This is the crux of the matter, sir. Safety management systems aim at capturing what really goes on in the real world beyond regulatory compliance; regulatory compliance is only one part of this system, which tries to capture life as it is, not as it should be.

The Chair: Thank you.

Mr. Jean is next.

Mr. Brian Jean (Fort McMurray—Athabasca, CPC): Thank you, Mr. Chair, and thank you for coming today. I think all the good questions have been asked, but I'll see what I can do.

What you're saying in essence is that SMS and regulatory oversight can complement each other and make a safer environment. Is that correct?

Capt Daniel Maurino: That's the way it has to be, yes.

Mr. Brian Jean: There's a lot of misinformation that we've heard in the past. I know that some have suggested that Transport Canada is abandoning the enforcement mechanism, but that wasn't done. There was a directive, but that directive was to have enforcement done by individuals directly assigned to SMS-governed companies. The reason, I understand, was that there needs to be different training for those people who are looking at SMS systems and those people inspecting the SMS systems. Is that correct? Does it require different training?

Capt Daniel Maurino: The first question was on the delegation of certain functions to the industry. Again, it would be a first. There's not much experience on that on a worldwide basis, so whether it will work or not is an open issue. In theory, it should work; we'll see.

As to the second question, I suppose that if you know safety management systems, you know safety management systems.

• (1635)

Mr. Brian Jean: But indeed the traditional inspectors, let's call them people who have been inspecting for years—I think you called them touch and check inspectors—would have to receive additional training to comply with SMS.

Capt Daniel Maurino: Absolutely. Yes.

Mr. Brian Jean: Can you tell us a little bit about what kind of training they would receive or that you would suggest they receive?

Capt Daniel Maurino: Go back to the fundamental point. Inspectors are used to trying to capture life as it should be and they should be training to capture life as it is, with the understanding that we all know that out there in the real world it is not always possible to follow the book, and that is not necessarily bad because they are learning lessons there.

We're capturing those lessons today through the informal rumour mill. One of the things that SMS does is it provides a structured process to capture those lessons. So I don't have to say, yes, I knew about that, after the accident, but rather we can capture that information before the accident. And that really requires a change in mindset in the way that traditional flight inspection has been carried out.

Mr. Brian Jean: Are you aware of the new SMS assessment and evaluation protocol?

Capt Daniel Maurino: No, sir, I am not.

Mr. Brian Jean: Were you aware that this particular program was the one that replaced the national audit program?

Capt Daniel Maurino: No, sir, I was not.

Mr. Brian Jean: Are you aware of the Dryden incident that took place some years ago?

Capt Daniel Maurino: Very well, sir.

Mr. Brian Jean: I wonder if you're surprised or not to hear that when Justice Moshansky was asked the question, he said that if indeed SMS was in place at the time of the incident at Dryden, it's most likely that the incident itself would not have taken place. That surprised me, but it doesn't surprise you because I see you're nodding your head. It surprised me especially because I understand the accident was about icing, about not de-icing the plane.

Can you expand on that a little bit? I don't understand, quite frankly—and I think a lot of people don't understand—why he's so confident that it would not have happened if SMS would have been in place at the time.

Capt Daniel Maurino: I think it's a brave statement to say that if such things would have happened, that accident, or any accident, would not have happened. I do not believe in these linear relationships—

Mr. Brian Jean: Hindsight is always 20:20.

Capt Daniel Maurino: And Monday morning quarterbacking is an institution in aviation.

Hon. Mauril Bélanger: In politics as well.

Capt Daniel Maurino: I wouldn't know about politics, sir.

Dryden I know very well. It's quite likely that many of the latent conditions, of which three were failures by individuals, would have been identified had a safety management system been in place at that particular point in time. But saying that having a safety management system in place in March 1989 in Canada would have avoided Dryden is really a stretch of the imagination I think.

Mr. Brian Jean: But you're not surprised that Justice Moshansky said that, though. Do you agree with that?

Capt Daniel Maurino: No, not necessarily.

The Chair: Mr. Jean, we are over time, and Mr. Zed has relinquished his time to Mr. Bélanger.

Hon. Mauril Bélanger: Thank you, Mr. Zed and Mr. Bell.

Mr. Maurino, I want to quote a paragraph in the letter, the same letter I was quoting before. This is a letter dated March 14, 2007, from the Honourable Justice Moshansky concerning the previous set of questions you just heard about Dryden:

I therefore wish to make it clear, beyond any possibility for misinterpretation of my position, that, based on the Dryden experience and evidentiary record, I do not for one second believe that SMS, without effective regulatory oversight, would have prevented the accident at Dryden.

That needed to be read to set the record straight as to what the judge is effectively saying, sir.

Now would you care to comment on that?

• (1640)

Capt Daniel Maurino: I agree with the statement that SMS without a regulatory foundation is like building a castle in the air.

Hon. Mauril Bélanger: All right.

I wanted to bring you back to this touch, see, hear, and look, because that is essentially the nuts and bolts of regulatory oversight. If one shifts from one system that we currently have to another one that's done by someone else and where you see paper, that seems to be where we're having a difficulty. How can you be so sure that the delegation of regulatory oversight, since Canada is at the forefront of this according to you, is not a mistake? How can you be so sure of that?

You may be right, but I want to know what makes you sufficiently satisfied that you assert that indeed delegation.... But you put some qualifiers on it. In the time I have left, I'd like you to explore that, because those are some of the concerns we have. You know as well that when this was presented to us, it was said that the SMS will be "in addition to". Since then we've heard—and we'll hopefully wrap that up at the end—testimony saying that this is not quite the case, because we're delegating it.

You're right. That is the nub; that's where we are. So your comments in terms of that evolution, as you call it, would be useful.

Capt Daniel Maurino: If you are going to replace the hands-on inspection and all you're going to do is check papers, we're not going to be any better off; we're going to be worse off, actually.

If you're going to somehow complement, reinforce, and replace to a certain extent the visual personal inspection with a system that clearly gives you a reading of system performance, it's an entirely different question.

But I'm talking about real system performance; I'm not talking about reading a piece of paper and saying, it's okay, we have a reporting system. It wouldn't do any good to change one system of ticking boxes for another system of ticking boxes.

Hon. Mauril Bélanger: I'm done.

The Chair: Thank you.

Mr. Watson.

Mr. Jeff Watson (Essex, CPC): Thank you, Mr. Chair, and thank you to the witness for appearing.

You called SMS a structured process to capture lessons. What kind of information does SMS pick up that touch and feel inspection alone doesn't? Can you elaborate on some of that for us?

Capt Daniel Maurino: In line checks, in training, what you see are perfect behaviours, because you know you're being checked; you know your licence is on the line. Furthermore, there is a very important component: there is a misperception that in aviation, safety is first, and that is not true. Safety is the result of a compromise between trying to achieve protection goals, safety, and production goals, because this is an industry.

The true professional in aviation is the person who has managed to accomplish this balanced compromise between producing—that is, achieving the organizational goals—while protecting. In training, and to a large extent in checking situations, you're only interested in protecting, in the safety component. There is no production pressure. That is why training behaviours are only an indication of what real life behaviours are about.

By deploying systems that capture real time performance, you are capturing realistic operational behaviours, not idealistic behaviours, because then you're capturing how people manage this compromise between producing and protecting.

•(1645)

Mr. Jeff Watson: So you catch the people who may be trying to cut the corners, or you can anticipate those types of behaviours and avoid them in the future.

Capt Daniel Maurino: Not only avoid them, but sometimes cutting corners represents.... It's a representation of the collective expertise of a profession.

We've both been in this situation. You show up for your first flight and what do they tell you? They tell you, forget everything they taught you in training; I'm going to teach you how to fly this airplane, how this system really works. You know what that is? That is the collective expertise of the situation; that is, making systems that do not work like they're supposed to work, really work.

Imagine if we could capture that through formal systems instead of the rumour mill. That's what SMS does.

Mr. Jeff Watson: And that will allow us to reinforce the idea of, don't forget what you were trained or what you were taught in the manual. Very good.

You talked about unlocking the potential of SMS, and there are some keys to unlocking it. It has to build on a regulatory framework. Is that correct?

We've heard testimony before this committee that in fact we have more regulations than we did before. And SMS is a reality, though not a formalized reality, in Canada already.

One of the other keys for unlocking the potential of SMS is adding those who run the system at the operational or ground level to the inspectorate. We have written evidence from the assistant deputy minister that there are in fact more safety inspectors than there were five years ago.

So we are achieving some of the keys to unlocking the potential of SMS. Is that correct?

Capt Daniel Maurino: In as much as what you have mentioned, yes, sir.

Mr. Jeff Watson: Thank you.

That's all.

The Chair: Thank you.

We're going to do one more round of three minutes each. I would ask that if you have any questions to please keep them brief. Because of time limits, I will restrict you to three minutes.

Monsieur Laframboise.

[Translation]

Mr. Mario Laframboise: Thank you, Mr. Chairman.

Mr. Maurino, contrary to what you seem to be telling us, safety management systems aren't new to Canada. ICAO officials told us that the members of the association have been using SMS for four years now, and that these systems have resulted in fewer procedures and lower administrative costs. This association, which manages safety systems for 270 carriers and 500 corporate aircraft, believes that the both the paper burden and costs have been reduced as a result of SMS.

The fact is that Transport Canada has audited this association only once in four years. Another audit is scheduled to be done in the near future. Moreover, Transport Canada has not audited association members, whether airline owners or companies, since the SMS was implemented for this type of corporate aircraft.

That situation worries me, because the bill that was introduced does not guarantee any independent regulatory oversight. Could that give you cause for concern one day?

[English]

Capt Daniel Maurino: The absence of independent regulatory oversight is a concern. There is no question about that. But again, I don't know the internal Canadian situation to the extent of commenting beyond that, sir.

The Chair: Mr. Julian.

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

Thank you very much for coming here today.

We've had, basically, two types of witnesses. We've had witnesses who've spoken largely to the theory of SMS, like you—and we appreciate your presence here—but every single witness who spoke in detail about how this is actually being implemented has very clearly come out against what Transport Canada is doing.

We have the Federal Pilots Association, the inspectors, and 90% of them, who have 40 years' experience or more, have indicated that this proposal from the government would actually prevent them from addressing and correcting certificate holder safety problems. And 86% of all inspectors are very worried about the implementation of this system.

So I have to ask you this, and then I'll ask a second question as well.

First, do you simply disregard what those who are closest to the aviation industry and aviation inspectors are actually saying regarding their concerns about the system?

Second, we have these clear violations. You mentioned one of them, driving without a licence, where we're not in conformity with ICAO regulations. The second is around flight times, flight duty periods, and rest periods for cabin crews, something that was a violation that was raised in the safety audit in 2005 and not corrected. In fact, Bill C-6 actually stops the implementation of what ICAO has clearly indicated is required.

My second question is, are violations of the ICAO standards important, yes or no?

•(1650)

Capt Daniel Maurino: To the first question, I am not disregarding anyone's opinion; I am only explaining what I believe are the incredible benefits of a sensible deployment of SMS—

Mr. Peter Julian: In theory, as opposed to what is actually happening, because you can't comment on that.

Capt Daniel Maurino: Yes, and again, I do not live the realities of the day-to-day implementation of SMS within Transport Canada, so I wouldn't know about the testimony of others. I can only reiterate that from the perspective of a safety practitioner, SMS holds the

potential to take aviation to the next level of safety. There is absolutely zero question in my mind about that.

Mr. Peter Julian: On violations.

Capt Daniel Maurino: Are violations important? They may or may not be. The example I gave in terms of the Federal Aviation Administration's advanced qualification program, which is a violation to ICAO standards, but it's a violation in excess, I think pretty much sums it up.

If we're talking about some country in the middle of nowhere, then you can't come down and say you've got to follow regulations because this system really does not exist. The only way to build this system is through enforcement of regulations.

When you have an ultra-safe system like you have in the U.S., Canada, and in western Europe, regulatory compliance to the exact letter of the law is a matter that is not really a black and white safety situation, but greyish. In many cases, again, like the example of the advanced qualification program, the violation underlies superior performance.

The Chair: Mr. Fast.

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

First of all, I want to correct something.

Mr. Julian referred to the union that represents the inspectors. In fact, they did testify before this committee that their primary purpose is to represent the interests of their members and not aviation safety. They were pretty clear about that.

I'd like to focus on another statement that was made at this table, and that is the suggestion that the SMS that is being proposed under Bill C-6 is intended to replace regulatory measures.

I don't understand the bill to suggest that. I haven't heard any Transport Canada members suggest that. Is that your understanding of what this bill intends to do, that SMS would simply replace an existing regulatory structure, or is it more typically an integration of SMS with the current regulatory structure?

Capt Daniel Maurino: Do you really want to drag me into that?

Mr. Ed Fast: It's an important question.

Capt Daniel Maurino: I know it is.

The Chair: Perhaps before you answer that, Mr. Maurino, I would say to Mr. Fast that I think the witness may have an opinion as to how it should be done, but I don't think he should necessarily comment directly on this legislation.

You're here as an expert in the SMS field, Mr. Maurino, not necessarily an expert in government law.

Capt Daniel Maurino: The reason I wouldn't like to comment is not necessarily because I want to bail out, but because I have not had the time to read the act in detail. I was only told last Friday that I would be coming here.

On a superficial reading, it doesn't indicate anything to me one way or the other. I don't see anything obvious that would lead me to believe one thing or the other.

•(1655)

Mr. Ed Fast: Typically, would you expect SMS to be integrated into a regulatory framework?

Capt Daniel Maurino: Yes.

The Chair: Thank you.

Thank you very much for your attendance here. From my perspective, and I'm sure the committee's, we've gained a lot of knowledge from your presentation today and we appreciate it, Mr. Maurino.

Thank you.

Capt Daniel Maurino: Thank you very much.

The Chair: The committee is going to take a five-minute recess, and then we'll come back to deal with Mr. Julian's motion.

• _____ (Pause) _____

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•(1700)

The Chair: Thank you, and welcome back.

The second part of this afternoon's agenda deals with committee business and Mr. Julian's motion.

I do want to acknowledge that I have submitted a report of the subcommittee, which you've received. I don't need a motion or anything. I just wanted to make people aware of what was discussed at last night's committee.

Mr. Volpe.

Hon. Joseph Volpe: On a point of order, Mr. Chair, I was really offended by the unsociable manner in which you treated me, a colleague of yours in this committee, yesterday in debates. After being such a nice guy and trying to be so cooperative, you went after me with a vengeance. I almost thought you were a member of the Conservative Party.

Some hon. members: Oh, oh!

An hon. member: You did a great job, Mr. Chair. You stood up.

•(1705)

The Chair: Well, I would draw the honourable member's attention to my opening comments, where I paid him one of the nicest compliments I could possibly give.

Mr. Julian.

Mr. Peter Julian: Now we'll all expect compliments, Mr. Chair.

I will quickly go to my motion. I don't think it will be controversial at all.

There's a National Marine and Industrial Council, as many members know, which is comprised of deputy ministers of Environment Canada, Fisheries and Oceans Canada, Foreign Affairs and International Trade Canada, and Transport Canada; an associate deputy minister from Industry Canada; and nine industry representatives selected from the chief executive officers of Canadian companies only. This National Marine and Industrial Council advises the government on marine policy. There is about \$140,000 a year of taxpayers' money that goes into supporting the NMIC. Very

clearly we have a committee that advises the government on policy—a very important, high-powered committee—and it doesn't involve workers from the industry itself.

The motion is simply to rejig the National Marine and Industrial Council so that it will include labour, a broader base of marine and industry stakeholders, and will provide an inclusive forum for Canada's national maritime transportation policy development. It's simply a way of giving better, more inclusive advice to government.

As I say, given that this is funded by our government, it really needs to respond to the stakeholders within the marine industry. I hope it will get support from all four corners of this committee table.

The Chair: Thank you, Mr. Julian.

Mr. Bell.

Mr. Don Bell (North Vancouver, Lib.): I have done some inquiries with respect to this. One of the questions—and we don't really have any staff here to comment—is just how effective this committee has been. I'm referring now to the existing committee. I know we have CMAC, which reports I think twice a year, and then this committee, which meets more often.

Some of the members I spoke to suggested that in fact Mr. Julian's recommendation—and whether it's a replacement committee or an expansion of the existing membership, the concept is to perhaps add more stakeholders, labour in particular—would be appropriate. These were informal comments; nobody really wanted to go on the record. But in the discussion I had with them, they felt this would benefit the discussions by having a greater range of input.

From a pragmatic point of view, I don't know whether the recommendation is to simply expand rather than replace...in effect by the portion of Mr. Julian's motion stating "labour, a broader base of marine and industry stakeholders", or to do as he suggests, which would result in a name change from National Marine and Industrial Council to the National Marine Policy Advisory Council. The feedback I've had from those involved is that the concept of expanding it would be good.

If there's no one who has any particular suggestions, I'm prepared to support the motion the way it is, or a variation that would simply expand the existing NMIC to include the recommendations in Mr. Julian's motion.

The Chair: Thank you.

Mr. Jean.

Mr. Brian Jean: Thank you.

First of all, I am curious as to who you had the discussions with. I'm not asking for names, but what do they do for a living? Are they on this council?

Mr. Don Bell: Yes.

Mr. Brian Jean: They are members of the council?

Mr. Don Bell: Yes.

Mr. Brian Jean: That's interesting. How many people were affirmative on it?

The Chair: Mr. Jean, I think we should deal directly with Mr. Julian's motion.

Mr. Brian Jean: Certainly, I would like to comment on that anyway.

The objective of the council, I understand, is to promote the benefits of the Canadian marine industry as an economic generator. Certainly, I think that's important.

The thing to recognize as well in this particular case is that they meet a couple of times a year. As Mr. Julian said, taxpayers are footing the bill for a portion. All the time of the industry people is voluntary. I understand the wage component is simply staff from the government, not any of the marine industry stakeholders. This council was put in place because of a request by the stakeholders, the marine council stakeholders, and it was a Liberal initiative to do so.

I'm curious as to why, if labour is a component they want to put in now, it wasn't included at the time. Certainly, the government at that time responded to the request of industry and didn't include labour, and why they'd want to change that now, I'm not really sure.

I did some research. It does have transparent reporting of all its activities on its website. They've stated they've seen a considerable improvement in the exchange of information between the government departments and between government and industry in particular.

Finally, the membership itself was determined by the people who asked for the industry council to be set up, and that is the stakeholders. That's why I was wondering about what Mr. Bell said, because they're the ones who asked for the membership to not include—or at least they didn't ask for labour or union representatives to be included, so why are we now getting a conflicting message? That's why I was asking Mr. Bell, because I just don't understand that.

I wonder how they would feel about that representation being made now, if indeed they may feel it would work contrary to the purpose of what we're trying to do, and that is a better exchange of information between the government and industry, which they say is very effective, to date.

So I think the motion is a good motion, depending of course on what the council will bring forward. I'd like to hear from them, either as a group or informally, as to whether or not they want this motion, because they're the ones who asked for it to be set up. A Liberal government supported it to be set up. It seems to make sense that if we're hearing contrary opinions today, we should wait to hear from the horse's mouth to find out whether they want it to be. Very possibly, it would hinder the continual good exchange of information.

• (1710)

The Chair: Mr. Volpe.

Hon. Joseph Volpe: Thank you, Mr. Chairman.

We're not often in a position where we take accolades for actions done in the past, while we were wearing a different hat.

The motion is really quite inoffensive. It says this committee would make a recommendation, and government is always free to say yea or nay. In the wisdom of this committee, perhaps the decisions made in the past with respect to the composition of the

council, to which the government would be going for advice, might not have been as inclusive as the start-up members expected it would be when they looked around the table and saw themselves and said they should be the council and we said fine. A lot of things have happened since then.

The suggestion that you might have another interest at the table or at least another dimension of the industry at the table is not an offensive one and it's not one that's negative or takes away from anything. All in all, I think the motion really says, from the perspective of the committee, from what we've learned over the course of the last year, the last two years, whether we have had ongoing conversations with every one of the council members or whether there are people who now see that council is having an impact on public policy and would like to be a part of that dynamic, it's secondary. The motion really says, why don't we as a committee recommend that the government expand the horizons of the composition, and then the government can make whatever decision it wants?

So I think as a motion it fulfills a good initiative, and I'd support it.

[Translation]

The Chair: Mr. Laframboise.

Mr. Mario Laframboise: The marine industry is changing so much that it's important for workers to be involved in discussions on the industry's future. In the Maritimes, except in some rare instances, every single person who is taking part in these discussions is incapable of piloting a ship. The industry is changing and employees deserve to be involved in discussions. There's a good reason why the request is being made today, instead of three or four years ago.

The industry is changing quickly and employees need to be involved in the policy development process. Recommendations are made and reports are tabled, but subsequently, employees must formulate their own recommendations. Involving them in the discussions would have been a time-saving initiative for everyone. This is particularly true for the marine industry which is enjoying significant growth.

I agree with Mr. Bell that the current council should be expanded.

• (1715)

[English]

The Chair: Mr. Fast, and then I'll go to Mr. Julian to summarize.

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

I'd like to take Mr. Jean's argument one step further. Obviously, labour has other means of communicating with the minister. They may feel they're not as effective as perhaps doing it through this council; however, if in fact the current stakeholders of the council feel it's helpful to have labour involved as a member of the council, it seems to me that this should be forthcoming from the members of council at this point in time. This motion, of course, compels or certainly recommends that the minister change the makeup of this council, to compel that there be a seat for labour.

My concern is this. If in fact the council welcomes the involvement of labour, we should hear about it from the current council members. They can confirm what Mr. Bell has already said, and everything is fine. We probably won't even need a motion.

However, if the council and the current stakeholders say there are things they would like to dialogue on and that such a dialogue would be hindered with the involvement of labour, at that point in time, even if we do appoint someone from labour to the council, the members of the council will likely say they have no need for this council, that they don't feel comfortable within it, and it will disappear on its own.

We're frustrating the process by moving ahead with a motion today. I would love to follow through on Mr. Bell's suggestion. It's his indication that in fact the current members of the council would welcome labour's involvement. If that's correct, we as a committee should know that. We can go ahead and vote for the motion if that's necessary. Likely, the minister would act unilaterally to do that because of the request from the current members.

With what we're doing here, we may be biting off our noses to spite our faces by actually imposing the will of this committee or the will of the minister on the council, when the council members may in fact say they don't welcome labour's involvement and are just going to walk away from the council altogether.

I would ask Mr. Julian to agree to deferral of this motion until we've had a chance to hear from the current council members.

The Chair: Thank you, Mr. Fast.

I do just want to refer the committee to the motion. It says, "the Committee recommend to the Government".

Mr. Julian.

Mr. Peter Julian: Call the vote, Mr. Chair.

The Chair: We have the—

Mr. Brian Jean: On a point of order, Mr. Chair, I want it on the record that we don't believe there's enough information to make a valid decision, based on what Mr. Bell has brought forward today.

The Chair: It's not a point of order, but it will appear on the record. Thank you.

We've seen the motion in front of us.

(Motion agreed to on division)

The Chair: Mr. Volpe, on a point of order.

Hon. Joseph Volpe: Very quickly, in a prior committee meeting we had discussed at some length the issue of bringing the minister before the committee for estimates. I want to make sure we are still on that tack. Unless we're in the middle of an election, of course, I would expect that the estimates will be available in the not too distant future. At the very first opportunity once the estimates are made available, we should actually bring the minister before us to address the estimates.

The Chair: I'm happy to advise the member that paragraph 4 says that we recommend that the committee invite the minister to appear before the members.

Hon. Joseph Volpe: Good.

The Chair: With that, I declare the meeting adjourned.

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