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Chair

Mr. Merv Tweed

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• (1530)

[English]

The Chair (Mr. Merv Tweed (Brandon—Souris, CPC)): Order. Thank you, and good afternoon, everyone. Welcome to the Standing Committee on Transport, Infrastructure and Communities. This is meeting 51. Pursuant to the order of reference of Tuesday, November 7, 2006, we are here to study Bill C-6, An Act to amend the Aeronautics Act and to make consequential amendments to other Acts.

This is our last hour of witnesses. Joining us today are Mr. Paul Carson, flight technical inspector, certification and operational standards; and Mr. Hugh Danford, former civil aviation inspector.

I think you've been advised as to the drill here—seven minutes for introduction and then we'll have questions around the table.

If you're ready, Mr. Carson, I'll ask you to proceed.

Mr. Paul Carson (Flight Technical Inspector, Certification and Operational Standards, Transport Canada, As an Individual): Thank you very much.

I'm going to read initially from what I've written. It's a little longer than seven minutes, but I'll cut it short.

I would like to personally thank the steering committee for taking the time to let me appear before you today to express my ideas. It should be made clear that I am here on my own accord, speaking as Citizen Carson, not Inspector Carson, or Captain Carson, or Dr. Carson—all of these euphemisms we attach to ourselves to make it easier for others to deal with us.

It should also be made clear that I personally am a believer in safety first and pretty much everything else second, including profit. I can unequivocally state that I am a supporter of concepts like SMS.

First, what is my background? It includes about 40 years of work experience, 30 of them in aviation; four university degrees, one in aeronautical engineering, including a PhD in applied math; approximately 10,000 hours of flying, all civilian, including for two prime ministers and several CEOs of a couple of Canada's largest corporations. I have been any number of things in my aviation career, including flight safety officer and occupational health and safety officer at a couple of companies. Many years ago I took a course on system safety at the University of Southern California in San Diego, and just recently I took TCCA's course on SMS.

SMS is not a new concept. It has been around in various forms for many years. There are many things about an SMS program that

would be highly beneficial. It is certainly a better idea to have everyone in any organization safety conscious instead of vesting that job solely in an individual like me, for example, with minimal staff, as many air operators have done in the past.

Having the onus put on an organization to have them operate within a safety-minded culture is certainly better than operating any other way. However, although the concept of safety in itself can mean very specific things, it is sort of like a religion: you either believe in it or you don't. By that I mean you either believe you can operate safely within the rules and do the job cost effectively or you believe the rules you have been asked to follow are merely suggestions and the only thing that matters is the bottom line. Safety is expensive. Far too many aviation companies believe the regulations are just that, guidelines, and it is okay to bend them to the limit, if not outright break them, as long as nothing goes wrong or you don't get caught.

Hence the subject of my visit. In front of you today is something that I think is missing, in part, in order to make SMS work. And I would like to see it work.

Pilots need a nationwide self-governing, self-regulating professional association to which all professional pilots—and I mean those flying for hire or reward—must belong. In view of the changes presently occurring in the aviation industry with the introduction of SMS—a form of what I like to call “supervised” self-government and self-regulation for the air operator industry—they need it to provide a pilot input to balance company management, government regulators, and clients in the dynamic bargaining process that determines the industry environment. They need it to provide them with real whistle-blowing protection, since they will be the ones under SMS who really know what will be going on in the future, in my opinion. They need it to set standards for technical education required for the various types of aviation jobs, from entry-level commercial pilot to captain of high-performance passenger-carrying jet. They need it to ensure they receive the proper ongoing education to enable them to do each job with confidence and competence as they progress through their careers. Ethics will be taught and examined.

When I first wrote this paper, I talked only about pilots, since I am a pilot, but I would now extend the same concept to licensed maintenance engineers and certificated dispatchers. Also, for the record, I sent my ideas twice through TCCA's issues reporting system, and then in the form of a discussion paper to my current director and to the association to which I belong. So I have tried to communicate with a number of people.

What is missing from SMS is a check and balance system, in my opinion. It is one thing to give supervised self-government and self-regulation to an air operator, to the management, and the owners of a company, but it is an oversight not to give the same thing to the licensed pilots, maintenance engineers, and dispatchers who do the work. For example, without the licensed pilots employed by the company, the company cannot operate. These licensed individuals need their own self-governing, self-regulating association that will provide them the protection they very much need from any unscrupulous employer on those occasions when an employee feels the need to blow the whistle on the company for safety violations. We've had incidents of this in the past, recently in Toronto. This body needs to be the licensing authority for these individuals, not the governing authority, in my opinion.

• (1535)

Other professions have self-regulating associations that influence the environment their members work in, set professional qualification standards, and continue to judge their professional competency. Such professional associations also intervene on behalf of their members or the general public, if necessary, when there are security and safety concerns. Engineers, doctors, and lawyers all have self-regulating associations, as do other professions.

Anyone who wishes to practise one of these professions must satisfy the standards set by the association and must be a member in good standing. These associations also discipline members who have failed to meet the obligations and responsibilities of their profession. No one gets a free ride.

Regarding common interests, many professional pilots—again, those who use their licence to fly for hire or reward—have no opportunity to belong to any association. I'm aware of only three major trade associations for pilots in Canada: the Canadian Federal Pilots Association, for pilots employed by the federal Department of Transport, to which I belong; the Air Line Pilots Association, Canada, ALPA Canada, for pilots employed by various regional airlines; and the Air Canada Pilots Association, ACPA, for a grand total of approximately 4,000 pilots.

The last time I checked, over 19,000 aviation licences, belonging to commercial and airline transport pilots, are in force in Canada, enabling their holders to offer their services as professional pilots. The vast majority of professional Canadian pilots, who work as flight instructors, bush pilots, charter pilots, corporate pilots, agricultural spray pilots, air ambulance pilots, or any other of the many varieties of flying jobs in aviation, have no professional association.

I could go on at length; I'm limited in my time here.

For those who belong to a professional association, say, regarding the law... If you read this section on education, you'll understand a lot more about where I'm coming from because this forms a lot of it. It's a couple of pages, and I have to skip over to a section entitled, "Other Functions". If you read that, then you'll appreciate the next comment.

I dealt at length with knowledge and licensing as a responsibility of the proposed professional pilots association, because I feel it is the foundation upon which any claim to professionalism must be made.

That's essential. However, besides knowledge and licensing, the professional pilots association would take responsibility for representing pilots and providing specialist assistance—say, in accident investigation—and for encouraging and even sponsoring research into airframe, engine, and system design, and into the civic aspects of aviation personnel management and interpersonal behaviour, something that today we call the human factors.

Another important function would be presenting the pilots' point of view as a group on proposed legislative changes, as part of the consultation process with industry owners and operators. Company management is judged by whether they show a profit at the end of the year. While pilots are by no means immune to the profit motive, they are also aware that the high salaries they may earn mean little when you arrive first at the scene of an accident.

Membership in a professional pilots association must be mandatory for all pilots who fly for hire or reward, just as professional engineers must belong to their provincial professional association if they are paid for their services as engineers. Such professional membership must be a legal, regulatory requirement with no waivers or exceptions possible. Voluntary membership in a professional association would not be sufficient.

In conclusion, to accomplish the changes I have suggested will take organization, experience dealing with government, and certainly familiarity with the aviation industry, at the very least. The existing pilots trade associations could act as the nucleus around which a professional association, such as I have outlined above, could grow.

A professional association also needs legal status. We must have a federal professional pilots act, or something similar, to give the association legal existence and the powers it will need.

As well, federal empowerment will address our obligations under the Convention on International Civil Aviation. The remaining requirements would be hard work and some dedication.

Thank you for listening.

I'm now prepared to take any questions.

• (1540)

The Chair: Thank you, Mr. Carson.

Mr. Danford.

Mr. Hugh Danford (Former Civil Aviation Inspector, Transport Canada, As an Individual): I'd like to thank the committee for this opportunity to finally speak on a subject that is well known to me.

Let me first give you my background in aviation. My career spanned 30 years in aircraft operation. Most of my 9,000 hours were on Twin Otter aircraft on wheels, floats, and skis. I've flown for small airlines and corporations in the Arctic, Antarctic, North Africa, and the Middle East. My last posting was in the Maldives, before TC's enforcement division in Ottawa hired me in May 1998.

During my early days at TC, I was involved with the basic aviation enforcement course that all inspectors were required to take as a prerequisite to obtaining their delegated authority under the minister. I gave the course introduction and included, among other topics, the report of the Commission of Inquiry on Aviation Safety, the Dubin report; the Commission of Inquiry into the Air Ontario Crash at Dryden, Ontario, the Moshansky report; and Swanson v. Canada, arctic wings and rotors. Managers were not required to take this training, even though they held a delegated authority.

I soon realized that the information I was presenting the attendees did not reflect the actual situation or expectations of the inspectors in exercising their delegated authority. It appeared to me that management's main concern was to get out of the enforcement business and the liability issues inherent in that responsibility. We were not practising what we preached.

I transferred to the system safety branch, where one of my duties was to sell the SMS to the regions. They balked. I was also tasked to study and report on air crashes. I joined the work group called the TRINAT, which was an initiative by TC's international aviation branch. The group was made up of representatives from Canada, the U.S., and Mexico. We were tasked with analyzing 276 crashes to determine root causes.

The criterion was all aircraft with 10 to 200 seats. The breakdown was twenty for Canada, seven for Mexico, and the remaining files were from the U.S.

Of the 20 Canadian crashes, 25% had a root cause of "lack of regulatory supervision". This was not our interpretation; this information was quoted from TSB reports. I do not know what happened to the TRINAT study after I left TC.

One of the crashes we reviewed in the group was the Davis Inlet crash on March 19, 1999, TSB report number A99A0036. The crash, lack of investigation, and the eventual cover-up were indicative of the malaise that permeated Transport Canada.

Upon further investigation into the file, I discovered that the pilot had four previous crashes and a multitude of fines, suspensions, and letters of counselling. Some of the comments in the pilot's enforcement file were as follows:

March 1991:

Pilot had enough hard violations pending. No further action. Not in public interest to spend more time on this possible violation

May 1991:

Mr. XX has a habit of ignoring IFR procedures and I am anticipating that with fines imposed he will get the message.

That was a \$250 fine, by the way.

June 1991:

Mr. XX will probably be a repeat offender.

August 1991:

Flagrant disregard for established rules and procedures caused an accident that could have produced fatalities.

April 1993:

Previous sanctions have not changed this individual's method of operating, and I do not think this will either. We will hear from this gentleman again.

After the pilot's last crash, which killed his copilot, on March 19, 1999, there was no enforcement investigation, as required by Transport Canada and ICAO. The Transportation Safety Board confidential preliminary report contained reference to the pilot's flying record; the final report did not. His licence was not suspended by TC until three years later.

As a result of the crash, the TSB issued recommendation A01-01, which stated:

The Department of Transport undertake a review of its safety oversight methodology, resources, and practices, particularly as they relate to smaller operators and those operators who fly in or into remote areas, to ensure that air operators and crews consistently operate within the safety regulations.

This was the most important recommendation since the Moshansky commission.

On July 13, 2001, Transport Minister David Collenette stated in a press release:

In advance of the TSB recommendation, Transport Canada initiated a phased study to review safety oversight methodology, resources and practices, with the goal of ensuring that air operators and crew consistently operate within the safety regulations

It goes on to say:

Transport Canada will respond to the findings of that study as the next step in continually improving the safety of the air taxi sector.

This study is known as the DMR report. The DMR report was impossible for anyone to understand, so it was reworked and reissued as DMR 2. The total cost was \$750,000. The final draft copy was dated September 10, 2001, and was to be delivered the next day in Victoria—that was 9/11. For obvious reasons, the issue was shelved.

• (1545)

I was blocked at every angle from trying to get a copy of the DMR that had already been offered up to the Privy Council as satisfying the recommendation. I was told in writing by a manager at head office that the DMR was a failed document, and management didn't want us referring to it.

After finally getting my hands on part of the DMR report, I could not find any reference to remote areas. The more I searched for the rest of the report, the more isolated I became, until my health was brought into question. I was sent to Health Canada for a psychiatric assessment. After nine months on leave without pay, I resigned from TC.

Davis Inlet is an important study of what ails the regulatory program. The crash, investigation, and the eventual cover-up were indicative of the malaise that permeates TC. Inspectors are not allowed to do their job. TC knew the pilot was going to reoffend. They did nothing and somebody died.

It is my opinion, and I quote from Swanson, that:

Transport Canada officials negligently performed the job they were hired to do; they did not achieve the reasonable standard of safety inspection and enforcement which the law requires of professional persons similarly situated

See Swanson v. Canada.

I think the SMS concept is workable, but it can only work if there is a strong enforcement component. I get nervous when reports are mandatory and confidential.

Everything I have stated here can be backed up with documents.

The Chair: Thank you, Mr. Danford.

Mr. Volpe.

Hon. Joseph Volpe (Eglinton—Lawrence, Lib.): Thank you very much.

Mr. Danford and Mr. Carson, thank you for coming, even if it is late in the hearing process.

I found that your presentation—which I read before I came here, so it wasn't that I wasn't paying attention when you were speaking—was instructive for a couple of reasons. I hope you will correct me if I have misunderstood or misinterpreted what you said.

I think both of you dealt with the issue of the highest level of safety established by the minister, or the acceptable level of safety by the minister. I wonder whether you would spend a moment distinguishing between two.

As I understood both of your presentations, you were really talking about liability: that the minister or Transport Canada through this SMS system, as proposed, unamended, would put off to the industry the responsibility to set levels of safety and be liable for them. In one, it says the minister continues to be liable for all levels of safety, with an obligation—it's an imputed obligation—that there will always be improvements in the levels of safety.

So what is acceptable today would be the highest standard today, but it may not be the highest standard tomorrow. An acceptable standard tomorrow must, of necessity, be higher.

Could you spend a moment distinguishing the two for me?

• (1550)

The Chair: Mr. Danford.

Mr. Hugh Danford: No. I am confused.

My issue is the lack of regulatory supervision, and it's always there. We had an airline come up from California and do 50 internal flights flying hockey teams around, and there was no enforcement action on that. We hear those things every day, where management does not allow the inspectors to do their jobs. But there are basic fundamentals in doing your job, and that's creating a safe environment in the cockpit and in the company.

If you have people like this pilot, there's no provision to take a pilot's licence away in Canada. You lose your licence if you lose your medical. Other than that, it's in the public interest under the Aeronautics Act. So we don't have a system, as Paul suggests, of an organization of pilots—that might help—but there is no provision.

I'll give you a good example. There's a pilot in Sudbury who was flying down in Florida. He lived in Florida most of the time, so he got an American licence based on his Canadian one. The Americans have a provision called airman re-examination, where if somebody sees you doing something that's not safe, you're going to get a letter and you're going to have to talk to somebody, write to somebody, or do a flight test.

This particular pilot did a flight test with an FAA inspector and had his American licence taken away from him. He continued to fly with his Canadian licence because we don't have that provision. We cannot see a dangerous pilot and do anything about it.

Mr. Paul Carson: To carry on for Hugh, I'm a professional engineer also, and maybe some of you in this room are engineers. Every month I get a magazine sent to me with the blue pages. Those blue pages show where some engineer has done a no-no and has been sanctioned, either financially or with his licence—which is a privilege, ladies and gentlemen. His licence is temporarily, and sometimes permanently, removed, as I think is the case with many professional associations. I've talked to a few doctors, and they certainly have their own internal system. When people do things that are inappropriate, they have a system for dealing with it. And that's what I am proposing.

In the future, if we go towards a system of SMS, again, I personally support the concept of it.... A licence is a privilege; it's not a right. It's the licensed people out there doing the work who know what's going on. They need that whistle-blowing protection to be able to report things comfortably so that it becomes normal to do so.

Without overstating the case, in a couple of companies I worked for in the past, I put my job on the line at least twice that I can recall. I simply wouldn't do things that I guess other pilots in the company were doing, such as going below limits. I could do it, but I thought it was unwise. I didn't consider myself good enough to be able to fly like that or to take an airplane that was in violation of its limitations from point A to point B. I can distinctly remember a case where that happened. I refused to do it, and I put my job on the line. Maybe I was lucky, but I felt I had other qualifications to do other things. Other pilots feel they can't and that they have to do certain things they don't want to do.

I don't know if that answers your question. You were talking about the difference between an absolute level of safety, an ultimate level of safety, and some acceptable level of safety. I think I would agree with you that it's a very difficult question to answer.

Hon. Joseph Volpe: The government has said in the past that to have an ongoing system of surveillance—and I hope I'm not misrepresenting the case—might be a little too costly. It would require an army of inspectors to inspect all the planes that take off from Canadian soil. I'm wondering whether you find that to be an acceptable position or whether you would ask us to consider a system that is not too different from the Canadian Food Inspection Agency. It sends out health inspectors on food products that are to be introduced into the consumer market.

• (1555)

Mr. Paul Carson: I'll tell you, the day that inspectors stop inspecting, I'll stop flying; the day that meat inspectors stop inspecting meat, I'll stop eating meat; the day drug inspectors stop inspecting drugs, I'll stop taking drugs. I think it's costly—there's no doubt about it.

I proposed what I did because the people doing the work will know where the problems are. If they have a way of reporting deficiencies without the fear that every time they do it they put their careers on the line, I think that would be better. In engineering we call it whistle-blowing. Yes, it's costly. Safety is expensive, as I said, but I stand by my remarks.

Mr. Hugh Danford: When I worked in the Arctic there was always the fear of an inspector hiding behind every 45-gallon drum. Then when I joined Transport, I realized they weren't. They don't do that. They don't want to regulate.

Air Transat is a perfect example of how an SMS system would have worked, could have worked, and it should have been studied to death. That whole thing was luck. If that airplane had gone another 10 minutes before the fuel chafed through the fuel line, they'd all be dead. Nobody would be here right now talking about this; it would be all new people. That wasn't studied. There was no enforcement investigation into that as required by ICAO. They cut the cheque over the phone and then they did the enforcement investigation. It was just a paper exercise on one of the biggest potential disasters we'd ever had. It was sheer luck.

The Chair: Monsieur Laframboise.

[Translation]

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

One of the great dilemmas we face with Bill C-6 is trying to strike a balance between regulatory overview, that is maintaining a proper inspection system, and the safety management system, which is supposed to provide added security. The problem lies in wanting to maintain an adequate safety system.

Mr. Danford, you are an inspector. I'd like you to tell me what your job entails and how it is likely to change if we verify management systems instead of carrying out direct inspections of pilots or aircraft. What is your position on this matter?

[English]

Mr. Hugh Danford: My position is that you can't get rid of the audit procedure. You have to have audits. Just as the Auditor General is going to audit Transport Canada, you have to have those audits. They need to be done. They've been watered down. The whole program was watered down. Dryden was the birth mother of the audit system.

When I took the audit course in 2000, there was no mention of Dryden. The whole chapter, the whole module on liability, crown liability, Dubin, and Dryden, was removed. When I sat in that course, there were about 30 people, and we all identified ourselves. I identified myself as an enforcement investigator, and that was it, I was singled out for the rest of the course.

The man who was giving the course, in his years of doing audits, had never referred one issue to enforcement. The concern was losing the audit. We don't want to lose the audit. I never understood what that meant, but my job was just to fill in paper and send it into the manager. I was at head office, so I wasn't in the field. We were more writing policy and procedure and delivering the courses on crown liability.

• (1600)

[Translation]

Mr. Mario Laframboise: I will put the same question to Mr. Carson.

What is your opinion of the regulatory oversight system? Do you think we need to maintain an effective parallel regulatory inspection system in order to carry out on-site inspections while at the same time promoting the safety management system?

[English]

Mr. Paul Carson: Okay. I really didn't want to get into this debate, but since I've been asked the question, I will try to answer it as well as I can.

This is my personal opinion, sir. I feel that the SMS concept is a really good one. I think companies out there that demonstrate maturity and that can demonstrate that they have a system that is not only valid but effective, an SMS system, perhaps should be given some kind of let so that they wouldn't be "audited" as much or as often. I think for companies out there that cannot demonstrate that they have a valid and effective SMS, there has to be more regulatory action, more audits, more on-site inspections done.

What I'm saying is that perhaps SMS is being mandated. I probably would have made it voluntary, so that some kind of leeway on inspections or something, some kind of gold star would be given to those systems, those airlines, and those operators that would have taken the system and implemented it on their own and made it work and demonstrated that they had a valid system. There are ways of demonstrating validity. Also, they would have to show that it was effective, and there are certainly ways of doing that. You can do it by collecting data. It's a data-driven system, so you probably have to do it mostly statistically, so that you have data, and you're not using somebody's opinion. Then, at that point, you move on and you put your limited resources—and they are limited—into companies that we know need additional oversight. I think a combination of that kind of system would have been much more effective, but that's just my personal opinion.

I hope I've answered your question.

[*Translation*]

Mr. Mario Laframboise: Yes, thank you.

We have a duty to defend the interests of people who, like us, are not familiar with the aeronautics industry. The problem lies in the fact that new airlines appear on the scene and then disappear just as quickly, often within the space of a year. Under the circumstances, I have some serious issues with giving companies sole responsibility for doing safety checks.

Since you have some experience in this area, could you enlighten me a little, Mr. Danford?

[*English*]

Mr. Hugh Danford: I look at it like trying to run a neighbourhood watch without a cop car. You can't do it. You have to have oversight. And it can't be, as I think I heard the other day, where Mr. Reinhardt was going to work with one airline to look at another. I think that's how I understood the text. If that is the case, that's not workable at all. You need to have people who can come forward in the SMS without fear of reprisal. That's very hard to do when there's money associated and safety associated....

I think the groundwork that has to be done to change the regulatory process is to get more people working for Transport Canada who have actually worked in the industry. Most of the management have never worked in aviation. Merlin Preuss has never worked in aviation; he flew weapons platforms. So all those managers.... We have a director who used to be a tank driver. He doesn't have to take the course to give him the delegated authority. They refuse to take those courses.

So you have to start with Transport knowing what they're doing before they start making the industry do something that.... It's a big change. I like cop cars around the corner.

•(1605)

The Chair: Mr. Julian.

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

Thank you to our witnesses for coming forward.

Mr. Danford, you mentioned having a partial copy of the DMR report. Is that something you could table with the committee?

Mr. Hugh Danford: The Auditor General has this document. The Public Service Integrity Office has it. Everyone has it except Virgil Moshansky, I think. But I'll give this up.

When I first created this document, I didn't know the dead guy's name. I was so ostracized that I was afraid to ask. I did a lot of research into this file. I know that the pilot who crashed this airplane and the one who was along for the ride took the crew resource management course that Transport Canada had developed. According to the TSB, there wasn't any reference to anything they learned in that course. It was the same stuff. The young guy sits on his hands and keeps his mouth shut and he watches the older guy trying not to kill him. So that's the document.

As far as I'm concerned, Transport Canada lied to the Privy Council. They lied to the Transportation Safety Board. The DMR report is a failed document. I believe they'll do anything rather than regulate.

Mr. Peter Julian: Thank you for agreeing to share that.

I appreciate both of your testimonies. In a very real sense it wraps up what we've been hearing, which is folks saying that SMS would work in theory. But looking at the practical sides of the lack of enforcement, the lack of support, and the cutbacks we're seeing essentially raises real issues about the final result if Transport Canada continues cutting back on regulation and ending audits at the same time as they're promoting SMS.

I want to give you a quote from Justice Moshansky. You've both referred to him. When he appeared before us on February 28, he said:

Today, 18 years after Dryden, history is repeating itself, only worse. Cost-cutting is again in vogue at Transport Canada and has been for some time. Transport Canada management have publicly admitted this. Regulatory oversight is not being merely reduced. Except for limited focused audits, it is being systematically dismantled...

—regulatory oversight is being systematically dismantled—

...under Bill C-6. All of this is occurring in the face of a predicted doubling of the size of the aviation industry by 2015, as per Transport Canada's own estimates.

I would like to ask both of you how you react to Justice Moshansky's comments about Transport Canada's cutbacks on regulatory oversight.

Mr. Paul Carson: To the best of my knowledge, the audit program that I've taken myself a couple of times—and I've been on two national audits—has been disbanded or cancelled. I guess in a sense you'd have to agree with Justice Moshansky.

It is my understanding when SMS was introduced that it was going to be a replacement for that. People have argued that it's a layer of regulation on top of other regulation. How can you cancel an audit program and then say the latter? It just doesn't make any sense. I hadn't taken course 51 or 52, but I had read everything that came across my desk. We have an electronic file system in Transport. It's not so good sometimes, but if you work it hard enough, you can make it work. I read everything I could get my hands on, because I was curious.

I think the original intent was to replace existing legislation, in some way, for valid reasons, from a cost point of view. Maybe that's changed, but I don't know how you could cancel the audit program. I guess that's been pretty much documented to you gentlemen and ladies. This just doesn't make sense. I hope I've answered that question.

Mr. Peter Julian: Thank you.

Mr. Danford.

Mr. Hugh Danford: When I arrived at Transport, I started to hear—and if I heard this once, I heard it a hundred times—that we needed another Dryden. That was how we were to get money. That was how we had Dubin—

The Chair: Mr. Danford, we didn't hear. The people said we need another...?

• (1610)

Mr. Hugh Danford: Another Dryden—a crash. That's how you get your money. What happens when they get the Moshansky money is they use it to almost circumvent. They satisfy their recommendations, but they don't necessarily follow the spirit. I'll give you a quote from my manager, who I brought this file to: “You can't change the world. Keep your notes like I do. When the next smoking hole comes, you'll be clean.” Now that was my immediate manager who has never worked in the industry. That's the mindset the inspectors have to work around.

Mr. Peter Julian: I also wanted to quote briefly the Canadian Federal Pilots Association. You referenced that as well in your presentation. The Canadian Federal Pilots Association were surveyed, and 80% of them believe this Transport Canada plan for SMS will prevent them from addressing and correcting safety problems before they happen; 67% believe that Transport Canada's SMS will result in a higher level of risk in Canada's aviation system; and 80% believe that SMS is simply a response to dwindling resources on the part of Transport Canada. Do you believe if we simply push through this Bill C-6, without gutting it and rebuilding it, that essentially we will be putting Canadian lives at risk?

Mr. Paul Carson: Yes.

Mr. Hugh Danford: It would be a free-for-all.

Mr. Peter Julian: Mr. Danford, thank you for that.

I would like to come back to your issue around Air Transat and that flight. Could you give us a little more detail about how you believe a lack of regulatory oversight was a contributory factor to that near tragedy?

Mr. Hugh Danford: I don't know about the lack of regulatory oversight before, but after, there was no enforcement investigation. The investigation was a paper exercise. Somebody who had been on

stress leave before the crash was asked to sign off on it. That's how some things get done, or maybe have to get done. But Air Transat was a perfect example of SMS. The log books were locked in the office. The engineers decided to do a jury-rigging, but they let it go for another four and a half flights. If that case was studied along with Davis Inlet, then you'd have enough to know what's wrong now and enough to know where to go in the future. There's another one like Davis Inlet lurking out there, and I'm sure it's Pelee Island. I'm sure that's one of the files that has been closed off and given to you. The five crashes that we analysed in the TRINAT were all the same. There was a lack of regulatory supervision and pilots flying below limits. Everyone but Transport knows.

The Chair: Mr. Fast.

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

Mr. Carson, are you still employed by Transport Canada?

Mr. Paul Carson: Yes, I am.

Mr. Ed Fast: Have you received any threats about your testimony before this committee?

Mr. Paul Carson: Believe it or not, no. I did get one call from one manager encouraging me. No, I just don't believe Transport works that way. At least, I haven't been approached that way anyway. I have a great deal of loyalty toward the department. Perhaps there are some managers there now who probably feel otherwise.

I'm a former executive pilot. I flew two prime ministers around, and when we had some issues with the way our job was being treated, I thought Transport Canada treated the people I worked with at that time incredibly well. That earned my lifelong loyalty. I don't consider this to be a disloyal thing at all. I'm here trying to say if we're going in this direction, if we're going toward SMS for valid reasons, cost or whatever, we have to do some more to the other people out there. We have to look at the checks and balances, at the other half of the house. Please, don't ignore it, because we're going to need that in the future.

You have to give those people, God bless them, the will, the protection they would need to be able to say there's a problem, and they're going to stand up and be accountable.

Mr. Ed Fast: Thank you for that. There have been some allegations that Transport Canada has been threatening its employees not to appear before this committee. You're not aware of that. There are senior officials of Transport Canada here today. Are you not afraid of them?

Mr. Paul Carson: No, I'm not afraid of them and I hope they're not afraid of me. If I'm a threat to them, by God, what a world we live in—seriously.

I think it is a democracy. As I was saying to people as I left the office, "I guess it's a democracy in action here, and I live in a wonderful country." Maybe that sounds—well, my best friend in Transport thinks I'm naive, God bless her. She's probably right, but I believe in this system. I'd have to. I could retire. I have 35 years of pensionable time, but I'm still working because I feel I'm doing okay.

Mr. Ed Fast: It might encourage you to know that the government is bringing forward some amendments that may address some of your concerns.

Mr. Paul Carson: I understand that.

•(1615)

Mr. Ed Fast: Just to follow up a little bit on your dialogue with Mr. Julian, I think what he tried to elicit from you was that somehow the system is falling apart, the whole regulatory scheme is being dismantled and being replaced with SMS. That's not how I understand Bill C-6.

We had someone from ICAO before us giving testimony, and that testimony was very clear that Canada is not only one of the leaders in civil aviation safety but is at the head of the pack in terms of ensuring that our civil aviation system is safe.

I sense your comments are directed at the half of the industry that isn't governed by professional associations. Is that correct?

Mr. Paul Carson: Yes and no, and I would agree with the statement. I didn't read it. I'm not privy to it, but I've flown around the world a number of times, and I will admit that every time I re-entered Canadian air space, I did so with a sigh of relief. To say that by the year 2012 or 2015 we're going to have one accident a week, we're talking about around the world where they don't have a system like we have in Canada. They don't have air traffic control and the control we have. Literally, when I was still four or five hours from landing, I was saying I was glad to be back under this system. Around the world it's not the same as in North America. Europe and North America have a very good system. When people say we're very good, they're judging it based on that. I've flown in Africa. You read the charts and you're transmitting blind. You're not talking to anybody for hours at a time. It's the same in some places in the Caribbean and South America. It's not the same system.

But to say this is such a wonderful system doesn't make this system in Canada perfect. It just doesn't.

Mr. Ed Fast: The representative from ICAO who was here said that not only was Canada's system very safe, but in fact we are a leader. He went on to say that SMS is a huge step forward. I think he agreed it has to be implemented within the proper regulatory framework. That's what you're saying.

Mr. Paul Carson: Absolutely.

Mr. Ed Fast: You're also saying that there are some bodies in place, some organizations in place within the industry that assist in that, but there are many pilots, and many inspectors and engineers who perhaps aren't governed by an association similar—

Mr. Paul Carson: Correct.

Mr. Ed Fast: —to what some of the airline pilots are governed by. And you're recommending that this kind of...perhaps even mandatory membership be instituted. Is that right?

Mr. Paul Carson: Yes, sir.

As I said, when I had finally done enough of flying around the world and seeing sights that I didn't want to go back and see, I transferred off one airplane to get on a domestic airplane so I could stay flying in Canada.

I totally agree with the ICAO statement. We have to make improvements. We can't let our guard down. And if this is what we were going to do, no, I wouldn't go there. We have to maintain a certain level of inspection, I believe.

I have a friend I flew with in one company in Bell. He went on to become a director of flight ops for another company in Toronto, and he jokingly said to me one time that...well, when we were flying, we operated a certain way. He said, "Well, those certain things that we did when we were operating together, Paul, we won't have to do anymore." And I said, "Well, I hope not. I hope you can't get away with what you're suggesting." And this was to somebody I had a lot of respect for.

I don't think we can let down our guard just because we're a very safe area in which to fly. We are. I think we need to work hard to maintain that, and that's what I think SMS will help do, but I think we have to be careful how we go about implementing it.

I hope I've answered your question without sounding—

•(1620)

Mr. Ed Fast: Very well. You've clarified it for me.

Thank you.

The Chair: Mr. Bélanger.

Hon. Mauril Bélanger (Ottawa—Vanier, Lib.): Gentlemen, I want to go back to Mr. Danford, to your comment on this matter of TRINAT. I'd like you to elaborate. How many people were involved in that? What was it? How long did it go on? You say you don't know what happened to TRINAT after you left. We can ask these questions, but I need to better understand. You say that of the 20 Canadian crashes—and I don't know what all of those were—25% had the root cause of lack of regulatory supervision according to the safety board.

Do you care to elaborate a bit?

Mr. Hugh Danford: When I was asked to join the work group, there was me and another pilot, Jim King, and the name of the leader of our group was Susan. She was a librarian, and she was in charge of it.

We met with the Americans in Mexico twice, and we met with them here, in a room. We went over every investigation. After I wrote a letter to Transport Canada, international aviation, saying that I didn't think, given our track record, that we should be trying to help the Mexicans out so much, I was removed from the board and replaced by another fellow.

I've searched the web; I've gone on the TC website, and I've never been able to find anything about the TRINAT. But I have all the documents. I have the memos and everything. It did exist, and we had a lack of regulatory supervision 25% of the time.

Hon. Mauril Bélanger: Fair enough.

I just want to thank both of you for taking your time to come here today. Some of the testimony I've heard, we've heard, was rather startling, to say the least. I don't know how it will impact on what we have to do next, but we'll see.

Mr. Hugh Danford: Well, I don't think you can...if this was an automobile, this pilot wouldn't have a driver's licence. He'd either be insured out of the business—his insurance rates would go up so much—or we'd finally decide some guy shouldn't have a driver's licence.

Hon. Mauril Bélanger: I'm going to ask questions on something that's perhaps unrelated to what you said; it might eventually get related. It's a question I've had as a result of testimony we've heard, and that is on the testing of pilot proficiency. What we've been told, my information that I've heard here at committee, is that Transport Canada has now gone to two years, that every two years pilots are subjected to this proficiency test, whereas international standards may be somewhat more strict. Am I connecting here in terms of information?

Mr. Carson, perhaps.

Mr. Hugh Danford: I'll pass that over to Paul.

Mr. Paul Carson: Again, this is something I didn't really want to get dragged into. If you read the educational stuff in my submission, you'll see that pilot proficiency checks are spot checks. They're like going out to make sure that pilots are following their standard operating procedures and are maintaining current knowledge of their airplane and this kind of stuff.

Right now there are a lot of company check pilots who do that. In fact, I'm ACP-qualified myself. I have done a few check rides, but not many because I do other kinds of work.

I think it's debatable. But whether it's safe to say we don't need to do this any more is something on which I don't really feel qualified to comment. I know my association feels fairly strongly that it's perhaps something for which we have to maintain some kind of visibility. You know, we do monitor rides at lot of times. We did watch other CCPs—company check pilots—doing check rides on their pilots, and then we'd monitor them.

I think for a company we knew and understood, and for which we understood that the principal operating inspectors were doing a good job, perhaps there would be some let under which we wouldn't need to have as many monitors. But for other companies that weren't doing as good a job, maybe we'd want to go in and continue to monitor the CCPs on how they were doing their job.

It's a difficult one for me to answer. I'm not that knowledgeable in that area, but—

•(1625)

The Chair: Monsieur Carrier.

Hon. Mauril Bélanger: I'm done?

The Chair: I'm sorry, yes. That was five minutes.

Hon. Mauril Bélanger: Oh, that went fast.

The Chair: Mr. Carrier.

[*Translation*]

Mr. Robert Carrier (Alfred-Pellan, BQ): Thank you, Mr. Chairman.

Thank you for joining us here today.

Mr. Carson, in your presentation, you stressed the importance of creating professional pilots associations and drew a comparison with your own association of engineers. I'm an engineer myself. Can you tell me what prompted you to make this recommendation? Is it a question of compensating for the lack of regulatory oversight at Transport Canada, as mentioned by Mr. Danford earlier? Would you like to make up for this by establishing a professional association that would provide better training to professional pilots?

[*English*]

Mr. Paul Carson: To answer your question, yes. I just think that after all these years—and we've been flying airplanes since Kitty Hawk, for a hundred-plus years—that being a professional pilot... We use the words “professional pilot”. We call ourselves that, but are we really professional in the sense of other professions? The answer is no.

You're an engineer, sir, so you know that when you got your degree as a graduate, as I did, that was a degree. It didn't allow you to practise engineering until you became a PEng. Professional engineering is self-regulating and self-governing, and it's empowered by provincial acts. Audits are done by the Canadian Council of Professional Engineers. Pretty much every three years they'll hit every engineering school in Canada.

It is done that way because it means that the people who do the work control those who are doing the work. So if you've been an engineer for 20 to 30 years, you will then get involved in controlling the people who are actually going to follow behind you.

To my mind, it's time that aviation come of age in some ways, grow up.

I stood in front of a dispatch one day with a director of flight operations. It was 80-some years into aviation, and I just turned to him and said, “Sir, don't you think after all this time we'd be a little bit further ahead than we really are?” We were having a bit of a discussion over some winter operations question.

I think with a self-governing, self-regulating association for the people who are licensed to do the work, in the long run, if we started now, then 10 years from now we would see a different environment out there, and you wouldn't have to talk to people like me. You just wouldn't. That's my wish.

I don't think self-governing, self-regulating professions are the be-all and end-all, but when we look at the way we do business in a democratic country like Canada, I think it's the way to proceed. And then the words “professional pilot” will actually mean “professional”.

[Translation]

Mr. Robert Carrier: Would the new professional association that you are proposing also include the Canadian Federal Pilots Association, the Canadian Air Line Pilots Association and other airline pilots? In your opinion, would pilots be better trained by members of their own profession? In addition to the inspection of federal pilots, would pilots regulate their own industry? Is that the reason why you are proposing a new professional association?

[English]

Mr. Paul Carson: All pilots now are federally regulated. They're licensed by the federal Department of Transport. So the answer to your question is yes. If we say we're going to aim in that direction now in the business of professional flying—those who fly for hire or reward and have a commercial pilot's licence or above—eventually we're going to aim to self-govern, self-regulate, and it would include all pilots.

• (1630)

[Translation]

Mr. Robert Carrier: I would simply point out that for now, we must rely on Transport Canada to ensure our safety. Until such time as a professional association is created, it's in our best interest to see to it that Bill C-6 provides for the best possible flight safety in Canada.

[English]

Mr. Paul Carson: I would agree, but I gave a similar talk to my own association because I was looking for their support for my ideas. They listened and basically said, “Yes, but not now”. I've come to the conclusion that if not now, then when?

I agree with you that there is nothing out there. There are a number of trade associations out there that I'm aware of. But if we're going to mandate a system like SMS, perhaps in the future we will need to look at mandating what I'm talking about for the licensed people who do the work. If we don't begin now, then we will never start the process.

There are people in Transport who would understand very clearly what I'm talking about. In fact, I know of a group in the United States that is talking about similar ideas of professionalism. I think that's one way to go.

I believe that Seneca College has an aviation program for pilots and maintenance people for basic licences and basic engineering qualifications to do maintenance. I believe the college has just obtained accreditation to get degree-granting status.

So it's a start. I'm saying it needs a push. It needs somebody to say, “Hey, let's get on with this. We may not get it right away. Yes, you have an issue today to deal with, but what about tomorrow?” That's what I'm here talking about—tomorrow. Hopefully I'm giving something to people who follow after me.

The Chair: Thank you, Mr. Carson and Mr. Danford. I appreciate your input.

As stated earlier, you're the last to present on this bill. There's a package of amendments coming forward, so hopefully some of the things we've heard today will be reflected in these amendments.

Thank you.

Mr. Hugh Danford: Thank you.

The Chair: The committee will take a short recess. Then we'll come back to start clause-by-clause.

- _____ (Pause) _____
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- (1635)

The Chair: Welcome back, everyone. Basically we are going to....

Mr. Julian.

Mr. Peter Julian: Mr. Chair, before we start the process, I do want to raise an issue. That is, I know everybody has been working extremely hard to get in amendments, and the legal drafters have been working extremely hard. I have noticed that there are some inconsistencies, sometimes in translation, sometimes in terms of where the amendments actually should be located within the bill, and the copy that we received from the Ministry of Transport does not have the pages numbered, so it becomes a little more difficult to follow as well in the clause-by-clause analysis; the clause-by-clause analysis doesn't have page numbers.

So what I would ask of you, to begin with, is that we be very methodical about this and correct our slight inconsistencies or unclear elements around the amendments as we move forward. I know you've been very good in the past bills that we have gone through in being very methodical. I'd ask you to continue that and perhaps be even slower to make sure that as we're moving through we're catching what I think are inevitable minor errors, just given the sheer scope of the bill and the number of amendments that needed to be brought forward.

The Chair: Thank you.

Mr. Volpe.

Hon. Joseph Volpe: Mr. Chairman, it's not my custom to move more slowly than necessarily, but I was rather struck by the forcefulness of the two presenters, and I must say—and I don't know whether anybody else felt the same—that it has put some things in a different frame of mind for me. There's a different perspective from which I'm addressing all this.

Just bear with me for another 30 seconds, if you will.

I thought the last question and answer section dealt more with the professionalism of pilots and the establishment of a professional self-regulating body. I have some level of experience and expertise in that area, and I'm not sure that's where we had been going, through all of this, because in my mind, the SMS system involved a lot more than just simply whether the pilots were competent or not. But on the issue that was raised by two people, the reason I say it's forceful is because for two individuals to come forward and actually use the word “lie”, relative to what the department has been saying regarding this piece of legislation, that has to be a cause of concern for people, not because someone would willy-nilly say that, but because someone would actually have the courage to come before a committee and use that kind of language, without hiding behind any “they say” or an anonymous source.

I say that because today we've received two other submissions that we have not yet had the chance to examine—that is, one from the Air Canada pilots, I believe, and the other one from the professional pilots association.

I'm just wondering whether we are rushing ourselves into a clause-by-clause study without having an opportunity to reflect on what the last two witnesses have said and what these other two submissions will ask us to commit.

So I'm going to suggest for your consideration—I'm not going to present it as a motion, and I'm going to go along with the committee's schedule, if need be—that we take advantage of the fact that the technical experts from the department are here and that they've already submitted clauses for amendment, that we simply hear what they have to say to their clauses and then take it from there, rather than see if they'll provide input as we go along.

I would prefer to hear their rationale today, rather than as per need.

• (1640)

The Chair: Mr. Julian.

Mr. Peter Julian: Mr. Chair, I think that's a very wise suggestion from Mr. Volpe, given what we've just heard and given the fact that we do have witnesses coming before us. It would make sense to deal with those more general issues, and I would support Mr. Volpe's suggestion.

The Chair: It would be my thought that we would deal with them as we deal with the clause-by-clause. I'm thinking that we're going to see some duplication and that a lot of the recommendations or amendments are going to be reflected.... I don't know how you can deal with them all at once and then go back and deal with them as clause-by-clause. I would think we would deal with them as we go to them...review the suggestions by the pilots' association in comparison to what is presented as an amendment.

Mr. Volpe.

Hon. Joseph Volpe: It's a fair observation. As I say, I don't mean to be obstructionist, but I really was shocked by what I heard.

I want to take advantage of the fact that the departmental officials are here. At the very least they deserve an opportunity to be able to address the charges that have been put out there for public discourse. I suppose if we don't address it, they'll develop a certain level of acceptance that we'll have to carry through our discussions.

The Chair: The only reason I am suggesting we do it as we go is that we will have these people here throughout the entire process. But the will of committee is what will dictate.

Monsieur Laframboise.

[*Translation*]

Mr. Mario Laframboise: We can proceed two ways, Mr. Chairman. You're suggesting that we continue to hear from witnesses on all of the clauses in this bill. That could extend the debate, but I don't have a problem with that. However, Mr. Volpe's suggestion would allow us one go-round before we begin our clause-by-clause study, since we will be asking departmental officials some off-the-cuff questions. Otherwise, we'll be doing the same thing, only in a more gradual manner. I'm not sure that's the best approach.

Mr. Volpe has suggested that we go around the table once and ask questions that are troubling us a little before we proceed to the clause-by-clause study phase. I think it's an interesting idea. However, I do not want to delay matters. I do not have any objections, but I do have to wonder a little. If you agree to allow us to go over the time allotted for the clause-by-clause study, then that would solve the problem. I'd be able to ask all the questions I want, when I want.

• (1645)

[*English*]

The Chair: I have no problem with that. I just think that we will have our witnesses here throughout the entire process....

Are you suggesting that we question the 65 or 68 amendments currently on the file, then the ones submitted by other organizations, and deal with them all in one motion?

[*Translation*]

Mr. Mario Laframboise: We could start with some general comments or with questions of a more general nature for the witnesses. I suggest we do that, instead of waiting until clause 45 to put all of our questions. Some of these initial questions might make our job easier when we move on to the clause-by-clause study phase.

The government has put forward some amendments which, in spite of everything, are intriguing. We could direct our first major questions to the experts at Transport Canada before proceeding to the clause-by-clause study phase.

[*English*]

The Chair: Again, I think if we proceed clause by clause and keep the door open, if it moves into the next clause, I think there can be that discussion. I am concerned that if you don't go clause by clause, where does the discussion ever end? This way it allows us to deal with each clause on an individual basis. We have the witnesses here. We have the comparisons. But again, it's whatever the committee chooses to do.

I'll hear more comments.

Mr. Jean.

Mr. Brian Jean (Fort McMurray—Athabasca, CPC): Personally, I like the idea. We're 40 to 45 minutes away from the end of the day and I don't know what we're going to accomplish in that period of time.

Let's face facts. Mr. Julian has brought up some issues. Monsieur Laframboise has brought up some issues. I have some concerns, myself, on a general basis, about the legislation. As a result, I have proposed some amendments to the government that have been approved and I understand are now at the Department of Justice. I want to get copies before the next meeting.

Mr. Peter Julian: Are they over and above these?

Mr. Brian Jean: Yes. There are three amendments that I think everybody would be happy with, if I heard the same evidence that everybody else did.

If that is what is being suggested, I don't think it would be a bad thing to have a general discussion to ask the witnesses about specific issues of concern to us and the effect of clauses in that particular vein. I see that could be beneficial for moving forward on the clause-by-clause on Wednesday. It would get off the table and off our chests exactly what we feel this piece of legislation should reflect at the end of the day.

The Chair: Monsieur Bélanger.

Hon. Mauril Bélanger: Along the same lines, Mr. Chairman, perhaps given that we still have some time, I would like to hear the government amendments, if at all possible. There are five of them, I gather, so far. I'd like to know what they are, because they might cause other proposals to be removed or withdrawn entirely. As my colleague Mr. Volpe has said, I would also like a chance to look at the proposals from the Professional Pilots' Association and the Canadian Federal Pilots' Association, to see how they mesh—if they mesh—with the pile of amendments that have been received and I haven't fully digested yet.

So I'd encourage us to ask questions to clear the air, and find out what the government amendments are, so that next time, whenever that is, if it's not Wednesday, we can get on to the clause-by-clause and perhaps cut most of the underbrush that we'll need to cut.

The Chair: Mr. Julian.

Mr. Peter Julian: I had a question, through you, Mr. Chair, for Mr. Jean.

Are there government amendments, then, coming forward this week?

Mr. Brian Jean: Actually, I was hoping to have them by 4 p.m. They're obviously not here. Quite frankly, I thought they'd be here before the witnesses appeared and that they would be circulated. My understanding is that they're on their way via a person right now. So they will be submitted to all members before the day is gone, hopefully. That's the intention.

Just to clear the air regarding the amendments and what I heard from the members opposite and witnesses—on the removal, for instance, of regulatory oversight, which is a concern to all members—I would rather that you wait and see the amendments. But I also think it's very important to have a general discussion. I think everybody would agree with what I've just said in regard to some of the concerns. Then we should move forward on Wednesday in a more affirmative way.

I apologize for not having them here beforehand; it's just a clerical issue.

The Chair: Mr. Julian.

Mr. Peter Julian: I have a supplementary, Mr. Chair.

In that case, given the witnesses we've heard from today, could we presume that if any of the other members around this table have additional amendments to provide by tomorrow, they could do so?

• (1650)

The Chair: I was just going to address that. I know that we did set a deadline of Friday, and I guess I am disappointed that the government amendments have come this late in the process. But I'm certainly prepared to open it up to a round of discussion, and

hopefully the amendments promised for today will be here today, and we can deal with them at the next meeting.

With that, I presume we want to go to a round of questioning.

Hon. Joseph Volpe: I think you're finding consensus on my initial suggestion, according to Mr. Jean, and I think Mr. Jean accepts that we'll also have an opportunity to present amendments as late as tomorrow, if that's okay with you?

Mr. Brian Jean: You can't suck and blow at the same time.

The Chair: You can try.

Mr. Brian Jean: I'm not very good at it; I've never been able to continue holding my breath.

I just want to address the issue of the government amendments, Mr. Chair, very quickly.

I listened attentively to all of the questions, to be very blunt. I listened to the witnesses and met witnesses afterwards, and some other people who had some interest in it. Then I worked these amendments together and submitted them to the department last week, expecting them to be done. But it is a bureaucracy and they have to check, I'm sure, with five different levels of people before getting them back to me, and they've done that. My understanding is that the amendments have been approved in the form they were provided. So I think all members will be comfortable with them.

The purpose of that, Mr. Chair, bluntly, was just to get a better piece of legislation that all members would agree would keep Canadians safe and secure.

The Chair: Mr. Volpe, for five minutes.

Hon. Joseph Volpe: Great. Thank you very much.

Mr. Reinhardt, you heard what I had to say in my preamble. I wasn't meaning any disrespect to anybody, but as I watched you over there, I'm sure you and Mr. Preuss must have been shocked to hear somebody call you liars. They weren't referring to you as individuals, but as officials crafting a piece of legislation that, in the view of at least some people in the field, is essentially—and, again, I hope I don't misinterpret this—going to devolve the authority everybody expects you to discharge for Canadian safety and security; and, secondly, that you really don't have a handle on, or don't want to enforce, your regulations. It doesn't matter how much you don't want to develop or apply them, they are yours. What I mean by that is, yours as a government—and ours collectively.

I thought you were shocked, and I didn't think you were feigning shock. Are we wrong to move ourselves back a step and say, hold on, should this legislation go through?

Mr. Franz Reinhardt (Director, Regulatory Services, Civil Aviation, Department of Transport): Well, with this legislation, Mr. Volpe, what we're proposing is improvement in aviation safety in general. What you heard today was information regarding specific situations that sometimes was taken out of context. I'm happy that we've been given the opportunity to answer to this.

Mr. Danford was talking about an accident that happened about 10 years ago. There was an accident, yes. Afterwards, the pilot had a couple of violations. If you look, he flew for five or six years without any mention on his file. Things were going well. Unfortunately, there was another accident.

At that time, because of international requirements with respect to accident investigations, we had an agreement with the Transportation Safety Board that we would not get involved in a parallel regulatory investigation until the TSB, which actually is the investigative authority in Canada, had finished their investigation. When they finished their investigation, we would start a parallel investigation. And that's what we did in that case. That's the reason we were not involved earlier.

Later on, there was a change in policy, and we decided to immediately launch a parallel investigation whenever there was an accident, and we've been doing that since. Those things were about 10 years ago, and there has been improvement made since that time.

Now, Mr. Danford was talking about Air Transat, and he said that SMS didn't work. Well, you know, what's interesting is that Air Transat was the trigger for us to start establishing SMS. When the Air Transat accident, or incident, happened, there was no such thing as SMS. We did investigate and we did charge Air Transat with a \$250,000 fine. I remember, because I was there. There was an investigation and there was a big fine levied. After that, we more or less told Air Transat that as a condition of continuing operations, even before we drafted regulations, we would establish a pilot SMS project with them. This was a condition for us to allow them to continue their operations. And they did, and it went very well. After that, we mandated SMS through our regulations.

There was no SMS at the time of the Air Transat incident, so that information was a little bit inaccurate.

● (1655)

Hon. Joseph Volpe: Mr. Reinhardt, the other thing that came out of those presentations was, for me, essentially, a desire on the part of people in the field to have the regulator, whose presence would be feared and respected, actually in the field all the time. I kept thinking about those two terms, those two words, through virtually everything the two presenters indicated. Industry itself and the travelling public itself want to have that environment and that atmosphere.

I thought that while I could accept the perception that the more data you have, the more you build a fuller picture of the trends—what could go wrong, what does go wrong, and what you need to correct it—you need to have fear and respect in the field. The travelling public, including those who operate aircraft, whether privately or with other associations, need to have it in order to go to work every day with a clear conscience.

I only just started going over your amendments, and I don't know whether the ones that are coming are going to address that. But you appear, in the past, to have contradicted that particular view. You thought, in fact, that the amassing of evidence would be sufficient to establish a system that everybody would accept, whereas the people who are among the people in the field told us in no uncertain terms this afternoon, hey, we don't want any part of that; unless the regulator is there instilling fear and respect, nothing's going to work.

Mr. Franz Reinhardt: We fully agree with you that SMS is good—and everybody else agrees—but we also need to have safety oversight. We have safety oversight now, and many of the people who have testified may not have seen what we've done since we established SMS. We now have new policies, and there are other ways of inspecting, auditing, assessing, and validating all those carriers and their systems. So we recognize that legitimate concern.

When Minister Cannon testified two weeks ago, he told you we were coming forward with at least three specific amendments. The first one is to reassure the Canadian public that there will be continuous safety oversight by using inspectors to carry out inspections in the field. That's something that is coming.

From my understanding of this committee when I listened to all the testimony and questions from members, the designated third party to certify is a concern. We realize that. We already gave our commitment verbally that it was never our intention to ask the Air Transport Association of Canada to certify Air Canada or WestJet. Now we have to put our money where our mouth is. We're going to put it in writing, and Minister Cannon has announced that we will make an amendment saying that there will be a safety study. He believes it will have to be a very low-risk activity—and also non-fare-paying air transportation of passengers. So I think this will go a long way.

The next concern was on the protection provisions for the internal SMS reporting, as well as the universal voluntary, non-punitive reporting process. The pilots' union asked us to give them more protection than we were giving. I've heard some other unions, more labour-related unions, asking for no protection at all for whistle-blowers. We believe we have struck the right balance. We even brought forward a couple of new amendments there.

In an SMS environment we want employees to work with employers. My colleagues and I feel that a whistle-blower program, where people could tattle-tale willy-nilly, without really having substantiated information against their employer, would be negative. That's the danger. We want people to work together, and unless the whistle-blower program made very important punitive provisions against people making false reports, or things of that nature, I believe it would be difficult. So we're not favouring that approach.

With the protections we're giving, we believe that people will bring forward as much safety information as possible. We don't think having a whistle-blower program would add to that information. On the contrary, I think it would turn off the tap and less information would come in between the employer and employee. It's not because we're against it; we just want to get the best system possible.

● (1700)

[Translation]

The Chair: Mr. Laframboise.

Mr. Mario Laframboise: Please continue, Mr. Reinhardt. From the outset, my problem has been the major difference between the views of Transport Canada's administration, whom you represent, and our objectives as legislators. It just wasn't clear to me.

From the beginning, I've been having a hard time understanding your failure to appreciate that we need a ground surveillance system in order for the safety management system to be effective. We've heard a range of comments from you and from your colleagues to the effect that the overall number of pilots will be reduced and that some attrition will be take place. We never said that pilots would be replaced, or kept on staff or whatever. We have the transcripts of all of the speeches delivered. Transport Canada seemed to think that SMS would replace ground surveillance and that economies of scale would be realized. That's precisely the feeling I had when I read your speeches and listened to your comments. However, that is not at all the intent of the legislation.

You're telling us today that the government's proposed amendments are aimed at maintaining a ground surveillance system that conforms to the wishes of the politicians. We want some assurances that no company, regardless of its name, is able to...You've seen it happen. One day, they are very wealthy and within six months, they have become impoverished. We do not want them to shoulder the responsibility of ensuring the safety of our constituents. What you're saying appears to be...

Mr. Franz Reinhardt: Mr. Laframboise, it has always been our intention to continue to have inspectors ensure safety by carrying out inspections, even with SMS. That's always been our intention. However, since we detected a certain amount of apprehension on the part of committee members and the general public, the minister decided to bring in an amendment to make it clear that sufficient resources will be in place to provide safety oversight. This is legitimate.

Of course, if down the road we find ourselves with fewer resources through attrition, in spite of our best efforts to obtain more resources and to hire more inspectors...There's no question that SMS is far more efficient than the current system in place. It helps to give us a complete picture of the carrier. Therefore, even if there are fewer inspectors, we still have better oversight. In the past, we needed many people to attend to a range of details. However, show me where I said that there would be staff cuts. I never said that.

Mr. Mario Laframboise: Except you just admitted that there could be some downsizing.

Mr. Franz Reinhardt: No. I said that if ever there was a reduction in personnel—

Mr. Mario Laframboise: If ever there were fewer inspectors, with the proposed system—

Mr. Franz Reinhardt: It would be a better system.

Mr. Mario Laframboise: The culture of your—

Mr. Franz Reinhardt: What I'm saying to you, Mr. Laframboise, is that we have no intention of reducing personnel levels. However, if we did happen to find ourselves with a reduced workforce, then this is a system that—

Mr. Mario Laframboise: Except that you've quickly assessed the situation.

Mr. Franz Reinhardt: You have to understand that we've been working on this for several years now.

Mr. Mario Laframboise: What floors me each time is that you seem to be at cross-purposes with the public. However, it's your choice. You're in charge of managing Transport Canada.

My second question concerns designated organizations. I see that you want to oversee them in some way. Why do you insist on having designated organizations? I can understand wanting to take away some of their powers or limit their authority, but why do we even need them in the first place? Can you honestly explain that to me?

•(1705)

Mr. Franz Reinhardt: Some of the activities in the aeronautics industry are not even regulated at the present time. Having designated organizations could lead to increased regulatory oversight in the case of these activities. Consider, for example, ultralight aircraft or small business jets. In the United States and around the world, these aircraft are not regulated. They are part of the aviation industry in general, as defined in part 91 of the United States' General Operating and Flight Rules.

Canada goes much further. The Canadian Business Aviation Association has the power to enact certain regulations and standards governing its own operations. It does not yet operate as a designated organization. Eventually, it could become one, but other regulations would then apply. However, around the world, members of this association are not regulated. We're taking it a step further by giving them responsibility for business aviation operations. We could do the same with ultralight aircraft operators, amateur pilots and skydivers. People in this industry have the expertise needed to carry out improved oversight operations. That is your explanation.

Mr. Mario Laframboise: Currently, Transport Canada must carry out surveillance operations in the absence of such organizations.

Mr. Franz Reinhardt: Some areas are not regulated at all at the present time, Mr. Laframboise. Take ultralight aircraft, for example. All that is required is a licence—

Mr. Mario Laframboise: I'm talking about business jets, among other things. Is this area regulated?

Mr. Franz Reinhardt: There are basic regulations governing pilot licensing, aircraft certificates and airworthiness. These areas have always been regulated. As I said, nothing is changing. However, the private aviation industry is not subject to the same kind of regulations as a commercial carrier like Air Canada.

Mr. Mario Laframboise: Under the proposed legislation, accreditation papers, for example, could then be issued by their association.

Mr. Franz Reinhardt: That's correct.

Mr. Mario Laframboise: Right now, Transport Canada is responsible for issuing these certificates. Correct?

Mr. Franz Reinhardt: Actually, further to a series of amendments several years ago, Transport Canada was stripped of this earlier responsibility.

In other countries, the business aviation sector is not regulated. Canada is taking matters a step further. By giving the Canadian Business Aviation Association the authority to issue certificates, we're going a step further than other countries. We've amended our regulations, while maintaining basic regulations governing pilot licensing, aircraft airworthiness and flight rules. These regulations apply to everyone at all times.

Mr. Mario Laframboise: A pilot licence—

[English]

The Chair: Mr. Julian.

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

Part of what we're struggling with around the table is to get the information we require before we go into Bill C-6. The first issue I wanted to raise with you is the whole question around flight inspectors. We have information on flight inspectors' positions, but what we don't have is how many positions are vacant. In how many positions currently are employees on leave? How many are on long-term disability leave? How many of those positions are vacant for other absences? That's information I would very much like to see, and I think other members of the committee would very much like to see. Not the number of positions. Of course, that doesn't change, but how many are actually being filled? How many are otherwise absent through long-term disability or vacant positions? If you could table that tomorrow with the committee, that would be extremely helpful.

Secondly, on the issue around the closed files for these serious safety violations that were being inspected, we heard testimony that there are about 100 files. Mr. Rubin, who testified last week, believes the number is much higher. We did ask a number of weeks ago to have that information tabled; it hasn't been tabled with the committee. That information would be helpful as well. Before we proceed, we need to get that information. Otherwise, I think there's a sense that something is being withheld from us. I'd like to be proven wrong by having that material brought forward.

One of the witnesses spoke to the Air Transat near tragedy, and I want to know whether Transport Canada has audited the SMS for Air Transat.

Mr. Franz Reinhardt: My understanding is yes, it has.

Mr. Peter Julian: Would you table that audit as well with this committee?

Mr. Franz Reinhardt: If the information is there, available, yes. I know there was a preliminary assessment, but I'm not aware of the whole evaluation that was done because it's not really my branch; it's another branch, but we can verify. The information is available, I'm sure.

• (1710)

Mr. Peter Julian: But you do believe there was an audit done on the SMS for Air Transat.

Mr. Franz Reinhardt: Well, I believe there was at least a preliminary assessment of their SMS system, yes.

Mr. Peter Julian: Okay. So whether it was a preliminary assessment or an audit, you will table that with this committee, hopefully tomorrow. I mean, time being of the essence with this, if we are going to be looking at clause-by-clause, obviously we need this information—the number of vacant positions, the number of

closed files, what happened to those investigations of serious safety violations, and, because of the testimony today, Air Transat's SMS, either a preliminary assessment or an audit, preferably both, if that was done.

Mr. Franz Reinhardt: As I mentioned earlier, the testimony today about the Air Transat accident is something that happened before we established a pilot project SMS with Air Transat. I think this needs to be very clear. There was no SMS when the Air Transat accident happened. There was no SMS whatsoever anywhere in Canada. After the accident, one of the conditions to allow Air Transat to continue operations was that they would establish a pilot project SMS within the company. After that, we came up with our mandatory SMS requirements for all the other 705 carriers.

This is very important, because one might think that the accident happened because the SMS system wasn't good. No, there was no such thing as SMS when the Air Transat accident happened—I don't remember exactly when, but about three or four years ago.

Mr. Peter Julian: But you did state that you believe the preliminary assessment was done.

Mr. Franz Reinhardt: Yes, I did.

Mr. Peter Julian: Okay.

Mr. Franz Reinhardt: And that would be available if it was done, yes.

Mr. Peter Julian: Okay. But I'm not sure...you're saying you're going to go back and check, right?

Mr. Franz Reinhardt: What I'm telling you, Mr. Julian, is I'm not in charge of the file for Air Transat, the branch who did assess, evaluate, the SMS. My understanding is yes, they did one preliminary assessment at least. And that would be available, yes.

Mr. Peter Julian: Thank you.

Mr. Franz Reinhardt: And it may be more than preliminary; if it's more, so much the better. But I cannot really tell you.

Mr. Peter Julian: Okay. Thank you for that. But what I am suggesting is that we need that material this week, so I would ask you to make that material available.

Mr. Franz Reinhardt: We'll see what we can do.

Mr. Peter Julian: I want to come back to the point that Mr. Volpe raised, which is that after the testimony that we've heard, most of the witnesses who have come before this committee and have testified in detail have raised very serious concerns. Justice Moshansky was one of those witnesses. He talked about regulatory oversight not being merely reduced but being systematically dismantled under Bill C-6, and we've heard this from many different witnesses who've testified in much more depth.

We've had witnesses who've talked about the theory of SMS, and I certainly understand that there are those out there who believe in the theory of SMS. Most witnesses have spoken theoretically to SMS, but anyone who has spoken to the details has raised serious concerns.

So getting back to Mr. Volpe's point about whether or not this makes sense to push forward, my concern is, is there another agenda at play here?

In the previous transport committee, in the previous Parliament, we had issues around reducing the flight attendant ratio, which many of us at the transport committee thought was a bad idea. We managed to convince the minister in the previous Parliament to stop that approach. Then we came into the new Parliament and the issue was right back on the table with a new minister, and we had to convince that minister, again, that we did not believe it was advisable to reduce the flight attendant ratios on Canadian flights.

Some of this took place in the last election campaign, some of the reducing of the regulatory oversight. My concern is that there seems to be an agenda that's pushed forward despite the fact that we have very credible witnesses expressing real, serious concerns about Transport Canada's direction. I don't get a sense from you, as the high officials in Transport Canada, that there's any reflection upon what that might mean, that perhaps this is the wrong direction to take.

The Chair: Mr. Reinhardt.

Mr. Franz Reinhardt: First of all, I have all due respect for the Honourable Justice Moshansky. My understanding is we offered to brief him a couple of times, even before he appeared before the committee, on what Transport Canada was doing with respect to SMS, and we never had a response from Justice Moshansky.

My understanding, too, is that Mr. Justice Moshansky was provided with some information, but he did not have the complete information. You're talking about witnesses who came here. You probably realize we didn't offer many witnesses. We could have. We could have brought 20, 25 witnesses here to give you the success story of SMS. Maybe we should have done that, but—

• (1715)

Mr. Peter Julian: I believe the main opposition members could have done the same thing.

The Chair: Mr. Reinhardt.

Mr. Franz Reinhardt: We could have done that. We wanted to have the officials here first and then we had all the other witnesses. I think the problem with the other witnesses is they didn't give you the facts in their proper context, because there's much more to this.

On the question of the cancellation of the national audit program, yes, the national audit program was cancelled, but it was replaced by something else. So it's fearmongering. People are thinking there's no inspection and this is simply not true. There is process validation, there is program validation, there is assessment, and it's much more thorough than it used to be under the audit carried out through the national audit program, which was, by the way, only an administrative constraint to take some people from the regions and some people from HQ.

You could have asked the question of Mr. Carson, I believe, who took his SMS course two weeks ago...that yes, there are things that have replaced the NAP. But if you ask the question, was the national audit program cancelled, they will say yes, it was cancelled. You have to put things in context.

Now you're talking about an agenda. We have no choice. You want Canada to respect the international agreements. ICAO has just mandated SMS in all the activity fields in aviation on the international level, and we're following them. But we are, as

mentioned by the ICAO witnesses, at the leading edge. We're considered as probably the first country...to have as good an approach with respect to SMS as Canada has. So we are at the leading edge, and we are required by ICAO, so we have no choice.

I don't think it should be pushed. If we had the opportunity to explain to you...and we could, if you wanted. We could take one day and give you all those presentations that we give at the SMS course and explain to you really what it's all about, and you would be impressed and surprised. It's not all those negative things you hear.

The Chair: Mr. Jean.

Mr. Brian Jean: Thank you, Mr. Chair.

The government side has no questions for the witnesses, but we do have the amendments that have been proposed, and they're in both official languages. I'd like the opportunity to pass them out, if I could get the clerk to do so, and to give the opportunity for the opposition to ask any more questions they may have of the witnesses.

The Chair: Mr. Bélanger.

[*Translation*]

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

I'd like to pick up where Mr. Laframboise left off on the subject of private jets. If this sector is not self-regulated, then it must be regulated by someone else. I would assume that regulating body is Transport Canada.

Mr. Franz Reinhardt: Regulations governing pilot licensing requirements, aircraft certification, instrument flight and visual flight apply to everyone. A carrier such as Air Canada is subject to many other commercial requirements. For instance, one requirement is that it have an operations manual. In the past, that was a requirement for private jets, but that's no longer the case.

Hon. Mauril Bélanger: I noted that amendment G-2 provided for an improvement over what already exists. I'll have an opportunity to review this carefully when I have a quiet moment. For now, I'd like to understand one thing.

If there were designated organizations, then the regulatory oversight mentioned earlier which is now the responsibility of Transport Canada would remain with the department. Is that correct?

Mr. Franz Reinhardt: Absolutely. I think people have misunderstood and I'd like to explain. SMS complements the basic regulations already in place. There's no question that as part of the process of designating organizations—and this process has nothing to do with SMS—the basic regulations would continue to apply.

Hon. Mauril Bélanger: I have a question for a DND official.

Does DND have a safety management system in place?

Col Christopher Shelley (Director, Flight Safety, Department of National Defence): Yes.

Hon. Mauril Bélanger: Has the effectiveness of SMS been assessed?

•(1720)

[English]

Col Christopher Shelley: The flight safety system in the Department of National Defence has not been assessed by any outside agency. We do internal assessments and surveys of all our installations, contractors—

[Translation]

Hon. Mauril Bélanger: I'm talking here about a safety management system, or SMS. Does DND have an SMS for the aviation sector, consistent with what Transport Canada is trying to put in place?

[English]

Col Christopher Shelley: The flight safety program within National Defence is regulated by the AGA 135, which is the manual. I would say it resembles SMS, but it predates it by many years.

Hon. Mauril Bélanger: Have there been evaluations of that system, if you call it that, or whatever it is it's called?

Col Christopher Shelley: There has been no external audit or evaluation of the system.

Hon. Mauril Bélanger: Have there been internal audits?

Col Christopher Shelley: No.

Hon. Mauril Bélanger: How long has it been in existence, in application?

Col Christopher Shelley: Since the 1960s.

I believe the vice-chief of defence staff evaluated the system a couple of years ago, but I'd have to research exactly when that was.

Hon. Mauril Bélanger: Please do.

[Translation]

Recently, I raised some questions about Air Canada and SMS. As I understood it, Air Canada management and pilots rarely get together and their meetings are not attended by the inspectors.

In your opinion, should an SMS policy require the presence of an inspector when the two parties meet? That way, he could at least hear the parties voice their concerns.

Mr. Franz Reinhardt: As you know, SMS is already in place, along with regulations governing large carriers. Pursuant to these regulations, the employer is required to consult with employees. That's already provided for in the regulations. All carriers, including Air Canada, that are governed by SMS have a designated chief transportation inspector who is available at all times to intervene and attend meetings between management and employees.

Hon. Mauril Bélanger: We'll come back to this at some point. In my opinion, this should be mandatory, not optional, but that's another story.

[English]

The Chair: Mr. Carrier.

[Translation]

Mr. Robert Carrier: Thank you, Mr. Chairman.

Good day, Mr. Reinhardt. I still have some questions about designated organizations, as mentioned in the bill. The provision in

question states that “the Minister of Transport may designate [...] one or more organizations”. The bill says “may”. In your opinion, how effective is this clause? Under what circumstances may the minister designate such organizations? Of what benefit is it to an organization to be so designated? Would it be compensated in some way for taking on this responsibility?

Mr. Franz Reinhardt: Most certainly it would not be compensated in any way. Take the case of the Canadian Business Aviation Association. It imposes charges on its members and these cover the cost of providing services. Obviously, Transport Canada has nothing to do with all of that. If an organization is designated, it must work out some kind of arrangement with its members. As you will see, pursuant to the regulations, members can turn to the Transportation Appeal Tribunal of Canada if they disagree with the charges imposed. They can ask to have the charges reviewed.

Mr. Mario Laframboise: I'm going to be using Mr. Carrier's time.

Representatives of a company that employs bush pilots—I believe it was DaxAir— testified before the committee. If I understand correctly, these pilots are not subject to any regulations. Correct?

Mr. Franz Reinhardt: DaxAir is a 703 company that provides air taxi services. While it is most definitely regulated by Transport Canada, it is not subject to SMS and it does not have to assume any of the related costs at this time, but eventually, it will be.

In terms of commercial requirements, this company must have an operations manual and follow a maintenance schedule, just like Air Canada, although the requirements are not as stringent, since it is a 703 company. However, the fact remains that this company must account for its commercial activities.

•(1725)

Mr. Mario Laframboise: So then, for this type of company, there is no designated organization. Transport Canada has oversight responsibility.

Mr. Franz Reinhardt: It was never a question of having designated organizations take responsibility in such instances. As you can see, the government's proposed amendment as announced by Minister Cannon talks about taking steps to ensure that this sector of activity does not pose any kind of danger. Commercial passenger carriers that operate fixed schedules are not affected.

Mr. Mario Laframboise: Transport Canada inspectors monitor the operations of these companies. When people tell you that their competitors are not subject to any kind of oversight, then you're to blame for this state of affairs. Is it because you lack the personnel, or is there some other reason?

Mr. Franz Reinhardt: I'm happy you asked that question, Mr. Laframboise. We carry out our oversight activities and the legislation also applies in remote regions, such as Northern Ontario. Many times we have conducted on-site visits with inspectors and everything was fine while we were there. The people knew that inspectors were on site. Occasionally we issued rather minor fines.

We've always made it clear to companies like DaxAir and officials like Ms. Brazier that we need proof and witnesses to back up allegations of serious problems, such as the overheating of an aircraft. We need to produce this kind of evidence before the Transportation Appeal Tribunal. However, these individuals are unwilling to provide us with this evidence.

When we conduct our on-site inspections, there is no evidence of any violations being committed. However, if the information is conveyed to us and people are prepared to testify, we can take certain steps, as we have done in the past. In short, these people will continue to be subject to safety oversight in the future, even in an SMS context. In fact, inspectors will then be on site to ensure compliance with the rules and standards.

[English]

The Chair: We'll go to Monsieur Volpe for a point of clarification.

Hon. Joseph Volpe: It's just a very brief one.

I know that one of the officials raised this. I'm not sure whether he raised it with me or whether it was done in committee. I just want everybody else to have the benefit of the answer.

Colonel Shelley, I guess if the system you have in place with DND approximates the SMS that's being proposed or that's already being worked on—not just being proposed—you haven't had an opportunity to have it assessed after about 40 years of implementation. If something were to happen in, God forbid, an accident or a crash, the lead department there would be Transport Canada? Or would it be DND, if the accident happened outside DND territory, outside a base?

Col Christopher Shelley: Normally, the lead department would be DND. There could be circumstances where the Transportation Safety Board would have the lead on the investigation. In no case would it be Transport Canada because they don't investigate.

For example, right now we have a coordinated investigation ongoing in Trenton. It's a chartered foreign aircraft that had an occurrence in Trenton, so DND has the lead on the investigation. We're assisted by the Transportation Safety Board, and we have a

minister's observer from Transport Canada. That's in accordance with the letter of agreement we have between ourselves and TSB.

Hon. Joseph Volpe: The reason I asked that question, though, Colonel Shelley, is that DND would essentially be akin to one of the designated organizations that would be responsible for implementing that SMS system and providing the assurances and guarantees that Transport Canada would require as the regulator. The experience that DND would have acquired through the investigation would probably have more to do, or at least as much to do, with ensuring safe and secure travel on board aircraft, at least as much as it would have to do with internal DND issues. Would you not agree?

● (1730)

Col Christopher Shelley: I'd certainly say we'd have those objectives in mind. We have specific obligations under the Aeronautics Act, etc., for DND, so I'm not sure it's exactly parallel, but those are the objectives with which we go into the investigation, obviously.

The Chair: Thank you, Colonel Shelley.

Hon. Mauril Bélanger: A point of order.

The Chair: Mr. Bélanger on a point of order.

Hon. Mauril Bélanger: Have we received the information asked for and promised last Monday when we had the minister here for estimates?

The Chair: No, we haven't.

Hon. Mauril Bélanger: Is it possible to perhaps prod a little bit so that we have this before the end of the week? Then when we're back from the week off, we can deal with that if there's a necessity to deal with it.

The Chair: I hope there's enough people listening in the room for them to get the message that we would like the information before week's end.

Hon. Mauril Bélanger: Thank you very much.

The Chair: The hour being 5:30, the meeting is adjourned until Wednesday, at which time we will proceed with clause-by-clause on Bill C-6.

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