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Chair

Mr. Merv Tweed

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Standing Committee on Transport, Infrastructure and Communities

Wednesday, May 16, 2007

• (1535)

[English]

The Chair (Mr. Merv Tweed (Brandon—Souris, CPC)): Good afternoon, everyone. Welcome to the Standing Committee on Transport, Infrastructure and Communities, meeting 52. The orders of the day are pursuant to the order of reference of Tuesday, November 7, 2006, Bill C-6, An Act to amend the Aeronautics Act and to make consequential amendments to other acts.

Joining us today from the Department of Transport are Franz Reinhardt, Susan Stanfield, and Merlin Preuss; and from the Department of National Defence, Christopher Shelley and Alex Weatherston.

Today, as previously discussed, we're going to deal with clause-by-clause of Bill C-6.

Mr. Jean.

Mr. Brian Jean (Fort McMurray—Athabasca, CPC): Just very quickly, there were some requests made by committee members last time, and I want to provide to them copies of certain materials, one being the existing regulations and new regulatory proposals on safety management systems. We have a copy for everybody here today, in French and English.

Also, we have a copy of a release, just for the members' interest, from Teamsters Canada in relation to Bill C-6, and I will ask the clerk to distribute that as well.

The Chair: Mr. Julian.

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Chair, actually, further to that, I was asking the parliamentary secretary if the other material that has been requested by this committee, some of which we've been waiting weeks for, has been distributed to the clerk.

Mr. Brian Jean: I would suggest, first of all, that it has been less than weeks since the request was made.

Mr. Peter Julian: For some of them, though—

Mr. Brian Jean: “Weeks” is a two-week period. I think it was last Tuesday. So I will let the department answer, but I believe the information has been accumulated.

Mr. Franz Reinhardt (Director, Regulatory Services, Civil Aviation, Department of Transport): The information is on its way. It's being processed through the normal channel and should be here this afternoon or, at the latest, tomorrow morning.

Mr. Peter Julian: Okay.

Mr. Franz Reinhardt: It was processed, I can tell you.

Mr. Peter Julian: Thank you.

The Chair: Mr. Laframboise.

[Translation]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): The same is true in my case, Mr. Chair. It has to do with the number of check pilots. I asked Mr. Grégoire to submit to us—

Mr. Franz Reinhardt: The information has been obtained, Mr. Laframboise, and is being forwarded to you.

Mr. Mario Laframboise: Perfect. Thank you.

[English]

The Chair: I think we're going to proceed now. We'll start with clause 1.

Mr. Jean.

Mr. Brian Jean: I'm wondering, Mr. Chair, if that particular clause, just because it relates to the bill itself, could be put to the end and be dealt with after we've dealt with all the other clauses, simply because it will obviously frame what the description of it is in the first place.

So if we could, just as a matter of cooperation... I think that's, quite frankly, the only clause that might lead to some difficulty between the parties, simply because of what the bill is in its entirety and what the description is. I think it would be constructive to put it at the end, simply to wait until all the clauses have been dealt with and deal with it at that time.

The Chair: Mr. Julian.

Mr. Peter Julian: Mr. Chair, I have to disagree with Mr. Jean. I don't see a real problem between the parties. The Liberals have submitted an amendment that is very close, the Bloc has submitted an amendment that is very close, and the NDP has submitted an amendment that is very close. So I think we have a responsibility, given that the parties seem to generally agree about the direction in clause 1, to tackle that first.

It also does—Mr. Jean is absolutely right—set a tone for all the subsequent amendments. We would have to be, I think, faithful to the initial discussions around clause 1, so it makes sense for us to tackle that issue first. I don't think it would take long, because there seems to be fairly broad agreement. From there, we have certainly established what the benchmark should be as we go through and, I think it's fair to say, make some changes to this bill.

The Chair: Mr. Jean.

Mr. Brian Jean: That was my concern. I heard from the department and I understand that legal services might have some input in this, but my understanding is that, first of all, they need a broad definition under this clause in particular, depending on what happens with the bill. So it would be premature to have this definition come forward and define a bill that hasn't yet been defined or hasn't been set—at least the clauses haven't been—and my proposal doesn't change anything as far as the majority deciding. Certainly the will of the committee would rule, but the concern by the department—and I'll let them speak for themselves—is that, quite frankly, the definition as proposed limits the bill and the capability of the bill, and as such, I'm just suggesting that it go to the end and be dealt with at that time.

It doesn't change anything about what is included and what the other parties' positions would be. It just gives the ability to put it at the end, because it does deal with some contentious issues and does limit the scope of the bill.

The Chair: Go ahead, Monsieur Bélanger.

Hon. Mauril Bélanger (Ottawa—Vanier, Lib.): I've listened carefully, Mr. Chairman. Perhaps the answer to my question might help me to make a decision here.

If we put the clause off and it's eventually changed according to one or two or three of the amendments we've had put to us, could that possibly require us to then go back to the whole bill? There's a sequence here for a reason, I presume. Once you've defined what the safety management system is, that definition may affect various clauses as we go through. I wouldn't want to do the exercise and then debate this and make a decision and have to do it again.

That's my concern. Perhaps I could have some response to it.

The Chair: The committee can make the decision to move the clause to the end.

Hon. Mauril Bélanger: I know that, but I wouldn't want to do the whole exercise twice because we've moved this one to the end.

The Chair: What I'm understanding is that once we get through clause-by-clause consideration, there may be some changes made to the first clause, and by putting it off to the end.... It's entirely up to the committee, though. It's a committee decision.

Please go ahead, Monsieur Laframboise.

[*Translation*]

Mr. Mario Laframboise: Mr. Chair, when the analysis is done and the entire document is sent to the research branch, we must also bear in mind that amendments are submitted by other parties. I agree we should start with clause 1. That is not a problem. The position adopted by the government does not in any way change my opinion. I am ready to start with clause 1.

[*English*]

The Chair: I'm only going to entertain a couple more comments.

Mr. Fast is next.

Mr. Ed Fast (Abbotsford, CPC): Mr. Chair, I want to assure Mr. Bélanger that I think the reverse is true. If we now settle upon this clause, and let's say it's a disputed clause and there are issues arising out of it that should actually wait until we've discussed the rest of the

bill, then I think we're doing a disservice and we're actually putting the cart before the horse.

We've actually gone through the whole bill, as I'm sure you have as well. We've reviewed it very carefully and we feel this particular clause likely should wait for the outcome of the rest of the clauses. We're not proposing that any other clause be delayed or postponed. This is the only one. What we're trying to avoid is unintended consequences. That's the only purpose here. I was hoping there'd be some goodwill at this table, because Mr. Bélanger, I know, has raised that as an issue, and even Mr. Julian. Well, let's cooperate with each other to move forward with the bill, which hopefully will improve aviation safety in Canada.

• (1540)

The Chair: Mr. Laframboise, do you have a comment?

[*Translation*]

Mr. Mario Laframboise: I would very much like to cooperate, but it was not me who started the bill by listing the definitions in clause 1, it was the government. As I said, I am prepared to discuss this clause. The research has been done, all the amendments submitted by all parties, including the government's amendments, have been weighed and we are ready to begin with clause 1.

Mr. Fast tells us that only one clause will be studied before clause 1, but I do not feel confident about Mr. Fast's word. He has changed his mind a few times along the way.

[*English*]

The Chair: Go ahead, Mr. Julian.

[*Translation*]

Mr. Peter Julian: Mr. Chair, I agree with Mr. Laframboise. We had Mr. Jean who first said he did not want to discuss this clause precisely because it could change the direction of the bill. He then said it was not serious, that perhaps it was something that could be discussed later on. Those two comments completely contradict one another. What Mr. Laframboise and Mr. Bélanger said makes sense. We must start at the beginning. Let us list the definitions first and then proceed to the clause by clause. That makes more sense. That would be the normal procedure. Acting in good faith, the government would agree that it makes sense to proceed in this way.

[*English*]

The Chair: Mr. Jean, do you have a last comment?

Mr. Brian Jean: I'd like to hear from the department, but before that, I do want to say that this is not normal. There is no normalcy. I know we didn't do this with Bill C-30; we didn't do it with Bill C-38. I know that in other jurisdictions across Canada they wait and leave the definition and the name of the act until the last. I understand that to be the case in Manitoba and in many other jurisdictions.

Quite frankly, what Mr. Fast said is correct. We did go through the bill extensively, and we found very few problems with the amendments, to be blunt. We think we can go through this with cooperation and find some results. We're not asking for pie in the sky; we're simply asking for one particular clause to be put to the end until the rest of the clauses are dealt with.

Could we hear from the department and the legal counsel on the ramifications of dealing with it at this stage, and whether or not it would be advantageous to put it to the end?

The Chair: Go ahead, Mr. Bélanger.

Hon. Mauril Bélanger: May I propose a solution to this, which is that we deal with it, but we, as the committee, formally reserve the right to review it once we're done with the rest of the bill if there's a need to do so at that time? That way we can address both, do it in the order they're presented. As a committee, if we agree to reserve the right to look at it once we're through it, I'd be quite prepared to do that. I don't want us to get bogged down here, right away, on a procedural matter.

The Chair: I will just suggest to the committee that if we do proceed with Monsieur Bélanger's comment, we would need unanimous consent to come back to clause 1, as a committee, to review it again at the end of the process.

Hon. Mauril Bélanger: Could you ask for unanimous consent now?

Mr. Brian Jean: Why not?

The Chair: Mr. Bélanger has asked if there would be unanimous consent—and I'm going to paraphrase—that if at the end of the clause-by-clause process we find the definition in clause 1 doesn't meet all the requirements of the other parts of the bill, we would reopen it to redefine it to meet those requirements.

Would there be agreement at this table today to do that?

(Motion agreed to)

(On clause 1)

The Chair: I will advise the committee that we did receive three amendments and we've determined that they're all identical. Mr. Laframboise's amendment came forward first, so I would start with Mr. Laframboise to put the motion on the floor.

Mr. Julian.

Mr. Peter Julian: I have a point of order, Mr. Chair.

The French texts are exactly the same, you're absolutely right, but the English text is not. I just wanted, for the record, to state that for the Bloc amendment, what it should state in English is "management system' means a documented process for managing risk".

• (1545)

The Chair: Are you making that comment on his amendment?

Mr. Peter Julian: I'm making purely a comment on the translation because—

The Chair: I think we have to put it on the table before we can actually discuss that, just as a matter of process.

Mr. Peter Julian: What I'm suggesting, Mr. Chair, is that the copy in French is exactly the same in all three cases. In English, however,

the definition has changed. So you have two different motions in English and one in French. That's why I would suggest that the appropriate way to define it is a "process for managing risk" in the English copy of the Bloc motion.

It's not Monsieur Laframboise's fault. The French text is identical and effective. But there's been obviously a glitch. Maybe two different translators worked on different motions.

The Chair: In order for that to become part of the discussion, we do have to ask Monsieur Laframboise to table the motion. If he wants to make that change in that noticed correction on the English side, then we would debate it that way. But until he puts it on the floor—

Monsieur Laframboise.

[*Translation*]

Mr. Mario Laframboise: I will try to cooperate. Does the English version of the Liberal motion match the French version, Mr. Julian?

Mr. Peter Julian: No, they are different. It is the same text in French, but there are two versions in English.

Mr. Mario Laframboise: Which version is the correct version?

[*English*]

Mr. Peter Julian: In my opinion, "process for managing risk".

[*Translation*]

Mr. Mario Laframboise: Is that the NDP version or the Liberal version?

Mr. Peter Julian: I think so. It is a more accurate translation.

Mr. Mario Laframboise: Perfect. I do not mind withdrawing my amendment. I will simply withdraw it. That is, I will withdraw—

[*English*]

The Chair: Mr. Laframboise, are you suggesting you'll move your motion with the changes that Mr. Julian has proposed on the English translation?

[*Translation*]

Mr. Mario Laframboise: Yes, I will withdraw it.

[*English*]

The Chair: Okay.

We have Monsieur Laframboise's motion, and it is with the appropriate changes in the English translation. The floor is open for debate.

Mr. Laframboise, do you want to speak to your motion, to your amendment?

[*Translation*]

Mr. Mario Laframboise: Yes, the amendment serves to make the English version match the French version. Of course, we are discussing only the amendment here, are we not, Mr. Chair?

[*English*]

Mr. Merv Tweed: Yes.

[*Translation*]

Mr. Mario Laframboise: We want the expressed will to be the same in both official languages.

[English]

The Chair: Mr. Jean.

Mr. Brian Jean: I would like to hear from the department, as I requested before, in relation to the clause itself.

Mr. Franz Reinhardt: Well, what we saw here is that we have no definition of management system, because the idea was to enable the minister to require other types of management systems, if need be, other than just safety management systems.

What the three proposals are doing here is borrowing the definition of safety management system that is in our current regulations. As you know, usually in an act of Parliament you have a broader definition and you can always narrow it down in the regulations. This is the way to proceed. We think it needs to be broader than what you have here. In the regulations we already have—and you have a copy, I believe, of all the Canadian aviation regulations, series 100, that was distributed today—there is a very detailed definition of safety management system there.

Here we wanted to keep it broader so that if we need other types of management systems, the minister has the enabling authority there. We didn't want to limit it to the specific detailed definition borrowed from the CARs. So that's the reason.

If need be, and if we really want to have the definition in the legislation, we could have a very broad one. I don't know whether you want to talk about that.

Mr. Brian Jean: I would.

Mr. Franz Reinhardt: There's a possibility of having a much broader one. I don't think it's necessary. I think the dictionary definition of management system is sufficient there, because we want to keep it broad.

The Chair: Mr. Jean.

Mr. Brian Jean: Are we discussing the amendment still? Can I speak in general terms in relation to a friendly amendment that I would propose to Monsieur Laframboise in both official languages, or would you rather deal with the amendment and get on with it?

The Chair: You can propose a subamendment to the amendment.

Mr. Brian Jean: My proposal would be to change it to:

“management system” means a document management process

—so take out “risk” and change “documented” to “document”—

that integrates operations and technical systems with the management of financial and human resources.

That was bounced off the department. Do you want me to repeat that, Mr. Julian?

It's “a document management process”—

• (1550)

Mr. Franz Reinhardt: Documented.

Mr. Brian Jean: Yes, it would be:

a documented management process that integrates operations and technical systems with the management of financial and human resources.

The Chair: Just for the record—

Mr. Brian Jean: Period.

The Chair: Period. So that's where it would end.

Mr. Brian Jean: It would end there.

So it would start with “management system”, and then “means”, and then go on to that.

The reason, I understand, is from the department again. It was a recommendation to have a broader definition, not restrictive. We might need other forms of systems, and it limits it to risk only.

In essence, I would suggest the friendly amendment that I'm proposing to Monsieur Laframboise is still generally in the concept of what was proposed.

The Chair: For the record, we have a subamendment proposed by Mr. Jean that would read:

“management system” means a documented management process that integrates operations and technical systems with the management of financial and human resources.

Stop.

Mr. Brian Jean: I was wondering if the department could comment on that, as to why they recommended that.

Mr. Franz Reinhardt: Again, I'll repeat what I said. We want something that is as broad as possible in the event that we need other than safety management systems, and we know we may need other management systems. That's why we want to keep it broad.

Safety management system is already defined thoroughly. It's a very detailed definition in the CARs. I recognize here—I don't know who prepared the amendment—that it was borrowed from our CARs. We think there's a danger that if you put it in the act, you restrict the minister's enabling authority to come up with other types of management systems, if need be, down the road.

So that's why we want to keep it broad, and then you can narrow it down.

Mr. Brian Jean: Why are you recommending the deletion of “in order to reduce risk to the lowest possible level and make continuous improvements to aviation safety and the safety of the public”? Why are you suggesting eliminating that?

Mr. Franz Reinhardt: I have no difficulty with this, but there may be management systems that are not related to risk. So that's why we said, is it appropriate to have that qualifier of risk there?

Mr. Brian Jean: Does it actually limit the minister's discretion, if indeed he...?

Mr. Franz Reinhardt: Certainly anything we can ask will always be to ensure continuous improvement to aviation safety and the safety of the public. It may not be directly related to the reduction of risk; it may be a generic type of management system that is not directly related. Maybe it could be “...that integrates operations and technical systems with the management of financial and human resources in order to make continuous improvement to aviation safety and the safety of the public”, or something like that.

I'm not sure that you want to put “risk” there. “Risk” is qualifying a bit too much. I think it's restricting, don't you?

The Chair: Go ahead, Monsieur Laframboise.

[Translation]

Mr. Mario Laframboise: I am having a very hard time accepting your explanation because, fundamentally, it is a safety management system. You want to give it a very broad definition and say it is just a management system. You could add administrative management, which has nothing to do with safety. Imagine the debate if it was decided that, under the legislation presented here today, an administrative management system could be implemented that would have nothing to do with safety. If that is what you would like to do, we must hear witnesses and users to determine whether they are willing to have an administrative management system imposed on them.

I am not saying that you are wrong, but adopting such a definition poses a problem. If the word “risk” is used, at least there is a focus on safety. We would reduce risk management to the most basic level, improve aviation safety and the safety of the public, and it would still be a safety management system. If you remove the words “safety” and “risk”, this would mean that all kinds of management systems could be imposed, including administrative management systems. This would mean interfering with the management and administration of airlines.

I could be inclined to agree with you, but I would like the airlines to tell me if they would like us to interfere in their administration. The advantage of our definition is that it focuses on safety and risk. If you want to get involved in other management systems, however, I hope the airlines are aware.

• (1555)

Mr. Franz Reinhardt: That is not our intention, Mr. Laframboise. It still has to do with safety. In my opinion, the word “risk” could be included.

[English]

The Chair: Do you have a comment, Monsieur Bélanger?

Hon. Mauril Bélanger: Mr. Chairman, essentially I'm going in the same sense as Monsieur Laframboise has just mentioned. I don't disagree with Mr. Reinhardt that perhaps definitions in the text of law could be somewhat broader than in regulation, but they can't be so broad as to be meaningless or to encompass everything.

Taking out any reference to risk and safety, which is everything we've been talking about, I think, is making it too broad. Conversely, if this is not accepted, we may want to consider calling it “safety management system” instead of “management system”. Then you've narrowed it a bit more precisely

[Translation]

in response to Mr. Laframboise's concern. We do not intend to try to include everything.

[English]

The Chair: Would you comment, Mr. Reinhardt?

Mr. Franz Reinhardt: Mr. Chair, I would prefer that we keep “management system”. At least “management system” is a bit broader, but after reviewing this.... Of course, as I mentioned to you, our intention is not to impose a management system that would have anything to do with improving safety; it has to be related to aviation safety, for sure, and it is always related to risk. So we don't have

difficulty, but we would rather keep it broader: “management” as opposed to “safety management”.

In the CARs, it is “safety management”. It is detailed and more specific.

The Chair: Go ahead, Mr. Julian.

Mr. Peter Julian: I think we've heard that there's no real reason for Mr. Jean's amendment and that risk management is a key factor. There is no doubt that his amendment would weaken the proposed definition, and there's no doubt that the witnesses who came before this committee were concerned about safety management, about the process for managing risk. Mr. Laframboise's proposed amendment is very effective in dealing with that fundamental issue that we, as members of this committee, have to deal with.

I do want to raise one point, Mr. Chair, right at the outset, because we will be spending many committee meetings together. I'm very happy to have the department resource people here, but they are resource people; they are not here to debate political points and go back and forth debating with individual members.

I hope that you, as chair, will differentiate between those of us who are elected to represent the Canadian people and to make legislation better, and those who are here as very valued resource people—people we can go to on occasion with specific technical questions, but who are not participating in the political debates.

The Chair: The chair will take your advice, but I think the idea of having our witnesses here is to provide us with the best information possible to make the decisions that we can. If they get into the debate, I'll correct them on that, but I think the information they've provided to date has been informative.

Mr. Bell.

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

From the testimony I've heard in the past, we're talking about—and we've used the term “SMS” repeatedly—safety management systems. I think the broader definition here of “management systems” widens it and I think the proposed amendment of cutting it off after the words “human resources” pulls back the clarification of what is intended.

When you get into a situation quite often...and I realize we're writing the broader strokes, if you want to call it that, and there are regulations that underlie this. But certainly my experience with law has been that when the judges are there, they're looking for direction as to what the lawmakers intended and for the most clarity you can provide without having it become burdensome.

I think the definition of the term “management systems” should be “safety management systems”, so we're clear, and I think we should leave the last portion of that sentence in, which includes a reference to reducing risks to the lowest possible level.

• (1600)

The Chair: Mr. Fast.

Mr. Ed Fast: Mr. Chair, first of all, thank you for not limiting our access to the witnesses we have here from the department. Thank you so much.

I sort of agree with Mr. Bell. I think he also wants a more expansive definition. The problem is that we had a number of witnesses at this table who actually went out of their way to distinguish between safety and security. You may recall that. They classified those as two different concepts.

When we're talking about safety, we're talking about the structure of the airplane, how it's flown, etc. Security is the whole aspect of interlopers or people from outside deliberately focusing on bringing down a plane or hurting people. That distinction jumped right out at me simply because it was so stark.

This definition doesn't capture security. I had assumed, given the fact that we're going to be discussing security in the future and it's right there at the front of the public's agenda now, that we would want to have a definition that is as broad and expansive as possible.

Mr. Bell, you've suggested the term "safety management process". Even putting the word "safety" in there does limit that definition. That's why I support my colleague Mr. Jean, simply because it is broad enough to capture any additional management processes that are required to ensure that the travelling public is not only safe but secure.

The Chair: Mr. Jean.

Mr. Brian Jean: In most of the courts I've looked at in the interpretation of law, with respect, Mr. Bell, my understanding is that judges usually look for the authority, first of all, to make a decision.

As Mr. Fast has said, and rightly so I think, keeping security out of it certainly restricts a judge's opportunity to make appropriate judgments on it.

"Safety management systems" is already defined in the regulations, and now we're going to have the legislation that supports those regulations become restrictive; it just doesn't make sense. I think keeping it broad allows a judge to decide, first of all, that he has the authority, and secondly, to put that in place and deal with it. As well, he can look at the regulations and also our discussions here today in relation to what he can or can't do.

But certainly it appears to me that we should have it left as proposed, "management systems", and at the very most, with the continuation of the additional issue of risk.

The Chair: Mr. Julian.

Mr. Peter Julian: Mr. Chair, I think we have a very effective amendment offered by Mr. Laframboise. Mr. Jean has provided language that is much vaguer and much weaker. There's no doubt that "a documented management process" leaves out the most vital element that has been raised at these committee hearings.

So we have a responsibility to look at the definition as Monsieur Laframboise has proposed it to ensure that this definition is strong and reflects the concerns that have been raised by witnesses before this committee.

Now, we just agreed to come back to clause 1 at the end of the process if we felt it needed tweaking. I would ask Mr. Jean to withdraw his subamendment so we can proceed on this first amendment. If we believe at the end of this process it needs tweaking, we've already opened the door to do that.

[*Translation*]

Mr. Mario Laframboise: Earlier, Mr. Reinhardt, you seemed comfortable with keeping the word "risk", were you not? Personally, I think it is clearer.

I maintain my "Documented process for managing risks that integrates operations and technical systems with the management of financial and human resources ..." The government later called for the removal of the words "... in order to reduce risk to the lowest possible level and make continuous improvements ..."

You do not seem comfortable with the words "... in order to reduce risk to the lowest possible level ..."

Mr. Franz Reinhardt: No, I mentioned that, in fact, any intervention could require management systems related to safety. I then said that the idea was to reduce the risk. I do not have a problem with that. As a witness, I am merely providing you with information.

Mr. Mario Laframboise: Perfect. Since you seem to be comfortable with the motion, I will move it so that we may proceed to the vote.

[*English*]

The Chair: We have an amendment on the floor, with a subamendment by Mr. Jean. We'll vote on the subamendment by Mr. Jean first, which would, as stated earlier, change it to: "management system" means a documented management process that integrates operations and technical systems with the management of financial and human resources."

Mr. Jean.

• (1605)

Mr. Brian Jean: It was a friendly amendment. If it's not accepted by my friend, it's not moved. It has to be a friendly amendment. If it's not accepted, then we don't have to remove it or vote on it.

The Chair: Okay, the subamendment is withdrawn.

We are going to go to the amendment by Monsieur Laframboise.

Mr. Brian Jean: Is it Mr. Laframboise or Mr. Julian?

The Chair: It is Monsieur Laframboise's motion and we just corrected the record so that the English translation is in Mr. Julian's too.

Mr. Jean.

Mr. Brian Jean: I have another point of order.

Are we to understand, then, from the discussion that took place that the department is satisfied with what has been moved by Mr. Laframboise now?

Mr. Franz Reinhardt: Yes.

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

The Chair: Shall clause 1 as amended carry?

Mr. Brian Jean: On the proviso that it will be brought back if anyone is dissatisfied.

The Chair: That is on the record as an agreement.

(Clause 1 as amended agreed to)

(On clause 2)

The Chair: Again, we have identical amendments issued by the Bloc and by the NDP. The BQ-2 amendment, Mr. Laframboise's amendment, was in first. I will go to Mr. Laframboise to move his amendment.

[Translation]

Mr. Mario Laframboise: It is on page 3.

[English]

The Chair: It's on page 4 in your program.

[Translation]

Mr. Mario Laframboise: That's right. The amendment is on page 3 and amends paragraph 3.1 a), which currently states: "... promoting and providing for the safety and security of the public ...". We are proposing the following wording: "... promoting and providing for aviation safety and security ...".

Hon. Mauril Bélanger: It continues with the words "... of the public and persons ...".

Mr. Mario Laframboise: Indeed, it would continue as follows: "... of the public and persons who perform aeronautical activities or work in aerodromes or other facilities relating to aeronautics ...".

[English]

The Chair: Everyone has the amendment in front of them. It's on page 4 at the bottom of your documents.

Mr. Jean.

Mr. Brian Jean: Excellent. It's a very good clause.

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

The Chair: We're now going to move to BQ-3 on page 6.

Perhaps I'll let you move the amendment and then I'll advise the committee of some of the inner workings of what we found out with the other amendments.

Monsieur Laframboise.

[Translation]

Mr. Mario Laframboise: We are still on page 3, but moving on to paragraph 3.1 b), which reads: recognizing the responsibility of persons regulated under this Act for the safety and security of their activities;

We would like to add the words "under this Act" after "security of their activities".

[English]

The Chair: Mr. Laframboise, if I may, what I'm looking at on page 6 is that the original amendment was—

[Translation]

Mr. Mario Laframboise: I have two amendments. One involves removing paragraph b), which is on page 6, or adding the words "under this Act". I am open to discussion.

• (1610)

[English]

Hon. Mauril Bélanger: *Conformément à...* "under this Act".

The Chair: I need you, Mr. Laframboise, to tell me what it is that you want me to do.

[Translation]

Mr. Mario Laframboise: Listen... Mr. Jean?

[English]

Mr. Brian Jean: Mr. Chair, I'm sorry to intervene, but I think, just from the government's perspective, amendment BQ-4 and amendment NDP-2 are excellent motions combined. I'm not so certain about amendment BQ-3, and I think as a result of the controversy with amendment BQ-4 and amendment NDP-2, amendment BQ-3 has to be removed.

[Translation]

Mr. Mario Laframboise: If we can agree on amendment BQ-4, I will withdraw amendment BQ-3, Mr. Chair.

[English]

The Chair: So BQ-3 has been withdrawn, and we're moving to amendment BQ-4 on page 7.

Monsieur Laframboise.

[Translation]

Mr. Mario Laframboise: It is a question of adding "under this Act" at the end of paragraph 3.1 b), on line 20.

[English]

The Chair: Are there any comments?

Mr. Brian Jean: Excellent.

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

The Chair: I'll advise Mr. Julian that his motion was identical to that, so we will be moving past amendment NDP-2 to amendment BQ-5, on page 9.

[Translation]

Mr. Mario Laframboise: If I may, Mr. Chair, I would like to clarify the following: still on page 3, after paragraph 3.1 e), thus after line 33, we would like to add a clause, clause 3.2. It would read as follows:

3.2 In the event of any inconsistency between the provisions of this Act or anything issued, made or established under this Act, and the provisions of any other Act of Parliament, the provisions of that other Act prevail to the extent of the inconsistency.

The clause specifies that this act is subordinate to all other acts of Parliament. It is as simple as that.

[English]

The Chair: So amendment BQ-5 has been moved.

Mr. Jean.

Mr. Brian Jean: It's very odd to see legislation that restricts the legislation itself, or at least shows precedence between legislation.

I'm wondering, if we have somebody here from the Department of Justice—

Mr. Franz Reinhardt: Yes.

Mr. Brian Jean: —whether she could provide any input in relation to it.

The Chair: Ms. Stanfield.

Mrs. Susan Stanfield (Chief, Aviation Security Regulations, Department of Transport): You're right, it is an unusual thing to see in legislation. Normally when an act is to be preferred over another act, it states in that act that, "Notwithstanding any other act...."

It's highly unusual to see an act that's made subordinate to everything, because there's no way of predicting in the future what other legislation may be made that perhaps Parliament doesn't really want the Aeronautics Act to be subordinate to, but an amendment like this would have the result of making the Aeronautics Act subordinate to anything until you had an opportunity to come back to the Aeronautics Act to amend the clause.

From the Department of Justice's point of view, it's not sufficiently concrete. It would lead to vagueness and uncertainty in the future. It would be confusing to interpret the statutes and to know with certainty whether that's really the intent. If other statutes were passed, each one would have to take into consideration the status of the Aeronautics Act in order to make it clear whether Parliament really wanted the Aeronautics Act to be subordinate to that piece of legislation. You would have to take that into consideration with each new piece of legislation, and perhaps with what's on the books now, go through everything to determine if that is indeed your intent.

The Chair: Monsieur Bélanger.

[Translation]

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

I agree with Ms. Stanfield. Indeed, I do not recall any act being subject to all other acts. I appreciate her remarks, but I have a question for her. Is it normal for an act to be subject to another act, or two or three other acts? Is this a common occurrence in Canadian legislation?

•(1615)

[English]

Mrs. Susan Stanfield: I haven't read the whole statute book of course, but I've seen more commonly the type of drafting where it says, "Notwithstanding any other act of Parliament, this provision has effect". And you in fact see that in the statute you're concerned with, which is the Canada Labour Code. It has a provision in it that specifically says that it takes precedence over any other legislation in the respect that it's concerned with, and that's in part II of the Canada Labour Code, which you were concerned with because it deals with federal undertakings.

[Translation]

Hon. Mauril Bélanger: Thank you.

[English]

The Chair: There is a point of order.

Mr. Brian Jean: On a point of order, I think I have a copy of that particular section under the Canada Labour Code, if I can have that passed out, Mr. Chair, just for all the members' benefit.

The Chair: It's not a point of order. You can pass it out.

Monsieur Bélanger.

[Translation]

Hon. Mauril Bélanger: Mr. Chair, I would like to point out that four amendments propose adding clause 3.2. Mr. Laframboise proposed two such amendments. I suppose the second amendment was proposed as an alternative. I presented one and, I believe, Mr. Julian also presented one. I believe all the amendments refer to the Canada Labour Code. Others refer to other pieces of legislation. I wonder if we can agree to drop amendment BQ-5. Thus, we could focus our attention on amendments BQ-6, L-2 and NDP-3 in order to come up with a solution. We would eliminate one amendment from the beginning.

[English]

The Chair: I think for clarification we are dealing with BQ-6 right now.

Mr. Brian Jean: We are?

The Chair: Sorry, BQ-5. I apologize.

Hon. Mauril Bélanger: And I am suggesting that perhaps Monsieur Laframboise will be amenable to withdrawing it—perhaps.

The Chair: Monsieur Laframboise.

[Translation]

Mr. Mario Laframboise: Before proceeding, I have a question for Ms. Stanfield, if I may, Mr. Chair.

[English]

The Chair: Please.

[Translation]

Mr. Mario Laframboise: You say that you have never seen an act that is subject to other pieces of legislation. We often see legislation that takes precedence over other legislation. For instance, the Canada Labour Code takes precedence over all other legislation. However, you say you have never seen a piece of legislation that is subordinate to other legislation. Is that right?

[English]

Mrs. Susan Stanfield: That is correct. I have never seen it drafted in such a way that the statute you're dealing with says, this statute is subordinate to anything else. It's usually done in terms of another statute being superior because there's more certainty that way. You know what you're dealing with. By making a statute subordinate to everything else, you don't actually know; it's very difficult to know, unless you've read the whole statute book, that this is your intent, that anything else dealing with the same subject matter should take precedence over what you've put in the Aeronautics Act.

[Translation]

Mr. Mario Laframboise: I am withdrawing amendment BQ-5, Mr. Chair.

[English]

The Chair: Okay.

I have Mr. Fast and Mr. Julian on the list next.

Mr. Ed Fast: I don't have to speak. I concur completely with Mr. Bélanger.

The Chair: Amazing.

[Translation]

Mr. Peter Julian: Mr. Chair, I have a question for Mr. Laframboise concerning his intention in presenting amendment BQ-5. In fact, there are two amendments that are very similar to one another. I would like to know what your intention is.

Mr. Mario Laframboise: My intention was for this act to be subordinate to all other legislation, particularly the Canada Labour Code and other legislation that could be enacted concerning the Canadian Transportation Accident Investigation and Safety Board, as well as other programs.

[English]

Mr. Peter Julian: Okay.

[Translation]

Mr. Mario Laframboise: For the same reasons, we are going to discuss other legislation a little later on. You are quite right, there are so many pieces of legislation that could apply. Conversely, one day, we will probably see legislation that is subordinate to other legislation. You say you have never seen that. However, at some point, if legislators want to draft legislation but do not wish to upset labour relations in a certain sector, we could see legislation that is subordinate to other legislation. As a solution, you are proposing that one piece of legislation always take precedence over others, but there is never one that is subordinate to others. One day, we will see legislation that is subordinate to other pieces of legislation.

• (1620)

[English]

Mrs. Susan Stanfield: It really only comes into question when the two statutes are in conflict. The scope and the authorities of the Aeronautics Act, fortunately, are put into a fairly confined space; it's pretty identifiable.

You do get the possibility of conflict when other statutes affect people affected by the Aeronautics Act. Examples are the Canada Labour Code and the Canadian Transportation Accident Investigation and Safety Board Act. I think the Transportation of Dangerous Goods Act is the other one you're concerned about. But you only need the overriding clause when there's going to be a real conflict. It's been my experience with the Aeronautics Act that generally either there is a shared jurisdiction and the two things are compatible, or it's not really a conflict; the two things operate in separate spheres and don't intrude on one another.

[Translation]

Mr. Mario Laframboise: If I want the Aeronautics Act, or the part of the act that we are going to amend, to be subordinate to the Access to Information Act, will the latter take precedence over this act?

[English]

Mrs. Susan Stanfield: I believe it does. I believe it's considered quasi-constitutional law, so it automatically has precedence.

[Translation]

Mr. Mario Laframboise: But you are not sure.

[English]

Mrs. Susan Stanfield: I'm sorry, but I can't answer that question definitively.

[Translation]

Mr. Mario Laframboise: Okay.

Hon. Mauril Bélanger: If you add an exclusion in this piece of legislation, you have to be careful.

[English]

The Chair: That's fine. Monsieur Laframboise, it is my understanding that you will—

[Translation]

Mr. Mario Laframboise: Since my colleagues asked me to, I am going to withdraw amendment BQ-5.

[English]

(Amendment withdrawn)

The Chair: We are now going to move to amendment BQ-6 on page 10.

Would you speak to it, Monsieur Laframboise?

[Translation]

Mr. Mario Laframboise: Of course, you understand that it aims to subjugate this legislation. We want it to be made very clear that this legislation is subject to the Canada Labour Code, the Transportation of Dangerous Goods Act, 1992 and the Canadian Transportation Accident Investigation and Safety Board Act.

Ms. Stanfield was saying that we have no way of knowing whether or not certain pieces of legislation would apply one day. Yet, we know that these pieces of legislation can come into conflict with this legislation. We therefore want to see the Canada Labour Code, the Transportation of Dangerous Goods Act, 1992 and the Canadian Transportation Accident Investigation and Safety Board Act take precedence over this legislation.

[English]

The Chair: I'm going to Mr. Jean, but before I do, I'm just going to advise the committee that amendment BQ-6 and amendment NDP-3 are identical. That is just for the record.

Go ahead, Mr. Jean.

Mr. Brian Jean: From the government's perspective, Mr. Chair, you've been fairly flexible. I can see Liberal amendment L-2, which is the next one, as being much more appropriate, given the circumstances.

I was wondering what Mr. Laframboise saw as any potential conflict under the Transportation of Dangerous Goods Act or the Canadian Transportation Accident Investigation and Safety Board Act. How would he see that there would be a conflict there?

I can understand the Canada Labour Code, and that's why I think the Liberal amendment is good, but I just don't see the practical effect of the other two. In fact, I foresee that it could lead to danger. I am just wondering if there is any particular incident—

[Translation]

Mr. Mario Laframboise: No particular incident comes to mind, but it must be clear that this legislation will never come into conflict with the Canadian Transportation Accident Investigation and Safety Board. The best way to ensure our safety is to give the board all the flexibility it needs. It should not have to analyze all the legislation before getting to work.

The same thing goes for the Transportation of Dangerous Goods Act, 1992. That legislation is already accepted and we would not want to see this legislation allow anyone to come into conflict with the Transportation of Dangerous Goods Act, 1992.

[English]

The Chair: I'm going to go to Mr. Julian, and then I'll go to the department for a comment.

[Translation]

Mr. Peter Julian: I will comment on this after hearing the representative from the department.

[English]

Mr. Franz Reinhardt: Mr. Chair, I just wanted to mention that with respect to the Canadian Transportation Accident Investigation and Safety Board Act, they already have overriding authority, and it's clear. There is a section in the Aeronautics Act that spells it out clearly, and also one under the CTAISB Act. In the CTAISB Act it's section 14, and under the current bill, proposed section 4.2(2), it's already there.

In the Canada Labour Code it's section 123, and the Access to Information Act has a "notwithstanding any other Act of Parliament" clause. It's all covered.

• (1625)

The Chair: Monsieur Laframboise.

[Translation]

Mr. Mario Laframboise: If I may, since it is already included, I would say, better safe than sorry. So, why not include it?

[English]

The Chair: Mr. Julian.

[Translation]

Mr. Peter Julian: Mr. Chair, I agree with Mr. Laframboise's point that it only strengthens the bill. There is good reason to mention those three pieces of legislation and, in doing so, it strengthens the safety provisions. From the beginning, we have made it very clear that we want to strengthen this bill. I therefore fully support Mr. Laframboise's proposal to strengthen this bill for the safety of Canadians.

[English]

The Chair: Can I ask for clarification? You're saying that basically everything Mr. Laframboise is referring to in his amendment is referred to throughout the document?

Mr. Franz Reinhardt: It's referred to either in one piece of legislation or the other. However, we did discuss it with the Department of Justice—the motherhouse, the legislative drafter—and they told us they don't like to do this type of thing because they

create precedence, and every time there'll be other legislation, they'll have to make reference like this when they say it is not necessary.

I'm just passing on the information that was obtained from the Justice motherhouse.

Mrs. Susan Stanfield: It's because it will make your legislation more certain, but it will raise a question in respect of other legislation if it's amended to state this, because now other legislation will be looked at, and a court interpreting it could say, well, yes, the Canada Labour Code says that it applies, notwithstanding any other act.

But when we look at the proposed Aeronautics Act, it also says that, so that's clear. But this other statute—I'll pick one off the top of my head, rail or something—that doesn't have that type of clause, if there are court proceedings to interpret that legislation, the Aeronautics Act amendment may have created an uncertainty for the court in how to interpret other legislation.

There's a lot of legislation that the Canada Labour Code takes precedence over, and the Department of Justice hesitates to see any uncertainty raised in what is now considered to be a fairly certain matter.

The Chair: Mr. Bell.

Mr. Don Bell: There is, though, the recognition that the drafting of legislation evolves over time, and that a particular philosophy, if you want to call it that, such as you're describing may have been popular or acceptable, but because of incidents, because of experience, Parliament may decide that they want to start being more specific, without necessarily going back and redoing every act there is, but providing that additional certainty as they deal with new legislation.

Mrs. Susan Stanfield: Absolutely, Parliament has the prerogative to direct how the legislation should be promoted and drafted.

But also, I don't believe Parliament wants to create any uncertainty in the law, especially where the law is clear where acts apply. There would be a period of uncertainty, I believe, if this type of approach were taken. I'm not saying that it won't be taken in the future and can't be taken; I'm just passing on a concern of what the effect of it might be.

Mr. Don Bell: I guess my comment would be that in the testimony we heard, we heard references to labour, to dangerous goods, and specifically again to the issues covered by the Canadian Transportation Accident Investigation and Safety Board Act.

I think the focus this committee has in dealing with this legislation in terms of safety.... The one example you pulled out is a good one, and that's rail. It may not be in there now, but wait until we get finished with it. We've just begun, and I think the concerns about safety and the incidents that we've become aware of over the last few years, both with aviation and with rail, may lead us to want to be more directive or more specific in our concerns.

The Chair: Monsieur Bélanger.

•(1630)

[Translation]

Hon. Mauril Bélanger: First of all, I accept the arguments presented by Mr. Laframboise. In my view, this in no way contradicts what Ms. Stanfield was saying. This only clarifies even further the legislator's intention to add the Canada Labour Code, the Transportation of Dangerous Goods Act, 1992 and the Canadian Transportation Accident Investigation and Safety Board Act. I can support that. It was very important to me that the Canada Labour Code be included, but I can support this amendment.

Someone said earlier that the Access to Information Act is quasi-constitutional. Would you be willing to confirm here today that the Official Languages Act, which, in my opinion, is also quasi-constitutional, takes precedence over the legislation we are examining at this time?

[English]

Mrs. Susan Stanfield: I would have to review the statute. I'm not very familiar with it, not familiar enough to make a statement like that. I do believe, from what I understand from speaking with colleagues, that yes indeed, the Official Languages Act is quasi-constitutional legislation, but I haven't read it recently.

The Chair: Mr. Julian.

[Translation]

Mr. Peter Julian: Mr. Chair, I think the advice we are receiving will allow us to strengthen this bill even further. There is no doubt. If that were not one of the government's practices in the past, that is another matter. However, there is no doubt that it will strengthen this bill.

That being said, I think it is important to adopt Mr. Laframboise's motion, in order to respond to the concerns raised by the witnesses who appeared before the committee and to make the bill more effective.

[English]

The Chair: Mr. Fast.

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

Notwithstanding the comments across the table, I'm very uncomfortable with any of these amendments—B-6, L-2, and NDP-3. In fact, I sense there's considerable unease, even in the mind of our legal counsel here.

Having practised law for some 24 years, I had to deal with hundreds and hundreds of pieces of legislation. Quite frankly, what you commonly see is a superseding clause, in which you see "notwithstanding", and we've seen that in the Canada Labour Code here. What you don't see is a clause like this, where you make the legislation that you're trying to pass subordinate to other legislation.

My question is this. Does Mr. Laframboise have specific concerns? And if so, at the very least, what we should be doing is focusing on the very parts of those other acts that he has concerns about, that he wants to make sure supersede this legislation, and then address them specifically. If we make this blanket statement that this act is subordinate to three other acts, we may regret that some day. We may be wishing that this act should supersede, in some cases, other pieces of legislation like the Labour Code.

I have great discomfort moving forward in this direction. Obviously we're trying to come to some consensus here, but I'm concerned. I wouldn't be proceeding along this road.

The Chair: We do have a list continuing to grow. I'm going to give Mr. Laframboise an opportunity to address that, and then I think we will adjourn this part of the business meeting to move on to the next that's on the agenda.

Mr. Laframboise.

[Translation]

Mr. Mario Laframboise: On the contrary, this bill targets only private enterprise. The bill has to do with a safety management system for private businesses. Some private businesses have already managed to get around certain enabling legislation. As a result, we think we need to send a clear message that, even if they implement safety management systems, there are other acts of Parliament that apply and must be respected.

After your explanation, Ms. Stanfield, I am left to wonder why you did not accept amendment BQ-5. It would have been much easier to tell businesses that this legislation does not give them the right to do whatever they like. Implementing safety management systems does not give them the right to violate other legislation. This is the message we must send.

Some businesses have implemented safety management systems and violated other legislation. Those businesses used such systems to justify their actions and to circumvent the Canada Labour Code. We want to send them a clear message here today, to the effect that implementing a safety management system does not mean they can disregard acts of Parliament. We want to send them a message.

I agree with my colleagues. We are going to list the legislation. However, I do not understand that, having obtained what we wanted, you did not accept amendment BQ-5. It would have been easier to tell private businesses that there are other pieces of legislation that must be respected that take precedence over the bill before us here today. It is important that businesses are aware. This applies to private businesses. I want you to understand the difference between this legislation, which is very specific and targeted directly at private businesses, and other pieces of legislation.

•(1635)

[English]

The Chair: Before we adjourn this part, do you want to comment and then we'll move on?

Mrs. Susan Stanfield: Yes.

I understand your concern and that you want to send a message to the companies, but the legal reality is that all of the statutes apply to them all of the time. So if they're violating another statute, then the people responsible for the enforcement of that statute should be doing something about it.

The Aeronautics Act governs certain specific aspects of aeronautics, but aeronautical activities, as federal undertakings, are also governed by other statutes and other departments have the responsibility for administering those.

My concern with making a broad, sweeping amendment in general here is that we raise statutory interpretation questions in other areas and we don't know the exact effect we're having; whereas with the approach that I believe Mr. Fast advocated, where you would specifically identify the issues that you have vis-à-vis the operation of the statutes and you then address those specific issues, you at least have the certainty of knowing the effect you're having and you won't be inadvertently doing something you'll be sorry for later.

The Chair: Monsieur Bélanger, for 20 seconds.

Hon. Mauril Bélanger: I just want to point out here that we're not talking about this act being subjected to. All the three amendments proposed read, first, "In the event of any inconsistency", the will is that those acts prevail. So it's not subjected to.

If there is inconsistency, that's what we're addressing. I think the committee ought to keep that in mind.

The Chair: I'll advise the committee that's something they will have a couple of days to reconsider.

I thank our guests today. We'll see you back on Monday in the second hour. We'll be reviewing Bill C-6 clause-by-clause.

Mr. Franz Reinhardt: Not this Monday, the following Monday.

The Chair: Yes, May 28. I'm sorry. I wouldn't dare want you to have to work overtime on the long weekend.

Thank you very much.

We'll take a short two-minute recess and then come back with committee business.

•(1635) _____ (Pause) _____

•(1640)

The Chair: Welcome back.

As previously discussed, on the agenda we now have a notice of motion from Mr. Julian. For the committee's benefit, I received a document earlier this afternoon and I've had it translated and sent around, more for your information.

I'll ask Mr. Julian to move his motion and then speak to it.

Mr. Peter Julian: Thank you very much, Mr. Chair. I don't think we need to take a lot of time with this motion. I think it should have support from all four parties.

This is not a governmental decision. It is a decision of Air Canada.

Mr. Ed Fast: Dream on. Come on.

Mr. Peter Julian: The e-mail you've received, Mr. Chair, from Air Canada I think attests to the importance of actually adopting this motion. What this motion does is essentially give us a period of a couple of hours. When I say "study", I mean one session in which we would bring Air Canada in, bring in the machinists who are affected by these layoffs, and look to see what the justification is. As Air Canada points out in its e-mail, it is essentially opening up a technical heavy maintenance facility in El Salvador at the same time as it is laying off jobs in Vancouver.

Mr. Chair, the people who are affected by these layoffs, these hundreds of people who are losing their jobs in Vancouver, received

their layoff notices yesterday and are also receiving them today. They have seven days to respond, seven days to indicate whether or not they're going to bump somebody in a place like Montreal or Winnipeg. So it has repercussions right across the country.

As a transportation committee, I think it's important for us to have Air Canada here to answer what are legitimate questions about their starting up a heavy maintenance facility in El Salvador at the same time as they're laying off heavy aviation engineers in Vancouver, which has impacts right across the country.

I'm simply, through this motion, requesting of the committee that we undertake a session of two hours in which we bring Air Canada and the machinists in. We get to the bottom of what the issue is around the layoffs and around the issue of maintenance services in low-cost facilities outside of Canada and then report our findings back to the House. Rather than taking a position, we bring folks in, hear from them, ask the tough questions, and then after that, decide on what our position is and report that to the House.

I hope that two-stage approach to getting the study done—bringing folks in and asking the questions first—will meet with support from all four parties.

The Chair: Mr. Zed.

Mr. Paul Zed (Saint John, Lib.): Thank you, Mr. Chair.

I looked at Mr. Julian's motion. It's my information that Air Canada has in fact not chosen in any way to shift maintenance jobs to low-cost facilities, as it's been contended in Mr. Julian's motion. As I understand it, Mr. Chair, the decision was in fact a decision of Delta Airlines, not Air Canada, to cancel their maintenance contract with Air Canada, which is what happened, and this is beyond the realm of Air Canada. They were just the recipient of commercial news. They're not a charity; they're a public company. It seems to me that we, as parliamentarians, shouldn't be interfering in a commercial arrangement that's occurred. This is not Air Canada's fault, if they lose a contract.

I do acknowledge that it is indeed very unfortunate that there's been a significant reduction in the facility, and there's no question that there will be several hundred workers affected. But I just don't see a sanction of Air Canada as being.... It's not their fault, and I don't see us, as parliamentarians, getting involved in a commercial transaction dispute. It's not even a dispute; it's a decision of a commercial transaction.

That's my reaction, Mr. Chairman, to Mr. Julian's motion.

•(1645)

The Chair: Mr. Jean.

Mr. Brian Jean: I had the same reaction, Mr. Chair.

Air Canada is no longer—I want to bring Mr. Julian up to speed—a government crown corporation. So SCOTIC does not have jurisdiction over its decisions or in fact any influence in relation to that. It's a corporation that has to answer to its shareholders. Indeed, it sounds more as if Mr. Julian wants to bring Delta Airlines in here and rake it over the coals as to why it would fire Air Canada's technical employment staff in Vancouver. It's just not appropriate. Indeed, Air Canada, I understand, is growing in the rest of Canada and had no choice whatsoever with the decision.

So I would be totally against this motion.

The Chair: Mr. Bélanger.

Hon. Mauril Bélanger: Mr. Chairman, the way this motion is currently worded, I would have to agree with the previous two speakers that indeed this may be seen as interference in the normal ongoing internal affairs of a corporation. However, Air Canada is not any normal corporation, in that it is subjected to some pretty stringent conditions and regulatory and legal requirements. If this is defeated...or perhaps Mr. Julian would be willing to entertain an amendment to the effect that, as a rule, it wouldn't be a bad thing for this committee to have Air Canada appear in front of it on a general discussion of aviation in Canada. In that sense, I would welcome having the ability to discuss with Air Canada certain matters—not this one, I wouldn't do that. Others may wish to raise it and they'll get the answer that such a question would deserve.

But if it remains this way, I can't support it either.

The Chair: Monsieur Laframboise.

[*Translation*]

Mr. Mario Laframboise: I quite like how Mr. Bélanger presents things. I have a some questions about the no border agreements that Canada is signing with all the other countries that are meant to promote Canadian businesses. But will we not in fact lose jobs here in Canada, because our businesses will go set up shop elsewhere, where it will cost less? This worries me.

As for the rest, I understand that a business decision is a business decision. However, I would like to be assured that the government's decisions, which I have not disputed so far—we did not dispute the decision to sign no border agreements, because I have no problem with that decision—will not affect employment rates in Canada. But if they do start to affect jobs here in Canada, we would have to ask ourselves some questions.

If a company such as Air Canada, for instance, moved jobs from Canada to other countries, I think even government members would have to ask some questions to find out why. If it is merely what Mr. Zed indicated, I have no problem with that, but if there are other hidden factors and if we should expect additional layoffs in Canada or further job relocations to other countries, well, then, we would have to see. If we wait for that to happen, it will be too late.

Perhaps through a motion, as amended by Mr. Bélanger, we could see very quickly if there are any other hidden factors behind this decision.

• (1650)

[*English*]

The Chair: If I can make a comment here, the open skies policy is a government policy, not the policy of Air Canada. They could probably have a general discussion about it, but if you want to ask questions about the direction, impact, or implications of it, it might be better to deal with people in government with regards to the aviation.

That said, as the chair, I'm certainly prepared to write a letter inviting Air Canada to appear before the committee, if that's the will of the committee, to discuss several issues that the committee may want to discuss in regards to safety, transportation, and those types of issues. I'll put that out there.

I'll go to Mr. Julian, whose motion is on the floor.

Mr. Peter Julian: Mr. Chair, I think if we're building a consensus around this, that's an important step, but we also need to have the machinists who are affected by the layoffs in Vancouver.

If the intent is to have Air Canada respond to questions around the layoff, the opening of the other maintenance facility, and other questions that members of the transport committee may wish to offer, I'm very open to that.

If there is a proposal for an amendment to this motion, so that essentially what we are doing is getting Air Canada and the machinists here to answer questions on this issue and others, I would be perfectly comfortable.

I believe we need to proceed fairly quickly on this, even potentially to the extent of adding another meeting of the transportation committee, because these layoff notices have gone out now. We've spent a number of committee meetings talking about layoffs that may eventually arrive in other sectors; this is something that's happening right now. These layoff notices are arriving in mailboxes throughout the Lower Mainland region of British Columbia. Each of those layoff notices carries with it impacts that potentially will go to Montreal, Toronto, or Winnipeg, as people who exercise their transfer option bump somebody else who's working in those other facilities.

So we're talking about implications that are nationwide. They are real, not theoretical, and as a result of that, it's important that we take action. I'll entertain any amendments to make the motion do what I'm hoping it will do, which is to get Air Canada and the machinists here to talk about that issue, but certainly not limit it to that issue.

The Chair: I see no one stepping forward to make the amendment.

Again, I advise the committee that I am prepared, as the chair, to write a letter of invitation to Air Canada.

The vote is on the motion put forward by Mr. Julian.

(Motion negated)

The Chair: Mr. Fast.

Mr. Ed Fast: Before you write a letter inviting Air Canada here, I don't believe that it's our role as a committee to investigate the private business affairs of Air Canada. If it's a safety or a transportation-related issue, that's great. But if you're talking about grilling them about their decisions about—

The Chair: Mr. Fast, we've already debated the motion and it was defeated.

Mr. Ed Fast: I understand.

The Chair: But if you want to raise it, I think it—

Mr. Ed Fast: Mr. Chair, on a point of order, am I not correct that you volunteered to send a letter inviting Air Canada?

The Chair: I said that I would be prepared to do so at the will of the committee.

Mr. Ed Fast: I just wanted to make sure that you're not proceeding with that.

Mr. Paul Zed: No.

Mr. Ed Fast: All right. Thank you.

Hon. Mauril Bélanger: Mr. Chairman, I don't want to—

The Chair: Mr. Bélanger.

Hon. Mauril Bélanger: Perhaps we'll have due notice so that we don't monopolize the debate.

But in fairness, just before the vote, you were repeating your willingness to do that, and it might have influenced the vote.

Mr. Paul Zed: It did mine.

Hon. Mauril Bélanger: So therefore, in fairness, I voted the way I did with that in mind. If now you're saying that you're not prepared to send that letter... Unless you have a resolution from the committee that says, thou shalt not, Mr. Chairman, I believe that thou should.

The Chair: I will bring the draft to the next meeting for people to look at before we send it.

Hon. Mauril Bélanger: Thank you.

The Chair: I won't send it arbitrarily.

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

The Chair: Mr. Julian.

Mr. Peter Julian: Mr. Chair, include the machinists.

Hon. Mauril Bélanger: We'll see the letter.

• (1655)

The Chair: I'll bring the letter.

Mr. Bell.

Mr. Don Bell: For clarification, I agree with Mr. Bélanger. My agreement to go against this motion was on the understanding that they were going to be invited.

The Chair: That is exactly what I said.

Mr. Don Bell: Thank you.

The Chair: We're moving now to the second motion by Mr. Fast. I've been advised that—

Mr. Ed Fast: Mr. Chair, I will be glad to withdraw my substantive motion—number two, I believe you called it—in favour of Mr. Volpe's motion, subject to the suggestion of a friendly amendment.

Mr. Brian Jean: Once Mr. Volpe has moved it.

Mr. Ed Fast: Or someone else.

The Chair: We have two amendments by you, Mr. Fast. The first one is on time allocation.

Mr. Ed Fast: That's correct.

The Chair: Are you asking to leave that on the board?

Mr. Ed Fast: That's correct.

The Chair: Then that'll be the first part of the discussion.

Mr. Ed Fast: All right.

Hon. Mauril Bélanger: So we're on Mr. Fast's motion on time limitations?

The Chair: We're on Mr. Fast's motion.

I will give you the floor to make your presentation, and then we are going to deal with Mr. Volpe's motion with a friendly amendment.

Hon. Mauril Bélanger: Are we doing that one too?

Mr. Ed Fast: Can I have one minute to confer?

I'll withdraw that motion.

An hon. member: Hear, hear!

Mr. Ed Fast: Basically we're left with Mr. Volpe's motion, subject to that one friendly amendment.

The Chair: Mr. Fast has withdrawn his first motion on time allocation, his second motion on Canada Post, and the committee is in agreement with that.

We will move to Monsieur Bélanger to present Mr. Volpe's motion.

Hon. Mauril Bélanger: Mr. Chairman, I suspect you will recall the discussion that we had last week around this table. We were still at it at this time and for another four hours after that.

You will recall that there was an attempt after the vote, when the committee came back, to reconstruct some goodwill around the table—and I'll summarize this quickly—in the sense that if collectively we gave ourselves some time, we might find some common ground. We were acting on the suggestion from the parliamentary secretary, and all members of all the opposition parties have also had a chance to discuss this.

The common ground included elements such as a stay of execution, to use the vernacular, for the remainders. It also included not seeking to tamper with the privilege of Canada Post at this time—I don't want to rehash all the discussions—and it sought some time so that the committee could engage in what some would consider its due diligence in terms of these rather complex matters.

The motion in front of you, under the name of my colleague Joe Volpe, that I'm prepared to move now essentially calls for that. It says "That the Standing Committee...report to the House of Commons the following...". I can dispense with reading, but let's not dispense, so that the sense of it is clear, because there were some questions asked.

The first part is that "The corporation shall, at its option". This "at its option" means discontinuance, withdrawal, or "consent to a judicial stay of proceedings". That is what its options are—not to do nothing. At least, that's the advice this committee is giving to the government, if the government wishes to accept it and pass it on to Canada Post via the minister, as it stated.

Finally, in the last part, we are putting some encumbrances upon ourselves, such that we would undertake before the end of this calendar year to look into the matter and make further comments, recommendations, or suggestions, depending on the hearings and the amount of work we do.

I suspect that this defined pretty well the common ground I thought we could reach. Once this motion is formally presented and moved, as it now is, I also hope this would be the result.

The Chair: Mr. Fast.

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

The only concern I have is the three words in paragraph (i), "at its option". I know how the drafting would have been done and what the intention was: that the corporation has an option to either "discontinue, withdraw or consent". It can be construed as being simply an option that the corporation has to act or not act, if you understand where I'm coming from. I think we need to refine that.

In fact, in my version of this particular section, which was actually Mr. Volpe's section, I took out those three words so it would read: "The Corporation shall discontinue, withdraw or consent to a judicial stay of proceedings". This makes it clear that the corporation doesn't have the option of simply not acting at all.

• (1700)

The Chair: Mr. Bell.

Mr. Don Bell: I agree. I'll leave it to the legal drafters, but you either delete "at its option" and put the word "either" in there, or you just delete "at its option". So it should read: "The Corporation shall discontinue, withdraw or consent", or "The Corporation shall either discontinue, withdraw or consent".

It's not that they have a choice to do nothing.

Hon. Mauril Bélanger: Mr. Chair, I'd treat as a friendly amendment the addition of the word "either".

An hon. member: And delete the words "at its option"?

Hon. Mauril Bélanger: No.

Mr. Don Bell: Do you want to delete "at its option" and replace it with "either"?

The Chair: There seems to be some debate. I'll let you think about it for a minute, and I'll go to Mr. Julian.

Mr. Peter Julian: Mr. Chair, I think Mr. Volpe attempted to address the issue, but ultimately the problem is that the government

hasn't acted on this issue and hasn't done the review that the minister promised six months ago. That is the ultimate reason this committee is trying to consider this motion, and why Mr. Fast has continued to bring back his motion. We haven't done the study at this level. We haven't brought back the witnesses, as we requested weeks ago. The minister hasn't done his job to actually provoke that review of the issue.

So we're putting the cart a bit before the horse, even though I believe Mr. Volpe was sincerely trying to bring all views together. The reality is that we are providing direction to Canada Post, in the absence of the minister's acting and that review taking place. Since the review was promised, it has not been delivered.

I don't believe it's appropriate for this committee to then say that we're going to step into the void created by the lack of ministerial responsibility to meet the commitments he made in December of last year. So for those reasons, I find it difficult to support this.

I understand Mr. Volpe was sincerely attempting to address the issue; I can certainly understand that. Ultimately I think the government should have done the review, and that's why this committee is considering something that normally we wouldn't have to consider.

Secondly, as we are considering it, I believe it is fundamental that we bring back the remailers, Canada Post, and Canadian Union of Postal Workers to ask those questions before we direct Canada Post without understanding the consequences on rural mail delivery, jobs at Canada Post, and on the universal service commitment.

So we're putting the cart before the horse. I think that's unfortunate. I believe Mr. Volpe made a sincere attempt, but I find it difficult to support this motion.

The Chair: Mr. Jean.

Mr. Brian Jean: Mr. Chair, I'd like to defer my time to Mr. Fast, who was next on the list, in relation to speaking to the friendly amendment.

Mr. Ed Fast: Yes, just inserting the word "either" is certainly acceptable.

Hon. Mauril Bélanger: Mr. Chairman—

The Chair: Monsieur Laframboise.

[*Translation*]

Mr. Mario Laframboise: Mr. Chair, I will vote against the motion, but I will not obstruct the proceedings. I suggest we vote, please.

[*English*]

The Chair: Thank you, Monsieur Laframboise.

Now, Mr. Bélanger.

Hon. Mauril Bélanger: The friendly amendment.

The Chair: I think it has to be proposed by Mr. Fast. You can't amend your amendment.

Mr. Ed Fast: I'll propose it.

The Chair: You're proposing that we...?

Mr. Ed Fast: Insert the word “either” before the word “discontinue”.

[*Translation*]

Hon. Mauril Bélanger: And in French?

[*English*]

The Chair: That's the friendly amendment, and it's accepted.

Mr. Ed Fast: I can't give you the French word for it, I'm sorry.

[*Translation*]

Hon. Mauril Bélanger: No?

[*English*]

Maybe I can.

Mr. Ed Fast: “Either”?

[*Translation*]

Hon. Mauril Bélanger: If I may, Mr. Chair, I think the first sentence should read, in French, “La Société doit ...” and not “peut”—in order to be faithful to the English version—“... à sa discrétion, soit renoncer, retirer ou consentir ...”.

I think that would be an accurate translation of the English.

Mr. Lui Temelkovski (Oak Ridges—Markham, Lib.): Excellent.

[*English*]

The Chair: You're the professional, Monsieur Bélanger.

So basically the friendly amendment inserts “either” and leaves “either at its option”, or takes out the word?

Mr. Ed Fast: No, it's “at its option, either”.

The Chair: All right. Is there any debate on that? Seeing none, we'll vote on the amendment.

(Amendment agreed to)

• (1705)

The Chair: Shall the motion as amended carry?

Mr. Julian.

Mr. Peter Julian: Could we have a recorded vote on this, please?

The Chair: We sure can.

(Motion as amended agreed to: yeas 8; nays 3 [See *Minutes of Proceedings*])

The Chair: Monsieur Bélanger.

Hon. Mauril Bélanger: On another matter, Mr. Chairman, would it be appropriate to suggest to you that on behalf of the committee, you extend the committee's condolences to Mr. Volpe?

The Chair: Yes, that's an excellent suggestion, and I'll see that it gets done.

Hon. Mauril Bélanger: Thank you, sir.

The Chair: I have one more small piece of committee business.

Mr. Lui Temelkovski: Hopefully short.

The Chair: Very short.

We had to put in a request for funding with regard to some of the people and some of the expenses here. It's \$18,200, and I'm asking for the committee's approval.

Hon. Mauril Bélanger: I so move.

The Chair: Thank you.

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

The Chair: Are there any other areas of business?

Monsieur Laframboise.

[*Translation*]

Mr. Mario Laframboise: When will we adopt the votes on the estimates? We have not adopted them. Did we vote on the estimates in committee?

Hon. Mauril Bélanger: We are waiting for information.

Mr. Mario Laframboise: Okay, perfect.

[*English*]

The Chair: Mr. Bell.

Mr. Don Bell: I heard you make a comment that we would resume on Monday, May 28, with Bill C-6. We have Transport Canada coming on rail safety.

The Chair: Yes, we do. We have department officials booked for the first hour on railway safety, and the second hour is clause-by-clause on Bill C-6.

Mr. Don Bell: Okay. Thank you.

The Chair: Monsieur Bélanger.

[*Translation*]

Hon. Mauril Bélanger: Does this mean that, on the Wednesday after we come back, the estimates will be on the agenda?

[*English*]

The Chair: No, Wednesday, May 30—

[*Translation*]

Hon. Mauril Bélanger: It will be the estimates,

[*English*]

the estimates.

The Chair: At the subcommittee meeting, we agreed that on Monday, May 28, we would have the department officials on railway safety for the first hour and Bill C-6 clause-by-clause for the second hour. On Wednesday, May 30, Bill C-6, we have clause-by-clause. Then on Monday, June 4, we had tentatively set a business meeting to prepare a draft report about rail safety.

Monsieur Bélanger.

Hon. Mauril Bélanger: Mr. Chairman, I believe that if the estimates are not approved by this committee, they will be deemed approved. Correct?

The Chair: At a given date, yes.

Hon. Mauril Bélanger: That date is the end of May.

The Clerk: May 31.

Hon. Mauril Bélanger: What I'm trying to get at is that it should be on the agenda of the May 30 meeting.

The Chair: At the subcommittee, we put together the agenda, and it wasn't on there.

Mr. Don Bell: It should be.

Hon. Mauril Bélanger: Mr. Chairman, if the committee wishes to have an opportunity to approve the estimates, we have to deal with them before May 31, and there are only two more opportunities.

The Chair: Mr. Jean.

Mr. Brian Jean: I'm wondering, Mr. Chair, if we could put it to the end of business on May 28 for discussion at that time, and then bring it forward for May 30. Would that be the will of the committee?

The Chair: Mr. Julian.

Mr. Peter Julian: Mr. Chair, I think now is the time. We have twenty minutes, and I think Mr. Bélanger is asking a very appropriate question. We need to set that agenda now. We have the time, and we should do it now if we believe it's important.

I certainly agree with Mr. Bélanger that it would be important to reserve that Wednesday. I believe he's saying to have the discussion on estimates on May 30.

• (1710)

The Chair: Mr. Jean.

Mr. Brian Jean: I'm used to Mr. Julian filibustering time after time—C-6, no C-6—and I would think that with this news release from the Teamsters supporting C-6 and the minister's great initiative

Mr. Peter Julian: It's supporting part of it.

Mr. Brian Jean: I have the floor, Mr. Julian. You've taken enough time on the floor.

But the reality is that we have Bill C-6 coming forward. If Mr. Bélanger wants to have the matter dealt with under estimates, let's have a proposal on how much time it would take and deal with it at the committee, but let's not beat around the bush. Do you want to deal with the issue of estimates?

Hon. Mauril Bélanger: The reason I'm bringing it up, Mr. Chairman, is that I've asked for information, and I would hope that the information will be forthcoming before the deadline for the approval of estimates. There's a certain logic to that.

Mr. Brian Jean: Absolutely.

Hon. Mauril Bélanger: If we schedule May 30, which is the last possible day, then I hope the government would have that information for us. If the information is fine and everything, then I expect it won't be very long.

The Chair: Mr. Jean.

Mr. Brian Jean: What was the information in particular? Was it when the minister was here and we asked questions?

Hon. Mauril Bélanger: Correct. There was confirmation that there was a request for two elements of information that should be forthcoming.

Mr. Brian Jean: When's the next steering committee, Mr. Chair?

The Chair: I don't have a date for it.

Mr. Laframboise.

[Translation]

Mr. Mario Laframboise: Mr. Chair, we can set a date for that meeting today.

Mr. Peter Julian: Certainly.

Mr. Mario Laframboise: We are all present. Do you see any problem with devoting at least an hour to the main estimates?

[English]

The Chair: No, I have no trouble. I just need to have it on the schedule, so that I can notify the witnesses who need to be here.

The committee makes that decision, not me.

Mr. Jean.

Mr. Brian Jean: Could we schedule an extra hour on Wednesday to deal with it? I'd be more than happy to do so. Then if we don't need the hour, we don't need it, and if we do need the hour, then we're there.

The Chair: Okay.

Mr. Brian Jean: I will encourage the department accordingly.

Hon. Mauril Bélanger: Thank you.

The Chair: Mr. Bell.

Mr. Don Bell: Could we ask to get the information by Monday, so we would have a chance to read it and be prepared for May 28? We won't discuss it on the 28th, but could you ask that it be made available to us on the 28th? Then we will have the time to prepare for Wednesday.

The Chair: So based on what I've heard, we will book three hours on Wednesday, May 30. During the first two, we'll deal with C-6 clause-by-clause, and during the third hour we will deal with estimates with departmental officials.

Hon. Mauril Bélanger: It looks like what will happen is that they're going to have votes, and that's not going to work either. So they'll want to deal with that on the 28th.

The Chair: Okay.

Hon. Mauril Bélanger: If we have the information then, we can determine it then.

The Chair: Is that good with everyone?

Okay.

Mr. Brian Jean: For a matter of record, Mr. Chair, if there's more information that people would like to receive on the estimates, please ask for it through my office well before the 28th, and we'll try to get that done.

The Chair: Thank you, Mr. Jean.

Seeing no further business, I declare this meeting adjourned.

Thank you, everyone, and have a great weekend and holiday break.

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