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Chair

Mr. Mervin Tweed

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Wednesday, May 30, 2007

• (1545)

[English]

The Chair (Mr. Merv Tweed (Brandon—Souris, CPC)): Good afternoon, everyone. Welcome to the Standing Committee on Transport, Infrastructure and Communities. This is meeting number 48, and we are meeting 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 again today from the Department of Transport, we have Mr. Franz Reinhardt, Susan Stanfield, and Merlin Preusse; and from the Department of National Defence, Jacques Laplante and Alex Weatherston. Welcome.

When we adjourned at the last meeting, we were discussing clause 4. The debate was surrounding NDP-3.1 as amended.

(On clause 4)

The Chair: In discussions with Mr. Julian, we had agreed as a committee to change the letter from (d) to (b), but upon further discussion and discovery we found that the (b) should be (a). We're going to pass that around.

I welcome Mr. Julian. We are discussing changing the letter from (b) to (a). It was your amendment that we were discussing at that time.

Mr. Peter Julian (Burnaby—New Westminster, NDP): Perfect. And the Conservatives are supporting it. That's wonderful.

The Chair: I'm not sure I can speak on their behalf, but I would ask you to speak on the amendment. Then we can further debate and hopefully move forward.

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

I apologize for being late. The votes have changed the schedule for us.

What we sought from the clerk was clarification around the exact wording of the amendment. As I mentioned at our Monday meeting, there were some problems with it. There were two elements. One was the mention of the paragraph and what was actually being deleted. What we confirmed with the drafter was that the intention was to use it as a preamble for that section so that no paragraph would be deleted.

Secondly, there was an inconsistency between the French version and the English version, which we've run into on other occasions, where the French version

[Translation]

very clearly states "that meets the highest safety standards", and

[English]

in the English version, from the amendment we talked about on Monday, it talked about the high safety standards established.

[Translation]

The French version is the correct one.

• (1550)

[English]

You will see that the wording around "established" is no longer in the English translation of the French term.

Those are the two clarifications.

I appreciate the work of the drafting clerk. The individual apologized, and I can understand because they were working under a great deal of pressure with a lot of amendments.

I'm glad they've added this clarification around the intention of NDP-3.1. Given the discussions we've had around the Bloc amendment, it meets with what we are all attempting to achieve, which is making the highest possible safety standards part and parcel of this bill. I would hope that we have support from all four parties around the table for that.

The Chair: I would advise the committee members that because there is a substantive change from the original motion, we've circulated the new motion, but we need agreement that we will accept this as the motion put forward by Mr. Julian for debate.

Is everyone okay with that?

Some hon. members: Agreed.

The Chair: Mr. Jean.

Mr. Brian Jean (Fort McMurray—Athabasca, CPC): The department has prepared an option, on the basis of what Mr. Julian and others said last time, that is translated in both official languages. I think that would be satisfactory to all, and I'd ask the clerk if I could have that circulated.

The Chair: I have to advise the committee that although that motion can be circulated, we still have to deal with the motion that is on the floor unless, by agreement, Mr. Julian were to withdraw it.

Mr. Jean.

Mr. Brian Jean: I see no difficulty with it being before. We're working in cooperation, Mr. Chair, and whatever is the best for this section would be great.

The Chair: Are there any comments on Mr. Julian's amendment NDP-3.1? We did have debate, so I'm presuming—

Hon. Mauril Bélanger (Ottawa—Vanier, Lib.): As circulated today.

The Chair: Yes, as circulated today.

Mr. Bell.

Mr. Don Bell (North Vancouver, Lib.): That change comprises paragraph (b) going to (a), and the elimination of the word "establish".

The Chair: Yes, which does change the motion initially put forward. It was fairly substantive, so we did get agreement for the committee to accept this as a motion put forward by Mr. Julian as amendment NDP-3.1.

Mr. Brian Jean: I'm wondering, before we get to vote on that, Mr. Chair, if the members can look at the clause put forward by the department as being reasonable in the circumstances and whether or not they would agree with that clause instead. It's very similar, but it is somewhat different. It is actually a little bit expansive to what was proposed by Mr. Julian and may in fact be more satisfactory.

The Chair: I know that it may be difficult to be reviewing one amendment while considering another, but I'll give the committee a minute just to give me an acknowledgement that they've received it and had a chance to glance at it.

Monsieur Laframboise.

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): I have a question for the department or for Mr. Jean. The government amendment uses the expression "the highest possible safety and security standards" rather than "the highest safety standards". Why use those terms? The expression "the highest possible" is less strong than "the highest". Is there a reason for this?

[*English*]

The Chair: I'm sorry, I missed that.

[*Translation*]

Mr. Mario Laframboise: I am talking about the government amendment moved by Mr. Jean, where the proposed change to clause 4.2 ends in: "the highest possible safety and security standards." In Mr. Julian's amendment, however, the comparable provision reads "the highest safety standards". Why not use "the highest standards" and replace with "the highest possible"?

• (1555)

Mr. Franz Reinhardt (Director, Regulatory Services, Civil Aviation, Department of Transport): The only explanation I can give you is the way that legislation is drafted by drafters in the Department of Justice. The legislation is drafted in legal language of French and English at the same time. Those are the expressions normally used. In English, these provisions read:

[*English*]

"in a manner that meets the highest possible safety and security standards."

[*Translation*]

If we compare the French version to the English version, we obtain an expression of intent which is genuinely "the highest possible safety and security standards".

Mr. Mario Laframboise: In that case, if you wanted to use the English wording, you could have taken out the word "possible" as well.

[*English*]

That means the highest safety and security standards.

[*Translation*]

Mr. Franz Reinhardt: That is what the English reads.

Mr. Mario Laframboise: No, it reads "possible safety".

[*English*]

Mr. Franz Reinhardt: It means the highest possible safety and security standards.

[*Translation*]

Mr. Mario Laframboise: Why use the word "possible"? The word "possible" alone could have been taken out.

Mr. Franz Reinhardt: That is a drafting issue which was raised by the legal drafters. I can tell you that there was no interference by the department in qualifying the words used herein. We told them the idea they had to convey. As you know, we often draft a provision or amendment ourselves. Then, when it is reviewed by the Privy Council Office and Department of Justice, some changes are made. I can tell you quite honestly, Mr. Laframboise, that this does not come from the department. They have drafting protocols, they have other legislation, and they often want the wording contained in one statute to correspond to the wording contained in other statutes. I think that is the explanation for this.

[*English*]

The Chair: Mr. Julian.

Mr. Peter Julian: Mr. Chair, there are two elements, as Mr. Laframboise has identified. It waters down, to a certain extent, "highest safety standards" to "highest possible safety standards". I like the addition of "security", but I don't like the watering down of the setting of that ultimate objective, which I think we all share.

The other element is that we don't have the words "at all times" within the government's version. So even though I think there are some elements of the government's version that are improvements, those are two key aspects that actually water down the intent, which is to set the bar high. I believe that is an objective we all share, so that we have the highest safety standards in Canada.

The Chair: We'll have Mr. Bélanger.

Hon. Mauril Bélanger: Let's complicate the matter a little further, Mr. Chairman, and perhaps find a way out of this.

The current proposed subsection 4.2(1)—current, I got it today—reads: “The Minister is responsible for the development and regulation of aeronautics and the supervision of all matters connected with aeronautics, and in the discharge of those responsibilities the Minister may”, and then we go on to (a), (b), and (c).

I believe that if we took that and stopped at “aeronautics”, it would read: “The Minister is responsible for the development and regulation of aeronautics and the supervision of all matters connected with aeronautics.” Then we would add Mr. Julian's NDP-3.1: “The Minister shall ensure that aeronautical activities are conducted at all times in a manner that meets the highest safety standards established, and in the discharge of that obligation the Minister may”.

I think if we combined those two, perhaps that could satisfy everyone and include the committee's common desire, I sense, to impose this meeting of high standards upon the minister and the department.

The Chair: Go ahead, Mr. Jean.

Mr. Brian Jean: The government would consider them all friendly amendments, except putting in Mr. Julien's “and security standards”.

Hon. Mauril Bélanger: I didn't read that.

Mr. Brian Jean: I think it should be put in. I would suggest it.

Hon. Mauril Bélanger: We should put in “safety and security standards”?

Mr. Brian Jean: Yes, “safety and security standards”.

The Chair: I think there may be some—

We'll go to Mr. Reinhardt.

Mr. Franz Reinhardt: There's another point too. The minister doesn't conduct aeronautical activities; other parties do. The minister can require that they conduct them at the highest level possible. You see? There's a difference from a drafting protocol standpoint.

Hon. Mauril Bélanger: Well, “shall ensure that they are conducted” doesn't mean by whom.

•(1600)

Mrs. Susan Stanfield (Legal Counsel, Department of Transport): The argument would be made that the minister doesn't conduct them, so how is he supposed to ensure that they're conducted, except through making rules?

Hon. Mauril Bélanger: There's no problem, then.

The Chair: Mr. Laframboise.

[Translation]

Mr. Mario Laframboise: I would reiterate that I quite like the new wording tabled by the government, because the minister is responsible for the development and regulation of aeronautics. The only word there that poses a problem for me is “possible”. You say that it would be deleted. Inserting the word “at all times” before “the highest safety and security standards” is not a determining issue. Provided the minister himself is responsible for the development and regulation of aeronautics, is responsible for ensuring that activities are conducted in accordance with the highest safety standards, I

would be prepared to support the amendment if you could take out the word “possible”. However, I would like a consensus. I do like the wording in here because you make the minister responsible. I like that.

[English]

The Chair: Mr. Julian.

Mr. Peter Julian: I think you're giving your resumé, aren't you, Mr. Chair?

The Chair: I was just going to suggest that we are starting to muddy the water a little bit with two and three different amendments. We could maybe deal with NDP-3.1. If we want, we can deal with the government's amendment, but it doesn't close the door necessarily to a subamendment that we've seen before.

Mr. Julian.

Mr. Peter Julian: Mr. Chair, if Mr. Bélanger would like to repeat the amendments he had offered through NDP-3.1, I think that would move this along.

[Translation]

Hon. Mauril Bélanger: Mr. Chairman, if I understand correctly, the government has taken up subsection 4.2(1) as put forward in the amendment, and added the concept the committee wished to introduce by establishing compliance with the highest safety standards. If we wished to combine the two amendments, we could draft subsection 4.2(1) as follows “The Minister is responsible for the development and regulation of aeronautics and the supervision of all matters connected with aeronautics.” Then, we could add amendment NDP 3.1, put forward by Mr. Julian:

4.2 (1) The Minister shall ensure that aeronautical activities are conducted at all times in a manner that meets the highest safety standards established, and in the discharge of that obligation the Minister may,

The rest would follow. It's really six of one and half a dozen of the other. I don't want us to get bogged down in this.

[English]

The Chair: Mr. Julian.

Mr. Peter Julian: If Mr. Bélanger is offering that as a friendly amendment, I would certainly accept it. So that would take—

The Chair: I was just going to ask Mr. Bélanger if he wanted to make that a subamendment.

Mr. Fast.

Mr. Ed Fast (Abbotsford, CPC): I know that the Bloc have already said they'd support the government's amendment, subject to removal of the word “possible”, so it seems to me that we do have a level of consensus that would move us forward there anyway. So I would suggest we use the government's amendment as the first one to be considered.

The Chair: We have to consider Mr. Julian's amendment on the table right now. Actually, the government amendment we're discussing has not even been presented to the committee yet.

Mr. Ed Fast: That's correct.

I had understood you to say whichever one was going to move us forward—

The Chair: Yes. I am asking Mr. Bélanger if he wants to amend Mr. Julian's. He can.

Hon. Mauril Bélanger: Can I just have 30 seconds, Chair?

The Chair: Yes, we'll shut the microphones off.

• _____ (Pause) _____

•

• (1605)

The Chair: At the risk of moving things forward, Mr. Bélanger—

Hon. Mauril Bélanger: Mr. Chairman, you may have a consensus emerging around the table to proceed with the government's amendment, but without the word "possible".

[*Translation*]

While there may not be unanimity, I think there is a consensus to go with the government's amendment, provided the word "possible" is removed.

[*English*]

The Chair: Okay, but I have to deal with the amendment on the table by Mr. Julian right now.

Mr. Julian.

Mr. Peter Julian: I'm willing to withdraw the amendment, if that is agreeable.

(Amendment withdrawn)

The Chair: We're going to go to Mr. Jean to present the government's amendment, G-0.1.

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

In the spirit of moving things along, I would move this motion—which everybody has talked about for a long time—and I would consider the friendly amendment from the Bloc, Mr. Laframboise, to remove the word "possible".

The Chair: Monsieur Laframboise, is that good?

Mr. Mario Laframboise: Yes.

The Chair: So Monsieur Laframboise has offered a friendly amendment to remove the word "possible" from G-0.1.

Mr. Peter Julian: I would like to propose a friendly amendment that we add "at all times" after "performed".

The Chair: We just need to agree on removing "possible" first.

An hon. member: Agreed.

The Chair: Now Mr. Julian is suggesting "at all times".

Mr. Brian Jean: The government accepts that as a friendly amendment. It goes without saying that at all times the minister is responsible.

The Chair: Okay, we have amendment G-0.1.

Mr. Julian, where do you want to put "at all times"?

Mr. Peter Julian: I want it after "performed".

The Chair: Okay, I am just going to read the amendment. Because friendly amendments have been made to it, it will be a single amendment.

Mr. Carrier, I will try to get someone to translate it for me, as much as I'd love to be able.

The amendment reads:

The Minister is responsible for the development and regulation of aeronautics and the supervision of all matters connected with aeronautics, and shall require that aeronautical activities be performed at all times in a manner that meets the highest safety and security standards. In the discharge of those responsibilities and that duty, the Minister may

(Amendment agreed to)

The Chair: Now we're going to move to amendment L-3, on page 15 in your program.

Mr. Julian.

• (1610)

Mr. Brian Jean: No, Mr. Jean, actually.

The Chair: I'm sorry, Mr. Jean. A lot of similarities there.

Some hon. members: Oh, oh!

Mr. Brian Jean: High praise indeed; I'm very proud to be born in B.C., yes.

Indeed, Mr. Chair, I just want to advise the committee that I don't have any idea when this session is going to be done, but I hope we can finish Bill C-6 in a timely manner. Otherwise we will not have it finished before summer.

I just think it would be to the advantage of all parties if we could move along at not a hurried pace but a good strong pace. We're here to work for the Canadian public, and I think this would be a good piece of legislation to bring in.

The Chair: I think we're all on that wavelength today.

We have in front of us Liberal amendment 3, page 15. I would ask Mr. Volpe to bring that motion forward. I do want to advise the committee that there are some concerns around the amendment.

Mr. Volpe, I would ask that you present your motion.

Hon. Joseph Volpe (Eglinton—Lawrence, Lib.): I note that there are others who have presented other amendments in this regard. From our perspective, it's simply that we wanted to have an establishment of a program for oversight and surveillance to achieve an acceptable level of safety. From our perspective, whatever the minister is going to put in place is going to have to be acceptable to him. Whether it is the highest or whether it is acceptable, it's going to be acceptable to him one way or the other. So we did have trouble with the language.

I see that there are other amendments that add "achieve the highest level of safety established". In the context of the previous government amendment just accepted, I think Mr. Laframboise has an amendment that's the same thing but is more consistent with that amendment just passed.

So I'll withdraw my amendment in favour of his.

The Chair: Mr. Volpe has taken amendment L-3 off the table. There's agreement to do that, I'm sure.

We will move to BQ-8. I will just advise the committee that very similar concerns have been pointed out to the chair.

I'll wait for Mr. Laframboise to make his presentation.

[*Translation*]

Mr. Mario Laframboise: Thank you very much. I move that Bill C-6, in clause 4, be amended by adding after line 16 on page 5 the following:

(1.1) The Minister shall establish a program for the oversight and surveillance of aviation safety in order to achieve the highest level of safety established by the Minister.

Obviously the purpose of the amendment is to have a program for the oversight and surveillance of aviation safety in order to achieve the highest level of safety established by the minister.

[*English*]

The Chair: Are there any other comments?

I will advise the committee that the Bloc amendment and the NDP amendment are identical.

Mr. Julian.

Mr. Peter Julian: They're not identical, actually, Mr. Chair.

The Chair: Well, proceed on this one and I'll just confirm.

Mr. Peter Julian: There's just a two-word difference. I certainly support the Bloc amendment

[*Translation*]

put forward by Mr. Laframboise, if the following words are added to the French version: "and maintain a surveillance program". So I would suggest we add two words. I hope this could be accepted as a friendly subamendment. I support the Bloc's motion, because I think it will further improve the bill.

• (1615)

[*English*]

The Chair: The concern the chair has is just in trying to determine whether there are existing procedures taking place or whether we're adding new establishing and maintaining. If we are, it would be seen as something that is going to involve new spending, which would then require royal recommendation.

That's the debate around admissibility at this point.

Mr. Julian.

Mr. Peter Julian: If I may, Mr. Chair, it is an obligation. The minister has a program in place. We're simply suggesting through the Bloc amendment and the NDP amendment, which is similar, that this is something that has to be maintained. My sense of the amendment is that it is very much in order. It maintains that obligation, which is the concern we've heard from witnesses as they've come to this committee. They've said that in theory SMS would work if in practice we have that oversight.

Those are the principles that have been brought forward to this committee, that we're not taking away or detracting from safety programs. I think that's the effectiveness of the Bloc amendment. It puts that front and centre as an obligation that the minister has.

The Chair: Are there any other comments?

Mr. Laframboise.

[*Translation*]

Mr. Mario Laframboise: Mr. Chairman, if the minister is required to establish a program, he or she must maintain it. So I have no objection to accepting this friendly amendment stating that the oversight and surveillance program must be maintained. This can be changed. A number of changes can be made in the way this works over time. However, once the program is established, it must be maintained. I would be inclined to accept Mr. Julian's friendly amendment. So I would like to hear from the officials on this.

[*English*]

The Chair: Mr. Jean.

Mr. Brian Jean: Mr. Chair, you suggested that it requires royal recommendation, so are you ruling it out of order at this stage?

The Chair: I'm actually going to ask the department about the words "establish" and "program".

When you suggest it's a new process that would require.... I'm trying to get clarification.

Mr. Reinhardt.

Mr. Franz Reinhardt: I was listening to Mr. Laframboise. If it is to maintain oversight and surveillance of aviation safety, it doesn't seem to the department that there would be a problem. We already have our program. It's already there. It's the minister's responsibility and it is a confirmation that the minister shall maintain.

Now, with respect to the use of "shall", here we're talking about the responsibilities of the minister. The numbering will have to be looked at. I think it will have to be, instead of (n.1) as in LIB-3—We're now in BQ-8, right? I just want to make sure we have the right numbering of the sections. It would be just before the proposed subsection(2). It would be subsection (1).

Mrs. Susan Stanfield: The previous provision becomes subsection (1). There is an amendment.

Mr. Franz Reinhardt: We want to make sure we have the proper numbering.

As for the wording, we think the government can live with this wording.

The Chair: If I interpreted what he's saying, I think Mr. Laframboise has made the suggestion that the program currently exists. You're not asking the government or the minister to increase any expenditures to "maintain". You're just saying that he does it. Am I correct in saying that?

[*Translation*]

Mr. Mario Laframboise: That is correct. This is new legislation; so this has never been in the act before. The idea is that the department would establish a program, but if one already exists, I have no objection to it being applied. However, I do want it to be maintained. I am not expecting a new program to be introduced, provided the oversight and surveillance program that already exists is adequate. The words "in order to achieve the highest level of safety" mean that the minister must ensure that the oversight program will go hand-in-hand with the appropriate level of safety.

•(1620)

[English]

Mr. Franz Reinhardt: We have verified the situation with respect to numbering, and (1.1) would be okay.

The Chair: So the amendment would follow and would be classified as proposed subsection (1.1).

Based on comments from all members, it's my understanding that this wouldn't impose a new cost to the government.

Mr. Jean.

Mr. Brian Jean: I object, Mr. Chair. It does indeed suggest it with the word "establish". I have been asking for the floor for a while to show the members that we could take G-1 and make a few wording changes to confirm that. I think that would satisfy the members even more than the current suggestion. I know it's in a different context, but it suggests—

It would say: The Minister of Transport shall verify whether sufficient resources are in place for that Minister to carry out the highest level of oversight of aviation safety and security.

If it's already established, then we need oversight. We don't need "establish" in there. And "establish" certainly suggests royal recommendation. Whether it does or not, I'm suggesting to Mr. Laframboise and all members that it goes beyond what you're suggesting. It actually makes sure there are sufficient resources.

The Chair: Mr. Laframboise.

[Translation]

Mr. Mario Laframboise: No. The objective is to have an oversight and surveillance program. You are talking about having the financial resources required to monitor safety. That does not mean that there will be an oversight and surveillance program.

We want to maintain the existing oversight and surveillance program. If you tell me you want to apply just amendment G-1, that suggests that you do not intend to maintain an oversight and surveillance program. I thought that the minister did not want to change the number of inspectors. If we really want to maintain a program of this type, we have to say so in the bill. Then it will be clear for everyone.

[English]

The Chair: Before I go to Mr. Julian, Mr. Jean, do you have a comment?

Mr. Brian Jean: I understand his concern and agree, except we should take out "establish a program". A friendly amendment would be: "The minister shall maintain the existing oversight program". If it's already there it doesn't need to be established, and "establish" does require royal recommendation.

The Chair: I was under the impression that we were taking "establish a program" out, from my interpretation of Mr. Laframboise....

Mr. Brian Jean: I must have missed that. I apologize.

The Chair: Mr. Julian, do you want to comment on that?

Mr. Peter Julian: Well, I—

Mr. Brian Jean: I'm sorry to interrupt, Mr. Julian, but in my mind it suggests that another program be established beyond the current

one that has been in place for some period of time. That's the difficulty I have. It does require a royal recommendation. It's suggesting another kind of program. I suggest that most taxpayers don't want more bureaucracy unless it's necessary, and it's not necessary based on the current program.

The Chair: Just before I recognize Mr. Laframboise, if it does say "establish a program" it would be out of order.

I'm sorry, I had Mr. Julian on the list first and then Mr. Laframboise. The terminology "establish the program" is the concern. Establishing a program suggests new money.

Mr. Peter Julian: "Establish" can also mean ensuring an obligation, so I think there are two ways of interpreting that clause. In other parts of legislation you'll see similar language. The obligation is there for that program to be in place. I do not think there is any incongruity between what Mr. Laframboise has offered and our intention to make sure the obligation to maintain the safety programs is in place.

The Chair: Mr. Laframboise.

[Translation]

Mr. Mario Laframboise: I would like to move a friendly amendment.

I move that the words "shall establish" be replaced by the words "shall maintain". So the amendment would then read as follows: "The Minister shall maintain a program for the oversight and surveillance of aviation safety in order to achieve the highest level of safety established by the Minister."

In this way, if there is already a program in place, the minister will maintain it. The obligation to maintain the program is the important thing.

If you agree with that, I too would accept this version.

•(1625)

[English]

The Chair: I appreciate your trying to find that common ground. It would have to be considered either a friendly amendment or a subamendment. You can't, unfortunately, amend your amendment.

Mr. Brian Jean: I would also make that friendly amendment.

The Chair: Mr. Bélanger.

Hon. Mauril Bélanger: I'm fine about the amendment itself, but if there's an opportunity to explore—I want to come back afterwards.

The Chair: Thank you. We have a friendly amendment that I will now read for clarification:

The Minister shall maintain a program for the oversight and surveillance of aviation safety in order to achieve the highest level of safety established by the Minister.

Mr. Laframboise.

[Translation]

Mr. Mario Laframboise: The French version would be as follows: "Le ministre doit maintenir un programme de surveillance —". I do not know how it would be worded in English.

[English]

The Chair: In the French side, that's what I'm looking at, *doit maintenir*. We've taken “establish” out. We're saying “shall maintain a program”, which in the French is *doit maintenir*.

Are you comfortable with that, Mr. Laframboise?

Mr. Mario Laframboise: Yes.

The Chair: So we'll vote on the amendment. It was a friendly amendment so it wouldn't be a subamendment.

(Amendment agreed to)

The Chair: Mr. Bélanger.

Hon. Mauril Bélanger: Mr. Chairman, did you actually say, if it had been that this is to create, you would have ruled that out of order?

The Chair: What I suggested was that if in any way it proposed a new mandate entailing new spending, I would rule it out of order. The question around “establish a program” would suggest a new program.

Hon. Mauril Bélanger: I have a difficulty with that, Mr. Chairman. I'm not going to belabour the point, but I need to flag it because I'm not sure that you're correct. I understand that in the private members' business range that is indeed the case, but this is not private members' business; this is government legislation, and the committee has the authority to propose and adopt amendments to it.

So I'm flagging this and I'll do some homework if need be, but I think it needs to be flagged. I believe there may be a mistake there.

The Chair: Thank you, duly noted.

(Clause 4 as amended agreed to)

(Clauses 5 to 7 inclusive agreed to)

On clause 8)

The Chair: We have BQ-9, page 19. Again, I will send out some concerns in regard to admissibility, but I would like Mr. Laframboise to present it. And for the record, BQ-9 and LIB-4 are identical.

Mr. Laframboise.

[Translation]

Mr. Mario Laframboise: Thank you very much.
I move that Bill C-6, in Clause 8, be amended by adding after line 21 on page 7 the following:^(c.1) safety management systems and programs that provide for

(i) the appointment of an executive

(A) responsible for operations and activities authorized under a certificate—issued pursuant to a regulation made under this Act—that authorizes the holder of the certificate to operate an air traffic control unit or a flight service station, and

(B) accountable for the extent to which the requirements of the applicable safety management systems or programs have been met,

(ii) the implementation, as a result of any risk management analysis, of the remedial action required to maintain the highest level of safety,

(iii) continuous monitoring and regular assessment of the level of safety achieved, and

(iv) the involvement of employees and their bargaining agents in the development and implementation of the applicable safety management system or program;

We think the addition of these provisions would help raise the highest standards of safety to better define the safety management systems and programs.

• (1630)

[English]

The Chair: Mr. Julian.

[Translation]

Mr. Peter Julian: Mr. Chairman, I very much like the amendment put forward by the Bloc Québécois and the one put forward by the Liberal Party, but since there are differences among the amendments put forward by the Bloc, the Liberals and the NDP, I would suggest that we take the time to harmonize all this before we study amendment BQ-9. I think it would probably be easier to do that before the next committee meeting, rather than during this meeting. It could take quite some time to sort out all the minor differences.

[English]

The Chair: I think I'm going to deal with this as we go through it. I think we've certainly had this out long enough for people to review it.

I do want to ask Mr. Reinhardt, in regard to the proposal, the appointment of an executive, is that currently being done or is that currently part of the mandate?

Mr. Franz Reinhardt: We currently have authority under the current legislation, and it's done in the CARs, in the Canadian aviation regulations, for those governed by safety management systems now.

The reason we put those provisions at the location we did, under proposed section 5.39, later on was to more or less introduce the protection provisions. It was crafted this way for that reason. To bring this over into proposed section 4.9 makes it a bit confusing.

I also notice that there are three amendments that are quite similar. There's L-4 and there's NDP-3.3. I think they should all be looked at, at the same time, and we should keep in consideration the fact that the location in the piece of legislation is important.

The Chair: Mr. Jean.

Mr. Brian Jean: Quite frankly, it's already in the regulations from review—1.06, 1.01, 1.02, 1.03, 1.04—and also in proposed section 5.39 in the legislation itself. It just seems appropriate in this case to allow some flexibility in the regulations, compared to the—If we have to readdress some of these issues, it's going to take two to three years to get it through in legislation. I think they're better addressed in regulations.

My understanding is that they already are, and indeed, I understand further that some regulations are on the way now to being amended. I think they were last published in 2005, and there are some more coming forward right now.

Mr. Franz Reinhardt: There are NPAs, notices of proposed amendments, providing for consultation between employers and employees in the development of any new SMS regulations. It's in the mill now, it's coming.

• (1635)

The Chair: Monsieur Laframboise.

[Translation]

Mr. Mario Laframboise: Do you mean that if these amendments were not implemented, there are regulations on this supervision in any case?

Mr. Franz Reinhardt: There are regulations in place at the moment, Mr. Laframboise. I believe members were given a package containing the Canadian Aviation Regulations. They referred to safety management systems and give you the basic information about the provisions that are already in place. There was also notice of a draft amendment which would provide for consultation between the employees and employers on the safety management system within the regulations, but that has not yet been passed.

Mr. Mario Laframboise: I fail to see why you are against including this in the bill. Rather than fighting with all of us, why would we not try to work together? We could change our wording to one you find acceptable. We really want this to come into effect as soon as the act is implemented. I do not want you to wait, I don't want the enforcement of your regulations to be delayed and things to drag on for ever, even though that is the way you often work. Let's take advantage of the opportunity to settle some of these issues.

There is a good reason for including this in paragraph (c.1). It follows paragraph (c), and paragraph 4.9(c) talks about the design, installation, inspection, maintenance and approval of facilities, for example. So at this point we would talk about the appointment of an executive and we would describe this person's responsibilities. I think this is a good place to include this.

If you have to include similar provisions in the regulations in any case, why not work with us? Then we would have a standard, and it would be included in the bill now. It would be clear, and the matter would be settled. In addition, all the parties would be aware of this.

[English]

The Chair: Mr. Reinhardt, you mentioned that what Monsieur Laframboise is proposing is covered off under another section?

Mr. Franz Reinhardt: That's correct. It's covered partly under proposed section 5.39 and partly under the existing Canadian aviation regulations. Also, the consultation, the provision dealing with

[Translation]

"...the involvement of employees and their bargaining agents in the development and implementation of the applicable safety management system or program;"

[English]

is already covered in a notice of proposed amendment to the CARs, as well. This is part of the package we had distributed to you on Monday, I believe.

The Chair: Do you mean the government amendments?

Mr. Franz Reinhardt: No, it was apart from that.

The Chair: Oh, it was a package that went out.

Mr. Franz Reinhardt: It was a package that had on its cover page "Existing Regulations and New Regulatory Proposals on Safety Management Systems".

Mr. Brian Jean: Pages 14 to 16.

The Chair: Pages 14 to 16? Yes, in your package.

Mr. Volpe.

Hon. Joseph Volpe: It has an amendment that's similar, except for subparagraph (v) of Mr. Julian's amendment.

I've looked at the items Mr. Jean suggested and I'm looking at the bill itself. The concerns that are expressed in subparagraph (v) of that amendment that's put forward by Mr. Julian, but not put forward by Mr. Laframboise and Mr. Volpe, are in my view already covered in the bill. As Mr. Reinhardt has indicated, under proposed section 5.392, the government is amending one of the items, and I think it captures the intent of that subparagraph, which is essentially to provide protection to those who offer the information without having to be concerned about any retribution.

I'm wondering whether we are spending a lot of time discussing the differences that are really... They are not only not perceptible, they are, quite frankly, non-existent. The difference in that particular amendment is captured by another amendment and another proposed section of the bill.

I'm going to propose we deal with this. I don't have any discomfort in saying that we accept Mr. Laframboise's and not mine, because it's the same. I'm only asking that Mr. Julian accept the same and that we carry on, because his subparagraph (v) is dealt with in another place.

• (1640)

The Chair: Are there any comments?

Mr. Julian.

Mr. Peter Julian: That's why I suggested, Mr. Chair, that we stand this aside until the next meeting. Mr. Volpe makes an interesting case. There are about half a dozen areas where there's a difference between the two amendments. I think the best way to work through that is not to spend an hour going through each of the individual amendments and having discussion over each of them.

What Mr. Volpe says may be true, that the differences are relatively minor, but in some cases they're important. So that's why I suggest to you, Mr. Chair, standing it aside means that we save time on this later on. By moving on to the next amendment, we could come back to this and, I think, dispose of it fairly quickly at the next meeting.

The Chair: Mr. Jean.

Mr. Brian Jean: Mr. Chair, I've had a month to look at these amendments, three weeks at least. I'm asking for a vote. Let's carry on. They've got the regulations, which we provided to the other members, right in front of them. It is included in there. Indeed, if Mr. Julian had an issue with it, quite frankly, I would suggest he should have looked at it beforehand. We've looked at them. They seem identical. Mr. Volpe has said the same thing. I would ask for a vote.

The Chair: Mr. Laframboise.

[Translation]

Mr. Mario Laframboise: I'm going to accept Mr. Volpe's recommendation. I would like Mr. Julian to go along with this as well, but he has the right to maintain his position. So I will accept your recommendation that we discuss amendment BQ-9, which is the same as your amendment.

[English]

The Chair: Mr. Bell.

Mr. Don Bell: I've scanned these, and the only difference I can see with the NDP-3.3 is in the proposed addition of items 4.9(c.1)(i) (A) and 4.9(c.1)(i)(B), including the addition of the words "personally responsible" and "personally accountable". In subparagraph (ii), after the words "the highest level of safety", Mr. Julian has added "determined by the Minister". Then there's subparagraph (v).

I'm comfortable with Mr. Volpe's recommendation.

The Chair: Mr. Fast.

Mr. Ed Fast: Before we vote, I have a question to Ms. Stanfield. From a drafting perspective, when we have a statutory provision that purports to emulate what we already have in regulation but doesn't completely accurately emulate that, does that cause you some concern, in terms of a drafting issue?

Mrs. Susan Stanfield: Well, it could mean that your regulatory authority, for the regulations that you made, may no longer be within the authority of the regulation-making power. If your act provision or your act authority is narrower than the regulations that you've made, you could have a problem, because you can't make regulations broader than your regulation-making authority.

You need to look at that—whether or not your regulations are still valid.

Mr. Ed Fast: Have you had a chance to compare the regulations and the Liberal amendment?

Mrs. Susan Stanfield: No, I haven't in any detail.

Mr. Ed Fast: I just don't want to get us into a drafting problem where after the fact we say, oh shoot, we've thrown the baby out with the bathwater here, and our regulations don't work.

Mrs. Susan Stanfield: Having read the proposals, my main concern would be that they may narrow down the minister's authority in the future to impose requirements in respect of safety management systems.

The only other question I have is in regard to amendment BQ-9 and amendment L-4, and item (A) under paragraph (c.1), subparagraph (i). In both of those amendments, but not in the NDP proposal, it appears to limit item (A) to, at this point, Nav Canada, whereas the NDP amendment is not so limited in respect to the appointment of an executive. That's just a question that occurred to me.

•(1645)

Mr. Ed Fast: Mr. Chair, on a point of order, are we discussing the Liberal amendment right now? Is that what's been agreed?

The Chair: It's BQ-9, as tabled by Monsieur Laframboise.

Mr. Brian Jean: And what was the position of Mr. Volpe? I lost something in translation, English to English.

Hon. Joseph Volpe: I'd propose that since the substance of the differences amongst the three is really contained in subparagraph (v) of the NDP motion, which is captured by a government amendment to clause 12 under proposed subsection 5.392(4), which really goes to the issue of whistle-blowing.

It is something that I think we can defer to that clause, understanding that we will cover it already with this, whether it's BQ-9 or L-4 or even NDP-3.3. Quite frankly, since BQ-9 and L-4 are almost identical—in fact they are—we should just deal with it.

The Chair: Is that okay? I mean a translation from English to English.

An hon. member: Sure.

The Chair: Mr. Fast.

Mr. Ed Fast: Mr. Chair, is it the staff's position that the BQ amendment is unnecessary and unwarranted?

Mr. Franz Reinhardt: Well, we believe it is not necessary. We were reminded by the Privy Council Office that we have to be very careful to ensure that proposed amendments are within the ambit of the memorandum to cabinet decision. I'm not so sure that amending proposed section 4.9 and adding all those new provisions would be considered by the Privy Council Office as within the ambit of the memorandum to cabinet records of decision.

The Chair: Mr. Julian.

Mr. Peter Julian: Mr. Chairman, I have listened very attentively to the arguments. With a great deal of respect to my Liberal and Bloc colleagues, I do think two amendments are called for if we are moving forward with BQ-9. Mr. Bell was correct in enumerating some of the differences. The two most critical, I think, though, are making sure that there is involvement of employees in the ongoing operation of an applicable safety management system. The "ongoing operation" is not in the BQ.

The Chair: Mr. Volpe.

Hon. Joseph Volpe: In subparagraph (iv), I thought that's what you'd—

An hon. member: He added "ongoing".

Hon. Joseph Volpe: I see.

The Chair: We're going to call the question on BQ-9.

Mr. Julian.

Mr. Peter Julian: I put forward an amendment.

The Chair: And what was it?

Mr. Peter Julian: We add to subparagraph (iv) of BQ-9.

[Translation]

We would add the words "ongoing operation".

[English]

The Chair: Can you read it one more time for me, please? We're on subparagraph (iv).

[Translation]

Mr. Peter Julian: You would add the words "ongoing operation".

[English]

The Chair: And in English?

[Translation]

Mr. Peter Julian: At the moment, the amendment reads as follows:

I would add the words "and ongoing operation... of the system". So the amendment would read as follows:—the involvement of employees and their bargaining agents in the development, implementation and ongoing operation of the applicable—system—

[English]

Mr. Ed Fast: Mr. Chair, again on that amendment, could I ask staff to comment on what's just been proposed?

• (1650)

The Chair: Mr. Reinhardt.

Mr. Franz Reinhardt: I'd like Ms. Stanfield to comment on this. The way it is worded now, there's also a change in the applicability. It seems it would only apply to Nav Canada as opposed to all the others, and this is of extreme importance. SMS is applicable to all types of operations, not just Nav Canada.

So worded this way, we had difficulty with the old wording, so that's why we thought that proposed section 5.39 is properly worded, addressing all the operations. And as well, as Mr. Volpe said, there will be other amendments coming to proposed section 5.39 that are taking care of other issues. We believe it is not necessary here, and if it were, it would need to be again amended to cover all operations, and not just Nav Canada.

Hon. Joseph Volpe: Can I disagree with what Mr. Julian has proposed?

The Chair: Mr. Volpe.

Hon. Joseph Volpe: When I referred to the other clauses in the bill, I'd agreed, I suppose, in part with Mr. Reinhardt's assessment that these issues are covered already by another clause. That didn't appear to be the consensus around the table, at least to me, but you're the one who's calling the consensus.

But I don't think the word "ongoing" is necessary in this. So unless Mr. Laframboise has a serious objection, I think we should just move on with this.

The Chair: We have a subamendment to Mr. Laframboise's amendment by Mr. Julian. I'm going to read it, and then I'm going to ask the question. It is:

(iv) the involvement of employees and their bargaining agents in the ongoing development and implementation of the applicable safety management system or program

Mr. Peter Julian: Sorry, Mr. Chair. It reads:

(iv) the involvement of employees and their bargaining agents in the development, implementation and ongoing operation of the applicable safety management system

It is one thing to develop; it is another to assist in implementation; it is a third for employees to be involved in the ongoing operation. Certainly, from all the testimony we heard, we were told that this was a good thing. It was an important component to ensure the success of safety management systems.

The Chair: For clarification, it reads:

(iv) the involvement of employees and their bargaining agents in the development, implementation and ongoing operation of the applicable safety management system

Mr. Volpe.

Hon. Joseph Volpe: I don't want to sound like any of the officials or anybody who's nitpicking on this, but if I were representing the unions on this, or any of the employees, I would say that this restricts me on anything that develops down the road. I don't know why I would do that if I were representing employees in labour. I'm hoping Mr. Julian will reflect on that for just a quick second and say, I'm not here to restrict people's opportunity to be a part of the decision-making; I'm actually here to enhance it.

If he wants to have a vote on it, we'll have it, but I'll vote no.

(Subamendment negated)

The Chair: Shall the amendment as proposed carry?

Mr. Laframboise.

[Translation]

Mr. Mario Laframboise: Mr. Chairman, I'm ready to vote on my amendment if my Liberal colleagues agree to remove the last four lines of provision 4.9(c)(c.i)(i)(A) which reads as follows: "... that authorizes the holder of the certificate to operate an air traffic control unit or a flight service station, ...".

I agree with Mr. Reinhardt that adding these words would mean that only NAV CANADA would be covered, when it could actually be the entire system. If the government agrees with that, this would be a reasonable amendment that would include part of Mr. Julian's amendment and would answer some of Mr. Reinhardt's questions.

• (1655)

[English]

The Chair: Mr. Laframboise, could I ask you again how you would like proposed item 4.9(c.1)(i)(A) to read? I understand that you're talking about deleting.

[Translation]

Mr. Mario Laframboise: In provision 4.9(c)(c.i)(i)(A), after the word "Act", I would remove the last four lines, the words "that authorizes the holder of the certificate to operate an air traffic control unit or a flight service station.". We would have to leave in the word "and" in English.

Since I cannot move an amendment to my motion, Mr. Chairman, someone else will have to do that.

[English]

The Chair: I just want to make sure I have it correctly. You're suggesting that proposed item 4.9(c.1)(i)(A) would read:

responsible for operations and activities authorized under a certificate—issued pursuant to a regulation made under this Act—and

Mr. Mario Laframboise: That's it.

The Chair: Are there any comments?

Mr. Reinhardt, do you have any comment?

Mr. Franz Reinhardt: I have no additional comments to those I made earlier. I know that Mr. Laframboise fixed one of the problems by amending it, that's for sure. This has taken care of all the operations.

The Chair: Mr. Volpe has agreed to offer a subamendment, which we are talking about. Am I correct?

Mr. Julian.

Mr. Peter Julian: I support it.

The Chair: You're ahead of me.

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

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

The Chair: That takes care of BQ-9 and LIB-4 and NDP-3.3.

So we're going to G-1.1, page 24.1.

Mr. Jean.

Mr. Brian Jean: Mr. Chair, this motion is to address some of the concerns raised by unions, such as the Teamsters, with regard to mitigating negative effects of fatigue. Actually, I think it's a great amendment, and I'm looking forward to the support of the other parties.

The Chair: Comments?

It's on page 24.1 in your supplemental.

Mr. Brian Jean: We did hear from many witnesses in relation to fatigue, and indeed some of the issues regarding the hours of service.

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

The Chair: We're now moving to NDP-4, page 25.

Mr. Julian.

Mr. Peter Julian: Actually, Mr. Chair, it's NDP-4.1.

The Chair: So you're not moving NDP-4?

Mr. Peter Julian: It has been modified.

The Chair: Okay. Then we will take NDP-4 out and we'll move to BQ-10.

[*Translation*]

Mr. Mario Laframboise: Mr. Chairman, I move that Bill C-6, in Clause 8, be amended by replacing line 14 on page 8 with the following:

aviation safety or security, including limiting the hours of work of those crew members, air traffic controllers or persons engaged in maintenance or installation;

• (1700)

[*English*]

Mr. Brian Jean: Mr. Chair, I have a point of order.

I'm wondering, are these three amendments not covered by the amendment G-1.1? It's the same in essence, the hours of service fatigue.

The Chair: It is something that the committee would have to decide.

Mr. Reinhardt.

Mr. Franz Reinhardt: I just want to mention with respect to this that the one proposed by government is much broader than the three others because it says "to cover all persons working in activities that may have an impact on safety, including possibly limiting the number of hours." So it's not only for air traffic controllers, it's not only for flight crew members, it's for everybody. So I think it's the best of worlds for everybody because it's broader.

The Chair: Mr. Laframboise.

[*Translation*]

Mr. Mario Laframboise: Mr. Chairman, could you give me a minute to check on a few points with my researchers? That would also give the other parties an opportunity to ask some questions.

[*English*]

The Chair: Yes, sure. Go ahead.

Mr. Julian.

Mr. Peter Julian: Mr. Chair, I would just like to go back. We have NDP-4.1 that was circulated to the committee.

The Chair: It comes right after BQ-10. It's on the same line, but because it came in after...

I guess we are taking a brief moment.

Well, Mr. Jean, fill the air.

Mr. Brian Jean: Excellent. Thank you very much.

I'd like to talk first of all about my childhood...no.

An hon. member: He's still living it.

Mr. Brian Jean: I just want to say that if the members look at it, it is much broader. The difficulty with NDP-4, for instance, is that it talks about air traffic controllers or crew members and not mechanics or other people. Aviation safety includes everybody, from the person turning a wrench to people servicing the aircraft or the engines. I think it's a much broader and better use.

If I can be blunt, this amendment was proposed by one of the unions. We saw the other amendments put forward by the other parties and thought it was much better and more inclusive. It covered a broader spectrum to allow all persons who might suffer from fatigue to be able to have their hours of service limited.

The Chair: Monsieur Laframboise.

[*Translation*]

Mr. Mario Laframboise: That is what I am trying to determine.

You put forward amendment G1.1, but according to my researchers, it should have been presented after Bloc amendment BQ-10. I'm just trying to get on track.

[*English*]

The Chair: We will recess for a few minutes. Don't leave the room.

• _____ (Pause) _____

•
• (1705)

The Chair: Welcome back.

Mr. Laframboise.

[*Translation*]

Mr. Mario Laframboise: Thank you. It is sometimes helpful to have a discussion. I'm going to withdraw BQ-10 and support the government.

Mr. Chairman, I withdraw amendment BQ-10.

[*English*]

The Chair: Thank you, Mr. Laframboise.

(Amendment withdrawn)

The Chair: Now we have NDP-4.1.

Mr. Julian.

Mr. Peter Julian: As I said earlier, giving us a few minutes to collect our thoughts does bring dividends. In this case I will be withdrawing NDP-4.1.

The Chair: Thank you.

NDP-4.1 has not been moved and can't be withdrawn.

Next is BQ-11 on page 27.

Mr. Laframboise.

• (1710)

[*Translation*]

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

On lines 19 to 21 on page 8 of the bill, after the words "aeronautical equipment", we would add: "and on the part of providers of services relating to aeronautics, and the". So we would remove the following words: "on the part of organizations designated under subsection 5.31(1)".

[*English*]

The Chair: Mr. Jean...sorry, Brian.

Mr. Laframboise.

[*Translation*]

Mr. Mario Laframboise: May I please stand this amendment? My amendment is conditional on the future of the designated organizations, and we have not yet studied that issue.

[*English*]

The Chair: I have no problem with it. I will advise the committee that BQ-11 and NDP-5 are identical.

Mr. Julian, are you comfortable with that? We will move to that next.

Mr. Peter Julian: Mr. Laframboise is saying that it's consequential, and I certainly agree with him on that.

The Chair: So we will stand this until we've dealt with the main amendment.

Hon. Mauril Bélanger: Then we'll revert to it immediately.

(Clause 8 allowed to stand)

(Clauses 9 to 11 inclusive agreed to)

(On clause 12)

The Chair: Next is G-2 on page 29.

Mr. Jean.

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

This is in response to ALPA. The witnesses we heard suggested this would be good. There was a specific request from them to limit the designated organizations so they didn't include activities involving the air transportation of fare-paying passengers. So that's where this amendment comes from. It would deal with BQ-12 and NDP-7.1, which you may want to consider at the same time or immediately subsequent to it.

The Chair: I want to advise the committee that there is a line conflict with BQ-12, LIB-5, NDP-6, BQ-13, NDP-7, and NDP-7.1. So if G-2 is adopted we will not be able to bring these amendments forward.

Mr. Bélanger.

Hon. Mauril Bélanger: Mr. Chairman, I have to say that amendment G-2 is an improvement to what we have.

This is one of the areas of the bill that I focused on, the matter of the designated organizations. I have expressed a great deal of concern with a number of factors. One of these has been addressed: the high risk, low risk concern. However, there were other concerns I had expressed, and others also, concerning the great extent of the delegation of authority here.

I understand that delegation of authority at some point is required for any organization to be able to function. But to delegate entire authority, including the authority to create regulations and create standards, and all from within—basically, you've taken the entire responsibility and put it somewhere else. I had and I still have a great deal of difficulty with that.

The reason I'm speaking up now is that I might want to support amendment G-2 if the rest doesn't follow. But if the rest follows, of course, then amendment G-2 is not required. Having said what you said—that if this passes, all the other amendments are withdrawn—I'm forced to vote against it in order to at least consider the other amendment, which is to delete the references to this proposed section entirely.

If we didn't delete it, then this would be an improvement over what's there. But I'm saying I'm not satisfied that it goes as far as I'd like to see it go, and you're putting me in a bit of a quandary. Just so you know, that explains why I won't be able to support it.

• (1715)

The Chair: Mr. Julian.

Mr. Peter Julian: Mr. Chair, I have a similar point of view. The designated organizations are something that many witnesses identified as a quite major flaw in Bill C-6. We have, from three opposition parties, similar amendments to try to make the bill operative in a way that doesn't present the danger many witnesses felt it presented.

So either the government withdraws amendment G-2 or we stand it aside, but I certainly won't be voting for it.

I think it's a bit like putting the cart before the horse to consider this when we have substantial amendments from the three opposition parties that deal with that proposed section. It would be, I think, more effective to proceed to the BQ motion or the Liberal motion, and then after we've had the debate and discussion there, if we needed to consider amendment G-2 we could come back to it at that point.

The Chair: Mr. Laframboise.

[*Translation*]

Mr. Mario Laframboise: I have had some concerns about the designated organizations from the beginning, Mr. Chairman. I know that we may have a long debate about this, but I hope not. I would like the government to understand clearly that Transport Canada sometimes tends to have a bad influence on the government. They have not managed to convince me.

With respect to the safety management system, I managed to come to terms with that and asked the questions that had to be asked, even though there remain some problems in the large companies where it is in place. I read the Skyservice report that was published in 2007 about the systems in place in companies, and it is quite awful. I'm having a great deal of trouble getting one thing into my head. Until the large companies have a very effective safety management system, how can organizations be designated to replace Transport Canada to supervise the systems? Because that is in fact what they will be doing, they will be helping supervise part of the system. I have a great deal of trouble with that idea.

If you were to wait a few years to bring forward a bill, once the system is firmly in place in the large companies, then decide that the time had come where there should perhaps be organizations designated in another part of the industry, then I would agree. However, at this time, that is far from clear to me. I am having trouble coming to terms with the safety management system for the largest companies, which do have the resources to put it in place. In addition, there are some problems with it, and so on. I do not want to get into the rail sector, but we have seen what is happening there.

I think these organizations will become supervisors for part of the industry, and I have a lot of trouble with that idea. First of all, there are few organizations of this type, and of the people that appeared before the committee, I do not think they have enough skills to do that, including the representatives of the private carriers. One person came in to explain to us—I do not have his name, but I could find it for you—and he will probably be part of a designated organization. However, even if there are 700 or 800 members, I am having a great deal of trouble understanding how an organization that supervises these members will be successful, when a company with its employees has failed to have an effective system. I'm having a great deal of difficulty with this.

In my opinion, the entire paragraph and the part of the act on designated organizations are premature. If you had told me that this part of the bill would come into force in three or five years, perhaps we could have talked about this. Make me an offer, but this part should not come into force at the same time as the bill, which targets the largest companies. Then there will be an organization between these large companies and other parts of the industry that are less well-organized.

I am telling you it is too early. I am having trouble with this whole part of the bill on designated organizations. However, if we were to implement the part of the bill on designated organizations in three years, then we could negotiate. Talk about the proposal that this should not apply at the same time as the safety management systems are set up, because there may be some problems in the large companies. In my opinion, Transport Canada should have control over all the other industries. That is my view.

• (1720)

[*English*]

The Chair: Mr. Jean.

Mr. Brian Jean: I did listen carefully, Mr. Laframboise, and I don't know if we can identify the particular issue you have as far as time of implementation, of coming into force, is concerned.

I looked at amendment BQ-13, your particular amendment there, and I was wondering if there would be any common ground to implement the parts, because I think there's some actual value in what you're suggesting in amendment BQ-13, and I think it could be worked in after "The Minister of Transport may designate, from among organizations that operate in low-risk, non-commercial sectors of the aviation industry". I don't know if that kills the proposed section or not as far as the department goes, but certainly I notice that your amendments don't deal with the implementation of the act or the coming into force of this particular proposed section, but instead, deal with some other issues. I don't see any conflict in it going in there, quite frankly, and being part of the government amendment.

The Chair: Monsieur Laframboise.

[*Translation*]

Mr. Mario Laframboise: Of course, we have amendment BQ-13 in case amendment BQ-12 is not passed. So I will withdraw the latter, as well as all the designated organizations.

You're making suggestions to the government, but I repeat that I would feel more comfortable if this part of the bill were to come into force a few years after the bill has a whole comes into force. We could talk about the bill as such, but in the meantime, I must defend the position that this whole part of the bill should be removed. I must do that.

I understand the principle. I want you to understand the point. I think it is too soon to do this. So I am withdrawing this. However, if I were told that this part of the bill will come into force in a few years, we could perhaps look at this.

[*English*]

The Chair: Mr. Reinhardt.

Mr. Franz Reinhardt: First of all, I'd like to say that the provision here is to allow the minister to designate; it's not done. There will also be regulations made to limit the type of designation—it's not a delegation, but a designation—and there will be regulations to limit the type of designation.

There is a procedure for an aeronautical study to determine whether it's a high- or low-risk segment of the industry. Of course, this is available to everybody. This is available to the committee responsible for that type of activity to review as well. So I think there are lots of means of allowing the government to review what's happening if there is a designation.

As I said, we wanted to use that designation in segments that in some cases are not even currently regulated. You have to remember that the basic rules with respect to certification of aircraft, rules of the air, licensing of pilots, are all there. Those guys will all have to follow those rules, and Transport can enforce those rules. It's only the overview, if you want.... The minister doesn't lose his oversight authority over it, but it gives those people who have the best expertise in that field the possibility to get people together in association.

Let me give you an example. Out west, you have crop-spraying activities in which they spray crops in farmers' fields. Those people are conducting business. It's only the pilot responsible for doing this; there's no passenger on board. It's a very special type of expertise that they have—they know what they're doing. If there is an association capable of overlooking this, it's good for Transport Canada. We can put our resources where there's a better safety payoff. We can still monitor, and the minister doesn't lose the authority to look after it.

This is the type of activity we would like, if we're allowed, to designate after a study. We don't want fare-paying passengers; we don't want in-air transportation of passengers.

I think it's giving a good fettering to the current provision. That's all I can say. If you remove the commercial component, of course, it kills the whole thing.

• (1725)

The Chair: Mr. Jean and then Mr. Julian.

Mr. Brian Jean: From the department's viewpoint and also from Mr. Laframboise's position, could you see a coming into force section, for instance, that would suggest that this could be not implemented until three years from the date of this proclamation? Would that be a difficulty for the department?

Mr. Franz Reinhardt: A reasonable time for coming into force would be acceptable, I would think.

Mr. Brian Jean: Well, the government would be in favour of that if the rest of the section carried.

The Chair: Mr. Julian.

Mr. Peter Julian: That's not the only problem with amendment G-2, Mr. Chair. Again I stress that I think the preference would be that the government simply allow this to stand aside or withdraw amendment G-2; that would make sense.

It's fair to say there are a number of difficulties with this amendment. One is the definition around a designation that may “not

involve high risks” in relation to aviation safety and security. Well, what is a high risk? Is a moderate level of risk or a medium level of risk acceptable? I don't believe it is. To say that this designation does not involve “high risk” in relation to aviation safety and security for me is very much a red flag.

I think to this point in the bill we've been working through it methodically and cooperatively. Not everyone has exactly what they'd like to see in the bill, but we've been trying to push for the highest level of safety and security at all times. Now we have the government amendment being brought forward that changes the definition, reverses it, and refers to a designation as something not involving high risk—I guess accepting anything short of high risk: moderate risk.

Essentially, that is a major problem with this amendment, I think. I'm not sure whether that was considered. Perhaps the government didn't take into consideration all the other amendments we've brought forward to date that have essentially reinforced that high safety standard right through Bill C-6. This reverses that, and I find it disturbing.

The other element, of course, is that the only activities that are excluded would be scheduled air transportation of fare-paying passengers, which means fare-paying passengers who are on unscheduled air transportation obviously could be included. Those are two difficulties within this amendment.

Again, I'm not sure whether, when the government put it forward, they were anticipating or not all of the strengthening in the bill that we've brought forward to date. But very clearly this amendment contradicts the direction we've been heading in as a committee until now.

The Chair: Mr. Reinhardt, just a brief response.

Mr. Franz Reinhardt: On the low risk versus high risk, I would not have any difficulty in the thing reading the other way around—low risk, as opposed to not representing high risk. The proposed amendment was reworked by Justice, and this is the reason the wording was.... But we have no difficulty there.

The Chair: Mr. Bélanger.

Hon. Mauril Bélanger: Chairman, amendment G-2 addresses some things, but leaves a lot of questions. It does not address the one item of that section of the act that I had difficulty with, and that is proposed subsection 5.31(3), which essentially says: A designated organization has all the powers necessary to monitor compliance with the standards and rules that it establishes.

That's where I have a problem. I think this is delegation gone too far. I know that we've been given an example—and only one—when that question is answered, and that's for the gliders, *même pas des monoplans*, the ultralights, but I believe it involves much more. If I'm wrong, please, I'll sit corrected. I believe it involves private aviation to a great extent—not commercial, but corporations that have jets, individuals who have their own planes. They may not fall into this or under these exceptions. They may fall under designated organizations. Construction of aircraft might fall into that. You have helicopters that seem...keenly interested.

Then Mr. Julian raised issues, which I'm going to reinforce. The wording of amendment G-2, proposed paragraph 5.3(1)(b) says: the organization's activities do not include the scheduled air transportation of fare-paying passengers

So could it include the unscheduled transportation? Could it include the scheduled transportation of non fare-paying, the unscheduled transportation of non fare-paying? What does that involve? What's the universe there? We haven't defined that at all.

That's why I think the delegation of authority to designated organizations, where it's wide open in terms of their establishing their own standards and monitoring them, is going too far. That's why I think we need to hold back here.

I understand that there's need for regulation in some areas, and I accept that. But currently, the government and the transport department and the Minister of Transport have all the authority to craft such regulation and, as the process unfolds, get it out there and responded to and enforced. Currently, if anybody wants to be exempted, they can. But the responsibility comes through the appropriate mechanisms to seek and obtain such an exemption, through a Privy Council decision, for instance, or through a regulatory process. So the department has currently the flexibility to do some of what it wishes to do. But there's a retention of some responsibility, which this may vacate a little too much for my taste.

Throughout the hearings, I've focused on this one because of that in particular, and I've quoted it a number of times. I don't think it is appropriate to give to a designated authority the authority to make rules and standards and then enforce them. So they've come full cycle, and basically we could claim that we weren't responsible at all, and I think it's just going too far.

My perception of this may not be shared, and I respect that. But I believe it is shared by a number of people, and I think we have to be careful here. That is why I was hoping we could deal with the notion of deleting, essentially, the references to designated organizations first, because I would not want, if we can't delete them—if there's no will around the table to delete them—that we then not consider some of the improvements that the government has tried to make through G-2.

• (1730)

The Chair: Mr. Jean.

Mr. Brian Jean: I was just going to say I was looking for a cooperative approach from the member, and the only approach I heard is that he wants to eliminate the designated organizations. Or did I misunderstand that? That's what I understood it to be.

Certainly we're prepared, as the government, to implement a three-year coming into force for this proposed section. Certainly I understand Mr. Julian's perspective in relation to the high risk, to change the wording from a negative to a positive. I think that is a good suggestion, and indeed I'd look forward to a friendly amendment from that.

But I think the other reality is that after the other section we voted on, the minister has an obligation, an oversight responsibility. He still maintains a responsibility. He can designate that responsibility. Certainly he designates most responsibility to someone. I'm certain he's not going through each plane and inspecting them himself. But I

think it would make sense that if there is an organization out there that has expertise in that particular field—and I'm suggesting in a narrow field, such as gliders or ultralights, or indeed an organization such as the crop sprayers organization—I would think they would be better fit than the minister would be or even the experts at Transport Canada.

But I'm looking to the Bloc and also to the NDP. Are they prepared to accept those two amendments, make friendly amendments to that? The government would be prepared to accept that.

The Chair: Mr. Julian.

Mr. Peter Julian: Well, Mr. Chair, we have to move on to estimates. I would certainly take Mr. Jean's comments under consideration, but I would hope when we come back to this next Monday that we would begin with BQ-12 and that we would simply stand aside G-2 for the reasons that Monsieur Bélanger, Monsieur Laframboise, and others have mentioned. I hope that we would stand that aside and come back to the other amendment.

The Chair: Mr. Volpe.

Hon. Joseph Volpe: I think I read a consensus around the table that reflects Mr. Bélanger's views, and that is that we have accepted certain amendments so far that address the following issues: first, the question of the standard, the highest standard of safety and security; secondly, that the minister at all times retains the authority to establish, to update those standards; and thirdly, that the minister doesn't devolve any of that authority to anybody who doesn't meet those conditions.

I recognize that this causes a little bit of an improvement, but I noted that Mr. Jean said okay, they would make proposed paragraph 5.31(1)(a) a little bit more positive, and I would suggest, for example, that after the proposed subsection 5.31(1.1) we eliminate everything that's there and put in “consistent with the highest standards of safety and security established by the minister”, and then carry on.

There are a couple of other proposed subsections there that don't address the issue of devolving that authority, which I think people recognize as something that has to be done, with that line of obligation that—and I'm not sure I have the language just yet, Mr. Reinhardt—really does say that at any time the minister can revoke the designation.

That's not the correct language I'm looking for, Mr. Reinhardt, but I'm really saying that at one point or another the designated organization can cease to be designated if it doesn't meet the standards the minister has already set. I think the clauses in the bill, as it exists, notwithstanding the amendment proposed by the government under G-2, don't make that connection. There isn't that chain.

Madam Stanfield, I know you're looking at me—and I hope that means you're listening, actually—and you're probably wondering where I'm going with this. I don't want to constrain the minister or put down everything that he or she must do with the designated organizations, but I'd like to have, in those proposed subsections, the indication that Transport Canada does the oversight of the designated organizations and that they are responsible to the department and the minister. I don't think that's clear, and that's why I think Mr. Bélanger was proposing that if you can't make that clear and you can't show that we're not devolving things off willy-nilly, then this isn't an amendment that we could support.

●(1735)

The Chair: Monsieur Laframboise.

[Translation]

Mr. Mario Laframboise: Mr. Chairman, I am speaking to my position and I want to move a motion to that end. You can work it in, because we're running out of time and I don't want to hold up the committee proceedings. I want people to feel comfortable.

I move that clause 12 come into force 36 months, or 3 years, after this legislation comes into force. No doubt, Ms. Stanfield can tell us how to draft this text.

Personally, I truly believe that this is logical. The problem is that we need to talk about it and the department needs the time. Even you, Mr. Reinhardt, told me that the minister was not yet ready. A three-year delay would give him the opportunity to get what he needed. The message we will be sending to people in the industry is that those who have worked hard may continue to do so. Ultimately, we are going to try to accommodate all of this one day. I am aware that these are likely above-average standards and that there is a way to improve the existing system. I am aware that the purpose is to improve the existing system.

The problem with designated organizations is that they are mentioned in a bill dealing with security management systems. This is somewhat problematic for us. I know that security management systems will have improved three years from now and it will be a matter of choosing the designated organizations. That is why I am asking this. If we first vote to have this clause come into force in three years, we could then discuss each of these clauses. I want to discuss both Mr. Bélanger and Mr. Julian's motions. I have no problem with that. Since this part of the legislation will not immediately come into force, we would have some latitude in considering it.

[English]

The Chair: So, Monsieur Laframboise, you're making a subamendment, a friendly amendment. For my clarification, where exactly does that fall?

[Translation]

Mr. Mario Laframboise: Clause 12.

Such a clause is usually found at the end of a bill, I believe. There can be a clause indicating that the bill will come into force at a later date. I believe that this clause is typically found at the end of a bill.

●(1740)

[English]

Mrs. Susan Stanfield: The drafters could do that. It's clause 49 of the bill, the coming into force, the very last provision in the bill. It says:

The provisions of this Act come into force on a day or days to be fixed by order of the Governor in Council.

So other provisions of the bill could be brought into force immediately upon royal assent, or shortly thereafter, and the provisions dealing with designation could be brought in at a later date. There is no problem with doing that.

[Translation]

Mr. Mario Laframboise: Exactly. So, it should be indicated at the end of the bill. I would like us to resolve this now. I don't have a problem with including in clause 49 that clause 12 will come into force 36 months after the legislation comes into force, but we would need to agree right away amongst ourselves to include this at the end of the bill. If we are in agreement, we can discuss the bill.

[English]

The Chair: Mr. Jean.

Mr. Brian Jean: I would actually agree to take that friendly amendment.

I would also agree, if Mr. Volpe is prepared to make a friendly amendment—with “consistent with the highest standards of safety and security”. I certainly think that is appropriate as well, which would satisfy, in part at least, Mr. Julian's position on paragraph (a) at the end, in relation to the high risk. He had suggested that after “subsection (1.1)” we would put in “consistent with the highest standards of safety and security”—

Hon. Joseph Volpe: “Established by the Minister”.

Mr. Brian Jean: “Established by the Minister”. And I would certainly take that as a friendly amendment as well.

Hon. Joseph Volpe: Thank you for that.

As I was reading some of those proposed subsections, I thought there would have to be some modification in the language there to make it consistent with that. That's why I said that I didn't have the exact wording right then and there, but it seemed to me that it would be language that would satisfy the concerns of my colleague Mr. Bélanger and other colleagues in the other two parties. It might even satisfy some of your concerns. But unfortunately I'm not equipped to do that at this moment.

The Chair: Mr. Bélanger.

Hon. Mauril Bélanger: Mr. Chairman, there are some questions that have been asked to which I think we'll need some answers, depending on how this goes, in terms of paragraph (b) of G-2, and what is not covered in that. I've asked those questions.

Might I suggest that now is maybe the time to consider moving to something else, in the sense that it would also allow people who may be drafting either friendly or formal amendments the time to do so? It sort of worked at the start of the meeting that we'd had a couple of days to look at proposed section 4.2, if you recall. I suspect that having the time between now and the continuation on this might be beneficial.

The Chair: Comments?

Mr. Jean.

Mr. Brian Jean: I'd like to call the vote, Mr. Chairman.

If they're not prepared to make a friendly amendment, I would certainly take Mr. Laframboise...and deal with the matter, deal with the clause. We've discussed this for 40 minutes, Mr. Chair.

The Chair: Mr. Julian.

Mr. Peter Julian: Mr. Chair, Mr. Bélanger's proposal and Mr. Volpe's comments are both very apt.

This is the heart of what some people had perceived as the difficulty with the bill, so it would make sense to take the time to do the drafting that Mr. Volpe suggested, take the time, as Mr. Bélanger suggested, to have some thought given to this clause and then come back to it next Monday, because if we start going through amendments, we're certainly here for another hour, and we haven't done the estimates. There's a whole whack of other things in G-2 that have to be addressed as well.

I think Mr. Bélanger's point that this is the right time to suspend the clause-by-clause consideration and come back to it on Monday is an apt one. I think Mr. Jean's proposal that we simply start ramming through and voting on this is inappropriate.

The Chair: Mr. Jean.

Mr. Brian Jean: Mr. Chair, we've been discussing one clause for 40 minutes. I'm not ramming through anything. We've had almost a month to go through this clause and make changes and make suggestions. Again, we have three years from the date of this particular bill being proclaimed to make any changes or any recommendations that we would suggest to it.

It's a good clause and I would suggest Mr. Laframboise has a good amendment and I would ask for the vote on it—unless, of course, Mr. Laframboise is not going to support me. Then I don't want the vote.

• (1745)

The Chair: Is there any comment?

Mr. Volpe.

Hon. Joseph Volpe: I want to ask the officials a question—and I don't mean to draw them into a political discussion, by any means. So if I cross the line, do say so.

In my observations, I talked about finding the appropriate language to link one of the proposed subsections in that particular amendment with the amendment made by the government. Do you find that to be an acceptable approach to preserve the integrity of the entire amendment? Is it a feasible thing to do—from a technical point of view, not from a political point of view?

Mr. Franz Reinhardt: Do you mean working with the current amendment G-2?

Hon. Joseph Volpe: Yes, working with G-2, plus what's already contained in the bill, as I read it.

Mr. Franz Reinhardt: From a departmental standpoint, we're always willing to work to improve proposals. Yes, it is feasible; we've done it in the past.

I don't know if there are other comments on....

Hon. Joseph Volpe: I don't mean to put anybody on the spot. I'm interested in developing what we've had going.

Maybe Mr. Jean is right, that we've been discussing this for quite some time. But clause 12 really goes to the heart of all of the discussions that were introduced by the witnesses. So while some of us on this or that side might not have been as struck by the witnesses' perceptions as others, it doesn't matter; the point is that if we want to preserve the integrity of what the government has proposed through legislation, both this amendment by Mr. Jean and the linking of some of the language—and I'm not talking about changing entire sentences or phrases, but about choosing the appropriate words to provide a linkage that will give everybody else comfort. The point is whether or not that might be technically feasible.

If it is—and that's all I'm asking you—then I'll continue and suggest, Mr. Chair, that we avoid a confrontation by calling for a vote.

The Chair: Mr. Jean.

Mr. Brian Jean: I'm actually looking for a response from Mr. Laframboise. I had proposed the issue of the friendly amendment and dealing with it.

[Translation]

Mr. Mario Laframboise: Mr. Chairman, I have a problem. According to the order in which the bill's clauses are presented, this amendment would come last. So, I need unanimous consent so that we may immediately vote on the 36-month period. If we do not agree—I'm trying to discuss this with my colleagues—we will not be able to talk about this part of the legislation, because I think that I cannot include the three-year term here. That is why I need us to immediately agree that this part of the legislation will come into force in three years time. Then, we can begin clause-by-clause consideration. I have no problem with that. However, currently, we are not in agreement on this.

[English]

The Chair: Mr. Jean.

Mr. Brian Jean: Actually, clause 49 is the appropriate place. But it doesn't need to be in clause 49; it could be at the end of this clause. Legislative drafters like it at the end, so they can see it quickly; but quite frankly, I've seen it in other bills—in the bill itself.

So indeed it could be a friendly amendment. It's up to you, Mr. Laframboise. I don't want to belabour the point, but we have had a month to—

[Translation]

Mr. Mario Laframboise: It does not bother me. I want to move this amendment, but I don't have the wording to do so in this specific clause. My colleagues may challenge this. I am making an amendment. I don't know whether we can add clause 5.31.1, which would state that clause 12 would come into force three years after the legislation. I so move.

[English]

The Chair: Mr. Jean.

Mr. Brian Jean: I have done the wording, Mr. Chair, and I would suggest that the friendly amendment could be under (1.12). It would read:

Section 5.31 shall come into force three years after Bill C-6 receives royal assent.

So indeed, it can be put there. It would be totally legal, and draft-ready to do.

•(1750)

The Chair: Again, I think what you want has to be clear. The wording has to be clear.

[*Translation*]

Hon. Mauril Bélanger: If it is not in both official languages... Pardon me, you have the floor.

[*English*]

Hon. Mauril Bélanger: No.

Sorry, Mr. Chairman, I don't have the floor.

Mr. Brian Jean: It's totally legal. It's totally appropriate.

I think I have the microphone, Mr. Chair.

The Chair: Mr. Jean.

Mr. Brian Jean: It's that proposed subsection (1.12) would read:

Section 5.31 shall come into force three years after Bill C-6 receives royal assent.

In fact—since I still have the microphone on—I've seen many sections that actually say, “This section will not come into force until three years after...”. So it's not always at the end of legislation; it certainly is included in particular sections.

The Chair: Monsieur Laframboise.

[*Translation*]

Mr. Mario Laframboise: No problem. I agree to put the amendment.

[*English*]

The Chair: The wording is that proposed subsection (1.1.2) states: Section 5.31 shall come into force three years after Bill C-6 receives royal assent.

[*Translation*]

Mr. Mario Laframboise: It is not clause 5.31. It is clause 12.

[*English*]

The Chair: I'll read it again.

Mr. Jean.

Mr. Brian Jean: Mr. Chair, I would suggest that it should be paragraph (e) of proposed section 5.38.

Hon. Mauril Bélanger: I have a point of order, Mr. Chairman.

Mr. Brian Jean: Mr. Bélanger.

Hon. Mauril Bélanger: Mr. Chairman, I hope that members of the committee will accept this. I think there has been a very positive effort throughout the group here today, and on previous days, to make progress on this bill, but there are some basic procedures that we should respect. I'd like to see amendments in writing in both official languages before we vote on them. We've already had variations here. We are also beyond the time allocated to it today.

Mr. Chairman, in the constructive spirit of trying to move forward on this bill, I will reiterate my suggestion. I'll move that we proceed with the clause-by-clause study next Monday at 3:30.

The Chair: I do think there's agreement to move this forward. That's why I've let the conversation continue. I am concerned that we do it right. I will suggest that we bring this back with the motion and the amendment on Monday at 3:30. It will be the first order of business we deal with at that time. I am concerned. We want to place it in the right part and in the right order. I think that will also give the group a chance to have more conversation.

Again, before I move on to the next order of business, I would encourage all members of the committee to access the staff here today if you have concerns or issues about a clause or a phrase. I know that you probably feel comfortable doing that, but I would encourage it if there is that question out there.

Mr. Jean.

Mr. Brian Jean: I have no problem with that, Mr. Chair. I succumb to your greater wisdom.

Certainly I would ask the clerk, if possible, to come up with the wording we've discussed and indeed the proclamation, as well.

I will give notice to everyone now that there will be a motion coming forward to extend the hours for this committee to study this bill and to deal with it on a clause-by-clause basis. That motion will be coming forward to the clerk immediately.

The Chair: Okay.

We will get the proper wording, and we will get it circulated to the members of the committee.

Mr. Jean, I don't think it's necessarily the clerk's responsibility to write the amendment and the subamendment. You might want to write it in cooperation with Mr. Laframboise and then present it to the committee through the clerk.

Mr. Brian Jean: Absolutely.

Thank you, Mr. Chair.

The Chair: Okay. With that, again I thank our guests today.

Thank you very much. We'll see you on Monday at 3:30. Have a good weekend.

We're going to move to the next order of business.

We're going to recess for a couple of minutes and then we'll come back to do budgetary questions.

• _____ (Pause) _____

•

•(1755)

The Chair: Welcome back.

We're now going to spend the next little bit of time doing the main estimates. We're reviewing votes 1, 5, 10, 15, 20, 25, 30, 35, 40, 45, 50, 55, 60, 65, 70, and 75 under Transport.

Joining us is Mr. André Morency. He's the assistant deputy minister.

We welcome you and appreciate your taking the time to be here.

Monsieur Bélanger.

[*Translation*]

Hon. Mauril Bélanger: Mr. Chairman, I don't intend to prolong the debate. At 5:10 p.m., I got a partial response to my questions regarding the amount of money that Transport Canada, in vote 1, I believe, is transferring to the National Capital Commission as compensation for the lost revenues it suffered following amendments made to its lease with the Queensway-Carleton Hospital.

Is this vote 1?

• (1800)

Mr. André Morency (Assistant Deputy Minister, Corporate Services, ADM's Office, Department of Transport): The transfer occurred last year. In the department's main estimates for this year, there is no mention of any transfer. The budgets were adjusted for 2007-08. During our last appearance, Mr. Bélanger, you had commented that, last year, in the supplementary estimates, funds had been transferred from vote 1 under Transport Canada to vote 45 under the NCC. You are correct, this was approved by Parliament. The transfer of funds occurred last year.

Hon. Mauril Bélanger: How much—

Mr. André Morency: This year, it's already included, and the budget has been adjusted. So, there will not be a transfer of funds.

Hon. Mauril Bélanger: Some money from Transport Canada's budget is still going to the NCC, based on information we have received from the minister. For this fiscal year, this amount was \$22,908. Is that correct?

Mr. André Morency: Yes.

Hon. Mauril Bélanger: Every year until 2013, an equivalent amount will be transferred from Transport Canada to the NCC.

Mr. André Morency: With Parliament's consent, yes.

Hon. Mauril Bélanger: Right.

Now, I have received confirmation that another lease was signed for the years after 2013, but, in the information we were provided this afternoon, the amount has not been confirmed.

Mr. André Morency: The lease is for \$1.

Hon. Mauril Bélanger: But, as is the case for the current lease, a \$22,908 transfer was made, an amount that was previously agreed upon. Is there a plan to transfer an amount similar to that in vote 1 from Transport Canada to the NCC again to compensate for some shortfalls? What is this amount?

Mr. André Morency: The amount set out by the NCC after 2013 was \$181,000 per year.

Hon. Mauril Bélanger: Right.

Mr. Chairman, my questions are as follows. What is the justification for taking this money from Transport Canada, which has various statutory responsibilities, which we recognize and are in complete agreement on, in order to cover the shortfall of another agency that is indirectly subsidizing a hospital? For what reason is Transport Canada providing this money?

Mr. André Morency: Mr. Bélanger, Transport Canada did not suggest that this come from our budget. The government decided to

do so in order to compensate the NCC. Every year, the Treasury Board President presents our department's main estimates, which includes such an adjustment to compensate for this shortfall.

Hon. Mauril Bélanger: There must be a reason to justify the transfer of these funds.

Mr. André Morency: The NCC communicated with the government to get its approval in order to reach an agreement with the Queensway-Carleton Hospital for the amount of \$1.

Hon. Mauril Bélanger: I understand all that. I don't have a problem with that, Mr. Morency. What I want to know is why Transport Canada is the one making up for this shortfall. Under what program is it doing so? I have looked at the department's plans and priorities, Part III of the Main Estimates, and I have found nothing which would justify this transfer to the public. Where is the transparency? Why is \$23,908 per year being transferred and then \$181,000 per year, from Transport Canada's vote 1 to the NCC? I simply want to know how the government is justifying this transfer? How is the government justifying this transfer?

Mr. André Morency: The department has no justification. As I said already, the decision was made by the government, which then informed the department.

Hon. Mauril Bélanger: When you say "the government", are you referring to the political part of government?

Mr. André Morency: Correct.

Hon. Mauril Bélanger: Did the department make such recommendations to the government?

Mr. André Morency: No. As you know, the NCC is a crown corporation under Transport Canada. The department advises the minister on issues relating to the NCC's mandate, but the department does not necessarily take part in such decisions.

Hon. Mauril Bélanger: So, Transport Canada did not make any recommendations to allocate or transfer this money to the NCC.

Mr. André Morency: No, Transport Canada did not make a recommendation to the Treasury Board.

Hon. Mauril Bélanger: So, this comes from the government and not from the public service, right?

Mr. André Morency: The current government made the decision.

Hon. Mauril Bélanger: Okay, I understand.

[*English*]

I'm now clear, Mr. Chairman.

I expect it won't carry, but I think, out of appropriateness, because there is no explanation given as to why this money comes from Transport Canada.... I'm not denying that it could come from a source of some sort, but there has to be an explanation or rationale and there isn't any offered. So in that sense I do believe we should consider—although I know it won't be carried, but we should do it for the sake of form—reducing vote 1 by \$23,000, because I think it's been rounded off.

And I so move.

•(1805)

The Chair: It has been moved by Monsieur Bélanger, and perhaps I'll just get you to say it one more time so that Mark can—

Hon. Mauril Bélanger: I move that vote 1 be reduced by \$23,000.

The Chair: The motion has been made by Mr. Bélanger to reduce vote 1 by \$23,000.

Mr. Jean.

Mr. Brian Jean: I do understand that this lease was done by the current government in order to plan for the expansion of its health care campus, and as such I understand that Mr. Bélanger does not want them to expand the health care campus.

The Chair: Are there other comments?

Monsieur Laframboise.

[Translation]

Mr. Mario Laframboise: One moment. I simply want to understand, because you don't seem convinced of what you are saying. Perhaps we are not talking to the right person. I don't believe that Mr. Bélanger is opposed to the \$1 reimbursement for the lease. He is simply wondering if it is legal. You seem to be saying there is nothing to prevent Transport Canada from writing a cheque to the NCC and then, the NCC—

Mr. André Morency: No with regard to the budget before you and under your consideration, the adjustments were already made. No money was transferred. Last year, as Mr. Jean said, money was transferred from Transport Canada's vote 1 to the NCC's vote 45. This was part of the supplementary budgets and was approved.

In the main estimates before you, the adjustments have already been made. This means that Transport Canada's budget was reduced and that \$23,000 in compensation was paid into the NCC's budget.

Mr. Mario Laframboise: So, in other words, I don't need to worry about it. Okay, great.

[English]

The Chair: Monsieur Bélanger.

[Translation]

Hon. Mauril Bélanger: Mr. Chairman, that is not what we were told. We must be careful. On May 7, we received confirmation that the breakdown of the \$318 million amount, I believe, demonstrated that, in fact, \$23,000 was going to the NCC. That is what we were told. We were promised a written breakdown of the amount, but we have not received it.

Mr. André Morency: The \$318 million amount does not include the \$23,000 going to the NCC.

Hon. Mauril Bélanger: That is completely different information from what we were told on May 7. You can check. The deputy minister had confirmed on May 7 that this amount was part of the \$318 million and that we would find the \$23,000 in the details of the breakdown that the minister had promised to provide us. Now, you're telling me that this is not the case.

Mr. André Morency: No, I believe that what they were trying to say was that the department's budget and the NCC's budget were adjusted in that amount.

Hon. Mauril Bélanger: So, it is permanent.

Mr. André Morency: Correct.

Hon. Mauril Bélanger: So, until 2013, the Transportation budget has already been cut by \$23,000—

Mr. André Morency: Correct.

Hon. Mauril Bélanger: —and the NCC's budget has increased by \$23,000.

Mr. André Morency: This amount makes up for what the NCC was supposed to be getting in any case.

Hon. Mauril Bélanger: Will this continue after 2013?

Mr. André Morency: That is the plan, yes, but we are not there yet; that is five years away.

Hon. Mauril Bélanger: Right. In that case, Mr. Chairman, I withdraw my motion and I will need to check with the NCC to see whether it did in fact receive this money.

Mr. André Morency: In the main estimates, the NCC still falls under Transport Canada. The budget has been adjusted. As to whether the \$23,000 are there, there are always things that are added or eliminated from a budget, from one year to the next. However, rest assured that at least this amount for \$23,000 is there.

Hon. Mauril Bélanger: If this amount has already been subtracted, I don't need to subtract it myself.

Mr. André Morency: No, it's already been transferred.

•(1810)

Hon. Mauril Bélanger: However, we have yet to hear the justification.

Mr. André Morency: There is nothing else I can tell you: that's what the government decided and that is how it wanted to proceed.

Hon. Mauril Bélanger: Thank you.

[English]

I will withdraw that motion since the money apparently has already been taken out, contrary to what I'd been told on May 7.

(Motion withdrawn)

The Chair: Thank you, Monsieur Bélanger.

Mr. Jean.

Mr. Brian Jean: I was just wondering, Mr. Chair, if this means that the member is now in favour of a plan for the expansion of the health care campus at the Queensway Carleton.

The Chair: I think that he is not the witness here responding to questions.

Are there any other questions for the deputy minister?

All right. Then I will move to line-by-line. You'll notice that on vote 1 the total for the committee is \$238,809,750. That is the total of the vote amount less the current interim supply. So that is the total that we will be voting on.

TRANSPORT

Department

Vote 1—Operating expenditures.....\$318,413,000

(Vote 1 agreed to)

The Chair: For vote 5, you see the total on the far-hand right. That is the number that's derived from the vote amount and the interim supply, \$54,945,000.

TRANSPORT
 Department
 Vote 5—Capital expenditures.....\$73,260,000

(Vote 5 agreed to)

The Chair: For vote 10, \$234,858,633 is the total after interim supply is deducted.

TRANSPORT
 Department
 Vote 10—Grants and contributions.....\$313,145,000

(Vote 10 agreed to)

The Chair: Vote 15, \$91,657,500 is the outstanding after vote 10. So that's the total.

TRANSPORT
 Canada Post Corporation
 Vote 15—Payments to the Canada Post Corporation for special purposes.....
 \$122,210,000

(Vote 15 agreed to)

The Chair: Vote 20 is \$341,478,000.

TRANSPORT
 Canadian Air Transport Security Authority
 Vote 20—Payments to the Canadian Air Transport Security Authority.....
 \$455,304,000

(Vote 20 agreed to)

The Chair: Maybe I might ask that you would carry the page, or do you want to do it vote by vote?

Some hon. members: Carry the page.

The Chair: Mr. Julian.

Mr. Peter Julian: Mr. Chair, my preference would be just line by line.

Mr. Brian Jean: I'd move a motion that we carry the page, that we deal with it page by page.

The Chair: Are there questions on the second page? I guess that's where I'm at. If everybody is comfortable with that, then I think I'll ask if votes 25, 30, 35, 40, 45, and 50 shall carry.

TRANSPORT

Canadian Transportation Agency
 Vote 25—Program expenditures.....\$22,611,000
 Federal Bridge Corporation Limited
 Vote 30—Payments to the Federal Bridge Corporation Limited.....\$10,450,000
 Marine Atlantic Inc.
 Vote 35—Payments to Marine Atlantic Inc.....\$80,980,000
 National Capital Commission
 Vote 40—Payments to the National Capital Commission for operating expenditures.....\$76,226,000
 Vote 45—Payments to the National Capital Commission for capital expenditures.....\$17,935,000
 Office of Infrastructure of Canada
 Vote 50—Operating expenditures.....\$27,362,000

(Votes 25, 30, 35, 40, 45, and 50 agreed to)

The Chair: Are there any questions on votes 55, 60, 65, 70, or 75? I sound like an auctioneer here.

TRANSPORT

Office of Infrastructure of Canada
 Vote 55—Contributions.....\$1,988,017,000
 Old Port of Montreal Corporation Inc.
 Vote 60—Payments to the Old Port of Montreal Corporation Inc. for operating expenditures.....\$18,800,000
 The Jacques Cartier and Champlain Bridges Incorporated
 Vote 65—Payments to the Jacques Cartier and Champlain Bridges Inc.....
 \$65,839,000
 Transportation Appeal Tribunal of Canada
 Vote 70—Program expenditures.....\$1,207,000
 VIA Rail Canada Inc.
 Vote 75—Payments to VIA Rail Canada Inc.....\$169,001,000

(Votes 55, 60, 65, 70, and 75 agreed to)

The Chair: That is it, and I thank you.

Just for the committee's interest, before I adjourn, on Monday we will be dealing with Bill C-6.

The meeting is adjourned.

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