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Thursday, April 15, 2010

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Chair

Mr. Merv Tweed

Standing Committee on Transport, Infrastructure and Communities

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• (0905)

[English]

Captain Jacques Mignault (Member, Safety Subcommittee, National Airlines Council of Canada): Thank you, honourable members of the committee, for the opportunity to appear today to talk to you about aviation safety and safety management systems.

[Translation]

I am Captain Jacques Mignault and I am here with my colleagues Captain Michel Chiasson and Mr. Bernie Adamache on behalf of the National Airlines Council of Canada, which is an industry association comprised of Canada's four largest passenger airlines: Air Canada, WestJet, Air Transat and Jazz Air.

[English]

Together, the member carriers of the NACC directly employ 43,000 Canadians and directly serve 59 Canadian communities. We operate an average of 1,800 flights a day, or 657,000 flights annually.

We carry 130,000 passengers a day, or 46 million annually, on a collective fleet of 437 large transport category aircraft. Most importantly, we conduct this massive undertaking with a very deliberate and unwavering commitment to safety, which is ingrained in everything we do. Nothing is more important to us than delivering our passengers safely to their destination.

[Translation]

The NACC advocates for safe, sustainable and competitive air travel by engaging with government and industry stakeholders to promote the development of policies, regulations and legislation that foster the world-class transportation system essential to our country's prosperity. The NACC's operating committees, of which all three of us are active members, are staffed by volunteer representatives of the four member airlines.

[English]

I serve as vice-chair of the NACC's safety subcommittee, whose objective is to maintain and enhance world-class safety standards at NACC member airlines and to collaborate on safety-related airline issues.

I am a captain with Air Transat, and in my day job I am the director of flight safety and operational security. As such, I am responsible for the day-to-day management of the airline's safety management system.

Prior to joining Air Transat in 1998, I served with the Canadian Forces for 24 years as a military officer and pilot. While in the military, I accumulated flying experience in training and transport-

type aircraft in addition to assuming a command position as commanding officer of a tactical airlift squadron.

NACC carriers have collectively embraced the principles of safety management systems and embarked on a journey that has brought about a fundamental change in the industry's culture towards safety. Today I can state unequivocally that such a transformation has taken place at all levels within our member airlines; employees, managers, and the highest echelons of the corporation up to the CEO level are engaged. This would certainly not have been possible without the firm commitment and accountability required under the SMS framework.

[Translation]

The development of a safety-focused corporate culture is one of the cornerstones of SMS. This culture makes each employee accountable for playing a role in promoting safe operations through his quality work and in contributing to report risk or undesirable situations.

Among the company's senior executives, it increases awareness of the risks inherent in aircraft operations and of the obligation to mitigate them. There can be no doubt that the Canadian aviation industry as a whole has enjoyed an excellent reputation for looking inside itself in an effort to develop better aircraft designs and better operating practices, all with a goal to significantly reduce the risk of accidents.

• (0910)

[English]

To the best of our knowledge, there is no other industry—perhaps with the exception of the nuclear industry—that has demonstrated, as a result of each and every report finding, such a high degree of internal investigation, leading to the implementation of corrective measures.

Over the years, these investigations looked beyond normal design and operating practices and started to focus on human factors. Training in the areas of crew resource management and maintenance was introduced to achieve the desired safety improvement goals.

In this respect, we do not see SMS as something really new, but rather as the necessary evolution of a safety process being extended throughout the entire airline organization. Because of this, we at the NACC fully support Transport Canada in its implementation of SMS.

Global aviation accident statistics from the past five years indicate that the downward trend in the accident rate, which we observed for a significant period, has somewhat flattened. Safety management systems are seen as having the potential of presenting a breakthrough in allowing a further reduction of the annual accident rate by virtue of their key elements.

First, there is a clear notion of accountability, which guarantees a personal commitment towards safety from the airline's chief executive officer.

Second, there is a non-punitive reporting system whereby employees are encouraged to share experiences or concerns about perceived unsafe practices for the betterment of the organization and improved safety.

Third, there is an incident investigation function whose focus is clearly on systemic causal factors rather than aiming exclusively at employees' mistakes.

Fourth, there is an emphasis on proactive activities, such as the systematic monitoring of flight data and the examination of industry-wide safety events for the purpose of determining the airline's risk exposure to similar events.

Finally, the last element is every operational department within the airline taking ownership of its safety record and setting specific safety targets annually as part of the airline's strategic planning exercise.

[Translation]

In the current debate over the introduction of safety management systems, it must be made clear that no one within the aviation industry is advocating that the oversight and continued surveillance functions have become redundant. On the contrary, we believe that certification and oversight surveillance activities rightly fall within Transport Canada's mandate, while the airlines are best positioned to manage safety effectively.

Like any new system, it can be improved. We are of course ready to work with Transport Canada, this committee and other stakeholders to improve SMS.

[English]

I would now like to give an opportunity to my colleagues from the other NACC member carriers to briefly introduce themselves.

As you will see, we have brought with us representatives of three of the NACC's operating committees, who are best placed to discuss issues dealing with SMS implementation at Canada's four major airlines.

[Translation]

Mr. Bernie Adamache (Chair, Maintenance and Engineering Subcommittee, National Airlines Council of Canada): Good morning, everyone. My name is Bernie Adamache and I am representing the NACC's Maintenance and Engineering Subcommittee, which as our name suggests, focuses on all regulations that apply to Canadian aviation maintenance and engineering activities.

• (0915)

[English]

I am presently responsible for one of the heavy maintenance bases at Air Canada Jazz. After graduating from trade school in 1978, I held positions in the maintenance departments at Bearskin Airlines and Pratt and Whitney Canada's flight test division.

For the next seven years, I was employed by Transport Canada in various roles. In 1995, I joined Air Canada, where I held various positions, including that of senior director for system line maintenance and, later on, that of director of regulatory compliance for the maintenance division.

[Translation]

Captain Michel Chiasson (Chair, Flight Operations Subcommittee, National Airlines Council of Canada): Good morning, everyone. I am Captain Michel Chiasson, and I serve as chair of the NACC's Flight Operations Subcommittee.

[English]

I'm the chair of the NACC's flight operations subcommittee. We work with government and industry stakeholders to promote effective regulations and practices with respect to airline operations. We meet regularly with Transport Canada, Nav Canada, and the FAA, as well as industry partners, with the ultimate goal in mind being to improve, to better serve our common constituents, the travelling public.

As a commercial pilot since 1974, I started with Nordair in 1979. Through a series of mergers, I have been with Air Canada for 32 years. I currently fly as a captain.

In the past 10 years, through three secondments, I've been the vice-president of a foreign operator, director of flight operations with Zip, and vice-president of flight operations with Jazz as a designated certificate-holder under the Canadian aviation regulations. In addition to serving as chair of the NACC's flight operations subcommittee, I serve as Air Canada's representative at IATA's flight operations group.

In closing, I'd like to reiterate the NACC's firm commitment to SMS, because we know that aviation safety can only be enhanced through ongoing vigilance. We recognize that, as with any new initiative, the implementation of SMS has posed challenges, which is why we continue to work with Transport Canada, this committee, and our industry partners to overcome these challenges, improve SMS, and ensure continued excellence in aviation safety.

Merci.

The Chair (Mr. Merv Tweed (Brandon—Souris, CPC): Mr. Barone.

Mr. Sam Barone (President and Chief Executive Officer, Canadian Business Aviation Association): Good morning, Mr. Chairman and members of the committee.

I am Sam Barone, president and CEO of the Canadian Business Aviation Association. With me today, Mr. Chairman, are Mr. Ian Epstein, legal counsel, and Mr. Art LaFlamme, special adviser.

I am grateful for this opportunity to appear before you today. The CBAA commends the committee for holding this important hearing to discuss aviation safety and security.

The CBAA is a non-profit organization that was incorporated in 1962 to act as a collective voice for the business aviation community in Canada. The CBAA is constantly working to improve, refine, and ensure that aviation remains a safe, secure, dependable, efficient, and sustainable form of transportation, not only within Canada, but around the world.

By its very nature, business aviation embraces a strong safety culture and is enhanced through ongoing leading-edge technical innovation and a strong commitment to safety management. In Canada the business aviation community has endorsed and uses the concept of SMS to proactively help mitigate aviation risks.

Globally and within Canada, business aviation is a key economic enabler, providing employment to Canadians at many levels, with the result being significant contributions to the local and national economies through aircraft manufacturing, sales, and service, and support, maintenance, repair, and operational activities, all of which contribute positively to our national balance of trade. The use of an aircraft as a business tool has enabled many Canadian firms to establish, manage, and maintain a competitive and productive edge, both in the domestic and the international marketplaces.

Our members are Canada's largest employers. They represent every economic sector in Canada and play a vital role in ensuring that Canada's economic action plan is realized, both in urban centres and in northern and remote communities.

The CBAA is a founding member of the International Business Aviation Council in Montreal, which has been awarded observer status at the General Assembly of the International Civil Aviation Organization, ICAO, a UN agency also in Montreal.

CBAA and its members strongly believe in giving back to the community through work with the air cadets and with Hope Air, a volunteer organization that arranges air transport for Canadians who need medical treatment outside their home community, including family members who wish to travel with the patient.

Today, CBAA speaks for more than 400 companies and organizations in all sectors and operates over 500 aircraft. The CBAA acknowledges Minister of Transport Baird's authority under the Aeronautics Act to take back responsibility for the private operator certificate program. We, of course, are disappointed with the decision, but will work with Transport Canada and the government at all levels, on behalf of our members, to effect as smooth and as safe a transition as possible.

First of all, I wish to dispel two misconceptions: that safety has been lessened under the regulatory authorities given to CBAA in 2005, and that this is a form of self-regulation.

Business aviation has an excellent safety record. In our review of the safety data provided by IBAC over a five-year period from 2005 to 2009, there were only two occurrences involving privately operated business-type jet and turboprop aircraft operating under a POC issued by CBAA. Conversely, there were 43 occurrences involving Canadian commercially operated aircraft in the same

category. It is worthy of note that commercial operators in this category are not yet required to have an SMS.

Mr. Chairman, the CBAA views its most important responsibility as advancing business aviation safety and fostering the development of industry safety best practices. As part of its quality assurance program, CBAA is committed to continuous improvement, working in concert with Transport Canada, the TSB, and other stakeholders. As part of this process, CBAA has made significant enhancements to its policies and standards. Unfortunately, with the minister's decision, further planned improvements have been put on hold.

As you are aware, CBAA has had an authority from Transport Canada for the POC program through regulations promulgated in 2005. Transport Canada announced, in 2005, regulatory amendments that allowed the CBAA to establish a new approach to safety oversight and certification of business aircraft operations. In his release, the then minister announced, "This innovative approach to safety in the business aircraft sector combines effective regulations with enhanced responsibility for safety systems within this community".

Moreover, as stated in the *Canada Gazette* in 2005, the initiative was undertaken in recognition of the very low accident rate in the business aviation sector and with the expectation that departmental resources assigned to the day-to-day monitoring of this sector would be reassigned to areas of higher risk.

● (0920)

However, with the amendment, the Minister of Transport retained regulatory responsibility for business aircraft operations and also retained responsibility for providing regulatory oversight of auditing the CBAA and its systems and procedures. The primary new provision to be met by an operator under the new framework was the establishment of an SMS.

As Transport Canada states on its website, safety management systems are not self-regulation. Rather, they are an extra layer of safety to create a more comprehensive, robust, and demanding regulatory framework.

There has been an evolution of safety practices in transportation over the last decade. Traditionally, safety has been addressed through prescriptive regulations and standards by ensuring compliance. Prescribing safety is becoming more difficult and more demanding of limited resources. It is true that an entity can comply with regulations without effectively managing risks to acceptable levels. A more comprehensive approach, which includes systematically understanding and managing risks in the system, will enable us to make progress on safety objectives.

Safety management systems are formal frameworks designed to integrate safety and risk management into the daily operations of an aircraft operator. It is important to put responsibility for safety where it properly lies, that is, with the aircraft operator. Accountability has to be with the managers who are responsible not only for complying with the regulations, but also for making risk management decisions that are in the best interests of safety.

CBAA is of the view that this can best be achieved through performance-based regulations built on an SMS foundation. Moreover, CBAA fully supports a strong and robust oversight system and presence on the part of the regulator, Transport Canada.

Given that resources are not unbounded, it is CBAA's view that this oversight must be system based, but with a capacity to drill down as required to address areas of safety concern. To state the extreme, it is not possible to have an inspector examine every aircraft before every flight, nor is it possible to have an inspector on the flight deck for every flight.

Canada has been a world leader in the adoption of SMS. The International Civil Aviation Organization has recognized the benefits of the SMS approach and is requiring states to implement SMS as an international standard. In fact, the safety standards established by the International Business Aviation Council, which are SMS based, have been built on the CBAA's leadership work in this area.

Dr. Vernon Grose, a U.S.-based expert on the application of systems methodology to managing risk, described Canada's approach to SMS as "A Place in the Sun". He lauded Canada for its worldwide leadership in aviation safety by shifting responsibility from government to aviation executives and for placing accountability for safety in their hands. It would be regrettable if the attacks on SMS were successful in undoing Canada's innovative approach and global leadership role in this area.

CBAA cannot undo the minister's decision. However, there is an opportunity for Transport Canada to continue its global leadership role by adopting performance-based regulations for business aviation that are based on safety management systems and industry best practices.

As I stated earlier, IBAC has established the international standards for business aviation operators. It is a code of best practices designed for business aviation operators to achieve a high level of safety and professionalism. Again, SMS is a fundamental part of these standards.

These standards have also been adopted by the European Aviation Safety Agency, EASA, for European business aviation operators. These standards have also been accepted by Air Safety Support International, which is a not-for-profit, wholly owned subsidiary of the United Kingdom's Civil Aviation Authority.

It is our recommendation, Mr. Chairman, that Transport Canada issue a certificate to Canadian business operators that meet the highest standards established by the CBAA and IBAC, with Transport Canada oversight. This approach will be the most successful in ensuring the continued excellence and safety record of this sector while allowing these companies to achieve their business goals in the most effective and efficient manner possible.

Once again, thank you for the opportunity to appear before you today.

In summary, business aviation in Canada has had, and continues to have, an excellent safety record.

The POC program administered by the CBAA is a performance-based regulatory framework built on SMS, and it has not been and is not self-regulation.

CBAA supports the strong and robust Transport Canada safety oversight of aviation in Canada.

Canada should maintain its innovative approach and leadership role in requiring SMS in the aviation industry.

Finally, Transport Canada should adopt performance-based regulations for business aviation that are based on SMS and industry best practices.

Thank you, Mr. Chairman and members of the committee.

● (0925)

The Chair: Thank you very much.

Mr. Volpe.

Hon. Joseph Volpe (Eglinton—Lawrence, Lib.): Thank you, Mr. Chair.

Thank you to our witnesses.

If you don't mind, I'd like to start with Mr. Barone, because his presentation, while eloquent, leads to a lot of questions in my own mind.

Obviously we're a political party on this side, so we question things through a particular ideological position. We welcome the fact that the minister reinstated the regulator's authority by taking back that which it had relegated to your organization.

The Transportation Safety Board, in examining one of their last incidents, found that commercial operators are required to implement SMS in stages on a fixed timeline, but that your membership in fact was free to implement SMS on its own terms and with no fixed timelines.

Part of your presentation gave me a sense that you bemoan the fact that the minister took back what he had given you; the other half says, oh, it's a great idea to have a robust system that combines SMS and a very active, aggressive presence by the regulator. I agree with the latter part, because it appears that you didn't do anything over the course of the last period when you had been given a mandate to implement what you call a forward-thinking and forward-operating system based on performance. Am I right?

Mr. Sam Barone: Is that a question or do you want me to agree with you?

Hon. Joseph Volpe: Well, you know what? Maybe you don't have to agree with me.

Maybe you can answer why in your publication—and I'm going to quote you—you said, "As if a down business cycle were not enough, globally business aviation was under attack by being misrepresented in media circles". I can agree with that.

You said, “In Ottawa, the aviation policy dialogue turned into more misrepresentation and political grandstanding.” Were you quoted accurately? Then you said, “Under the guise of advancing aviation safety in Canada, labour influenced political forces mobilized and waged a fear mongering campaign on the state of SMS and aviation safety in Canada”.

But here you are before our committee and you bemoan the fact that the minister finally accepts the call for responsibility by taking back the control over inspection that he had handed to you. He did it because he found—the Transportation Safety Board found—that you weren't doing anything. Were you misquoted?

● (0930)

Mr. Sam Barone: Thank you for the question.

I'm not clear as to what I was misquoted on, but I did write the article that the member refers to. I am being quoted accurately; yes, I did write that.

In terms of SMS—that we did nothing—I would contend, Mr. Chair, that SMS was an integral part of the licensing process that we were actually delegated from the minister's authority of 2005 and by exemption prior to 2005. As a matter of fact, as a condition of issuing the certificate, we would not issue a certificate unless the condition of having an audit, along with...an independent audit, rather, and the existence of a safety management system was evident and audited against that SMS.

So to say that we did nothing and that Transport Canada was not around as a regulator is also not accurate, from the point of view that Transport Canada indeed was assessing our activities throughout this whole period, well before the TSB—

Hon. Joseph Volpe: Excuse me, Mr. Barone, but Transport Canada was assessing activities that they allowed you to put in place. Now, everybody thinks they know what it is that you put in place, but I guess my question is, what are those performance criteria that you put in place?

What training did you or your membership give its staff in order to prepare for SMS? What kinds of accountability measures did you put in place so that you could gauge what it was that your members did? And how did you report to Transport Canada? How did Transport Canada, in fact, monitor you? If it did, why is it that Transport Canada decided this after five years of giving you free rein and said “these guys are compromising the concept of SMS, so let's yank their certification”?

Mr. Sam Barone: Thank you for the question and commentary.

One of the things in developing the standards and—

Hon. Joseph Volpe: Commentary is part of the game here. You came here and you gave...[*Technical Difficulty—Editor*]. We want to know about SMS and whether it's working. You wanted to engage in rhetoric; you're going to get the commentary.

Mr. Sam Barone: Thank you, Mr. Volpe.

One of the issues with respect to SMS and how we developed the standards was that we had a standards oversight committee, which also included officials from Transport Canada, officials from Industry, and the CBAA. They jointly put together these standards,

which were then used as part of the certification process, along with other performance-based measures.

Art, did you want to elaborate on that process?

Hon. Joseph Volpe: But what were they? What kind of training did you provide your people to implement the safety management system? What kind of training and what kind of follow-through did you put in? I haven't heard a word in that regard at all.

Mr. Sam Barone: Art will answer your question, Mr. Volpe. I think we can shed light on your comments.

Mr. Art LaFlamme (Special Advisor to the President and Chief Executive Officer, Canadian Business Aviation Association): Thank you. I'm Art LaFlamme.

Mr. Volpe, the staff of CBAA have had extensive training in SMS and have come from backgrounds in quality assurance and the aviation industry that have provided them with the knowledge and expertise required.

I'd like to correct one point. The regulations promulgated in 2005 did not give CBAA inspection authorities. It provided CBAA with the authority to issue certificates based on the member operators meeting a standard. With respect to the milestones—

Hon. Joseph Volpe: It was an extension of trust that Transport Canada gave you by allowing you to certify that your equipment was safe for Canadians to utilize. That's what that meant. They did it on the basis that you were going to put in place a system that was thorough enough in the preparation of your membership: an investigation process, a reporting process, and then a follow-through.

When your mechanics looked at the equipment and filled out their forms, where did that form go and what did you do with it? When I say “you”, I mean your membership—

Mr. Art LaFlamme: Mr. Volpe—

Hon. Joseph Volpe: What Transport Canada has found is that you didn't do anything with it.

Mr. Art LaFlamme: CBAA had no authority over maintenance. That remained with Transport Canada, so maintenance is entirely outside the authority of CBAA.

On the milestones with respect to SMS, we have noted the TSB's concerns and changes have been made and proposed to meet those concerns.

The Chair: Monsieur Laframboise.

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): I want to thank the witnesses for appearing before our committee.

My first questions are for Mr. Barone and Mr. LaFlamme.

Your association has previously had the opportunity to appear before our committee. However, your position on surveillance has radically changed. Today you're telling us that Transport Canada must ensure robust oversight. That's not what you were advocating at the time. The fact is that the people at the Transportation Safety Board have found your way of managing security management systems very tough. They appeared before this committee. I hope you read the minutes of that appearance. In the document they submitted to us, they said this:

What we found was that, while commercial operators were required to implement SMS in stages [...], business operators were free to implement SMS on their own terms with no fixed time frame. This means that many, including the operator in Fox Harbour, did not have a fully functioning SMS.

They congratulate the government for making the decision to take back oversight functions from your organization and to transfer them directly to Transport Canada on April 1, 2011. I believe that was a good decision. At the time, our fear was that this would become self-regulation. We did not agree. As a political party, the Bloc québécois has always opposed the idea of the industry itself regulating passenger safety. Obviously, the Transportation Safety Board's finding is very hard on your agency. You didn't do your job, and, inevitably, the fact that Transport Canada withdrew oversight functions and assumed them itself is, I think, what will enable the safety management system to progress.

However, that decision will not apply until April 1, 2011. I would like to know what guarantees I have that, until then, your members will effectively implement a safety management system. Have you taken measures to guarantee that, between now and April 1, 2011, there will be no more accidents for which you will be accused of not having done your job?

• (0935)

[English]

Mr. Sam Barone: Thank you for the question.

First of all, in terms of if our position has changed, we've very much complied with government regulatory frameworks, both before the minister had given us this in 2005.... We've always complied with regulatory frameworks of compliance, both required under the regulatory authority under which we were working....

Our position has changed. Obviously the world changed when the minister announced that he was going to repatriate this regulatory framework back to inside the department, and obviously we're going to comply with the change announced by the Minister of Transport. We were disappointed with it, but having said that, we will comply. We are working with Transport to ensure a smooth transition on a whole host of details between now and March 2011.

As you may recall, in the minister's announcement of March 16, 2010, the minister stated already that the Department of Transport and the civil aviation department at Transport Canada would immediately ensure additional oversight of the CBAA and its certification activities. So we will comply with Transport Canada to the fullest extent they require, either on witness audits or a review of our files, which they have always done over the last five or six years. They've always come into the office and reviewed files.

As well, as I stated earlier, with respect to all of the standards that were developed, they were always part of the process, and there was

never the term "self-regulation". I disagree with that point that we were self-regulated.

With respect to the TSB findings, there are many findings that we just don't agree with, but.... I will say that.

Art, did you want to add to that?

Mr. Art LaFlamme: Mr. Chair, I would just add that we take note of the concerns expressed by the TSB regarding the safety management systems and the way CBAA implemented them. As a requirement for certification, the operators had to be audited and had to have met the standard for safety management systems. However, noting that—

• (0940)

[Translation]

Mr. Mario Laframboise: However, your president, Mr. Barone—pardon me, Mr. LaFlamme—tells us he does not agree with the Transportation Safety Board's finding. You're like a dog chasing its tail: you'll never get there. So I clearly understand why the minister was right to make the decision he made.

My next question is for Mr. Mignault. In your report today, you tell us there has to be a take-over, that a system clearly has to be introduced, that no one in the airline industry claims that the oversight function is redundant. However, pilot associations have appeared before the committee and told us they ultimately didn't need inspection. At the time, when we discussed that, they said they were capable of evaluating their qualifications and that they did not need oversight. In short, this is changing, and I'm pleased about that.

The only reservation, Mr. Mignault, concerns the TCAs, which have 15,000 members who work in your industry. When they appeared before our committee—I hope you examined their testimony; if not, I encourage you to read it—they told us that the biggest problem right now is whistle-blowing. The safety management system is based employees being able to report problems to management. However, what they are seeing is that employees who decide to disclose face reprisals, and there is no follow-up to disclosures.

From what I understood, you are the senior officer responsible for safety at Air Transat. Can you give me a guarantee that there are no reprisals against employees at Air Transat? I would say that employees will listen to you, if ever there are any. We are being asked for a new act, similar to the U.S. act: people want employees to have better protection when they make disclosures.

Can you give me a guarantee that, at Air Transat—which is a business I very much appreciate personally—there are no reprisals against employees who make disclosures?

Capt Jacques Mignault: Thank you, Mr. Laframboise. With regard to the first part of your question concerning oversight, all NACC members entirely agree on the need for a certain amount of oversight. We have never claimed that, with the new SMS, we would no longer need that oversight. I believe the SMS framework leads us to be more transparent with regard to Transport Canada's oversight to show them that we conduct serious investigations into the incidents that are reported to us. We are therefore entirely aware that this oversight aspect must continue, and we entirely agree to take an active part in it.

With regard to the second part of your question, with your permission, I won't answer on behalf of Air Transat because I am here as an NACC representative. What I am nevertheless going to tell you applies to all members of the association.

We all have the same system in place. It's a system of reporting within a non-punitive framework. We encourage people to tell us about situations that occur within a business. This non-punitive framework has been extended to the business as a whole.

That said, the introduction of any new system, as I mentioned in my presentation, necessarily involves a change of culture. This isn't something that occurs in a few weeks or a few months, or even a year. It's a long process, and mentalities and attitudes have to change. I think we have to acknowledge, when we consider these criticisms, that the will is there and that progress is constantly being made in this area.

Mr. Mario Laframboise: So what I am to understand is—

The Chair: Thank you, Mr. Laframboise.

[English]

Mr. Bevington.

Mr. Dennis Bevington (Western Arctic, NDP): Thank you, Mr. Chair.

Thanks to the witnesses for being here today.

Mr. Barone, I think your comments on the process that was followed—which ends up with you in front of us here today—are wrong. Quite clearly, we are concerned with aviation safety; that's the driving force. You know, I've raised these issues for the past two years out of that concern, which has come out of forums we've conducted on aviation safety, and I'm sure you would have had the opportunity to attend those forums if you had wanted to.

The government has changed its tune. Last year the Minister of State for Transport, through a question in the House, asked me to apologize for talking about aviation safety and bringing up questions on aviation safety. We've since seen the government change its tune on that. The evidence is pretty clear.

Do you accept the findings and conclusions of the two Transportation Safety Board crash investigations at Fox Harbour and Wainwright? Do you agree with those conclusions?

• (0945)

Mr. Sam Barone: We don't agree with all the conclusions, Mr. Bevington.

We will accept working on making sure the safety recommendations go forward to the Minister of Transport, because we are

interested in aviation safety first and foremost. It's our business. We are interested in maintaining that. But there were some findings that may not have been as accurate as they should have been in respect to the TSB findings on those two accidents.

Mr. Dennis Bevington: When we look at the CBAA experiment that was done, we previously had 16 government inspectors overseeing CBAA activities. You have some 900 planes flying under your association. How many companies does that represent in your association?

Mr. Sam Barone: For accuracy, we actually have 515 aircraft that are certified under our association. You are correct that the entire corporate aviation sector has about 900 aircraft, but they are commercially operated.

Mr. Dennis Bevington: My question was on how many companies you represent.

Mr. Sam Barone: It's approximately 400.

Mr. Dennis Bevington: Four hundred companies? So now, primarily, you use three staff members to audit CBAA activity; we've gone from 16 government inspectors to using three staff members. Then you had 14 private auditors who were hired by the individual companies to do the audit work—

A voice: That's correct.

Mr. Dennis Bevington: On 400 companies every year? Is that correct?

Mr. Sam Barone: Those are not 400 companies that we audit. It's the operators that... For example, we're not auditing Corporation XYZ. We're auditing their inflight departments and we certify their aircraft, and according to—

Mr. Dennis Bevington: But there are 400 different organizations that fly planes within your group?

A voice: No. It's less than that.

Mr. Sam Barone: Some of those companies are associate members, and some companies outsource their flying to other management companies, so it's less than that.

Mr. Dennis Bevington: So one of the big impacts of SMS was to reduce costs for you and to reduce costs for Transport Canada. Is that not correct for your industry?

Mr. Sam Barone: The objective of SMS as initiated when the discussions took place in early 2000 was to... Because of the safety record of the business aviation sector, the intent was to implement SMS in the sector, to recognize the fact that it was a safe sector, and the resources from the government at the time would be used to mitigate risks in other areas of aviation safety.

Mr. Dennis Bevington: But you've said that the objectives of the aviation safety...or this campaign we're operating, are to bolster union membership and an increase salaries and benefits. What we've seen since SMS has come in is that there seem to have been a lot of decreases. What is the result of that?

Now I'll go on to the National Airlines Council of Canada. What would you say the position of Canada in aviation safety was prior to the implementation of SMS?

Mr. Bernie Adamache: Less than it would be today, sir.

Mr. Dennis Bevington: What was the position in the international community as far as Canada's safety records are concerned?

Mr. Bernie Adamache: I apologize, but without having factual information on accident rates with me, I don't know that I could—

Mr. Dennis Bevington: So you can't make a comparison between what we had before and what we have now? Isn't it generally accepted that we have had a good safety record in aviation in this country for many years—

• (0950)

Mr. Bernie Adamache: I believe so. Yes, sir.

Mr. Dennis Bevington: —and that there always has existed a culture of safety within the organizations? Isn't that correct?

Mr. Bernie Adamache: That would be correct as long as we qualify it by saying that this culture probably did not permeate down through all layers of the organization. As an example, voluntary non-punitive reporting was highly used in the flight operations world, but not so much in maintenance, which is why maintenance is struggling with implementing that.

On the other hand, quality assurance was very strong in maintenance. Now it's permeating through the rest of the organization under the requirements of SMS.

Mr. Dennis Bevington: So, as you say, you think that oversight and continued surveillance are very important right now.

Mr. Bernie Adamache: Absolutely—we support oversight.

Mr. Dennis Bevington: So we've seen an increase in flights in Canada, haven't we, over the past decade? Have we seen an increase in the business? Would you say that?

Mr. Bernie Adamache: I don't know if I'd be comfortable saying that given the state of the industry over the last few years. Maybe Michel might be better...

Mr. Dennis Bevington: But we've seen a decrease in the inspectors in the last decade. We've seen the numbers of inspectors with Transport Canada drop. You say that the line of safety has flatlined. Is that correct? The occurrences have not continued to go down since 2005. That line of safety has flatlined.

Mr. Bernie Adamache: It is generally accepted throughout the aviation industry that the accident rate reduction has flatlined, simply because we're reaching a point of diminishing returns under our current policies and procedures. It is an order of magnitude change that's required to make a change to that line and we see SMS as—potentially—that change.

Mr. Dennis Bevington: Now, do you represent—

The Chair: I have to—

Mr. Dennis Bevington: Can I ask one more question, Mr. Chair?

The Chair: I'm sorry, but we're way past the time.

Ms. Brown.

Ms. Lois Brown (Newmarket—Aurora, CPC): Thank you, Mr. Chair.

Thank you, everyone, for being here this morning.

Aviation safety is close to my heart. I lost a brother in an aviation accident, through a combination of materiel fatigue and pilot error, so I take this very seriously and I thank you for being here.

In preparation for this discussion today, I did a little bit of investigation. When I did a Google search and asked the computer what is being done in Canada on aviation safety, an enormous amount of material came up. So obviously we have devoted considerable attention to this, and we've made it a top of mind priority, because for our government, safety for Canadians is a priority.

For instance, I was looking at Transport Canada's website. They have a whole sort of test, if you will, called "Score Your Safety Culture", that you can go through to score your own safety culture. Then I looked at the recommendations from the Transportation Safety Board and saw that an enormous number of recommendations were put forward.

Can you tell me, first of all, how you go about doing your own audit? What components do you use? This applies to both of you. Can you talk about that?

Can you two talk about Canada and our safety record in light of international standards? I looked at international aviation safety assessment and I think we score pretty well. Can you talk about that? I'll put that to both of you.

Mr. Art LaFlamme: Thank you, Ms. Brown.

From my past experience and current review of the data, I agree that Canada has an excellent safety record, particularly when you look at the international aspects.

With respect to how you go about auditing and so on, the way it was with the private operator certificate program was that the operators had to have their safety management system and have it audited by an independent accredited auditor of the CBAA. CBAA had extensive training and quality assurance programs with those auditors, including monthly telephone conference call meetings and going along on the audits to ensure that the auditors were doing their job properly. That was how CBAA was doing it.

Certainly, as with any program, improvements can be made, and those improvements were in the process of being undertaken.

Capt Michel Chiasson: I can't comment on the statistics within Google. What I can tell you is that within Canada we're very proud of our safety record, certainly, all the carriers; I speak for all the carriers when I say that, not just the four NACC members.

Statistically, when I sit at the international boards, we are, if not at the very top, then very close to the top. At one point, I think, Australia was number one, but Canada should be very proud of its record, of what we've done, what we've achieved, and the safety we provide for our passengers. That would be based on not looking at the statistics within Google itself.

As for a safety culture, what I can tell you is that in the last four or five years it has changed dramatically. As members of flight operations, we have always lived in the world of regulatory compliance, so the safety culture developed within the flight operational group because we were following the regulations.

That culture, as my colleague Jacques mentioned, has spread, not always as quickly as one would hope, but it has spread. It takes time to educate. Five years ago, somebody in an office was not considered to have an impact on safety. Today the culture is that every person within a corporation has an impact on safety in their duties and how they perform them. I think we have taken the right tack, but it does take time to educate, so we work together with everybody to promote that culture.

Within the flight operations world, there has always been a group called "flight safety", and the flight safety group had confidential reporting on all safety aspects. That culture has changed. It's no longer flight safety; it's corporate safety. In other words, we removed the word "flight" because it's not an exclusive tool for flight operations; it is a tool used throughout the corporation.

I think the face of safety, the understanding and how it's promoted, has changed tremendously, and employees now understand they have a responsibility at all levels. Granted, it takes some time for people to understand how their role is impacting the safety of the corporation.

• (0955)

Ms. Lois Brown: I appreciate those comments. I worked in disability management for some time. Changing the culture is a time-consuming process. It is an education process.

I'm sharing the rest of my time with Mr. Watson.

The Chair: You have a minute and a half.

Mr. Jeff Watson (Essex, CPC): Thank you, Mr. Chair.

The transfer of the certification process to the CBAA was completed in 2005. Is that correct?

Mr. Sam Barone: That's correct.

Mr. Jeff Watson: So the decision to do that and the initiation of that transfer of responsibilities occurred in 2003. Is that correct?

Mr. Sam Barone: It was 2002. What happened was that the discussions took place and feasibility studies were done.

Mr. Jeff Watson: I suspect Mr. Volpe's lather is more about regretting his party's own decision to have done that.

I want to begin, though, by squaring the testimony I've heard here today.

Mr. LaFlamme, I believe it was you who said that there were changes in response to the Transportation Safety Board's conclusions and recommendations. Have these changes been implemented? Are

they proposed to be implemented? Or is it a mixture of both? I couldn't understand which it was.

Mr. Art LaFlamme: To be specific, one change has been made. That was an amendment to our standards. Further changes were being proposed, not just in the areas of concern noted by the safety board, but from a complete review of the program where we noted that improvements could be made. Those were under consultation as per the process we had outlined with our standards committee, but with the minister's decision, they've had to be put on hold.

Mr. Jeff Watson: What changes were made to your standards? Can you be specific about what kinds of changes were made?

Mr. Art LaFlamme: Yes. To address the safety board's concerns, the milestone with respect to safety management systems, an operator under the initial audit would have to be audited again one year afterwards before they could go on a longer period of duty. In terms of the changes that were being proposed, with respect to the levels of SMS, we had a three-level system: level one was meeting basic standards; level two was an effective system; and level three was over and above that. All operators had to achieve the second level within three years or face suspension action.

The Chair: Thank you, Mr. Watson.

I understand that we are at the end of our time. I have consulted with members.

Would you be prepared to stay, or could you stay, for another 15 minutes if requested?

Mr. Sam Barone: Yes, Mr. Chairman.

The Chair: You're okay with that? I know that everybody is on schedules here.

Okay. We're going to go with one more round of five minutes.

Ms. Crombie.

Mrs. Bonnie Crombie (Mississauga—Streetsville, Lib.): Thank you, Mr. Chairman.

Mr. Mignault, what's SMS to you?

• (1000)

Mr. Dennis Bevington: Mr. Chair, I have a point of order.

The Chair: Mr. Bevington.

Mr. Dennis Bevington: Isn't our schedule showing...[*Inaudible—Editor*].

The Chair: The only reason I changed it is that originally we had two witnesses scheduled and one cancelled this morning. I thought that since we started a few minutes late it would be fair to give these gentlemen a chance to answer questions.

Mr. Dennis Bevington: Okay. So we'll be going into the next round...?

The Chair: Yes. We'll start again with the new guest.

Mr. Dennis Bevington: At what time?

The Chair: It will be five-minute rounds, three times.

We'll go back to Ms. Crombie's question.

Capt Jacques Mignault: This is a large question. I'll try to be as brief as possible. To me, SMS is really, within an organization, a formalized way of addressing safety and involving, as was said before, every single employee within the company and all departments. It creates a focus on safety in whatever the airline gets involved in. In other words—

Mrs. Bonnie Crombie: Thank you.

How was it implemented? What training was done? How long does this training of the employees last?

Capt Jacques Mignault: On the way it was implemented, we established a formal reporting system in a non-punitive environment that encouraged people to come forward and provide whatever concerns they might have about safety.

We have a formalized risk assessment process in place to assess the impact of any new initiative being done in the company—for example, with regard to opening new routes or having new destinations.

As far as training is concerned, we have taken, in each different group, a formal way of explaining the concept of SMS and especially focusing on how to report events and how the analysis and investigation process internally is conducted.

Mrs. Bonnie Crombie: So how is it certified and where's the accountability in the system?

Capt Jacques Mignault: The accountability is at all levels of the corporation. We make every single employee responsible in terms of their duty to report.

As the manager of the safety system, I'm not accountable for the safety; every senior manager, the ops manager, the maintenance manager, and up to the CEO are accountable for the safety—

Mrs. Bonnie Crombie: Okay. Thank you. I have to move along too.

How is information gathered, then, and how is that information sent on to Transport Canada? How does Transport Canada monitor you? Are there performance-based measures?

Capt Michel Chiasson: Databases are created within the corporations. All of our corporations have databases. All reports go into that and are filed in different areas.

Transport Canada can come in at any time and ask to see the reports. In fact, they do quite often. They will come in on ad hoc basis. If they've heard about a report or want to see a report, they'll come in and look at it.

We have trained and continue to train employees, because part of... You ask about accountability. As an operations manager, I had to demonstrate to Transport Canada when they came to do audits how an employee knew how to file a report: where they would find it on a corporation's website and how were reports filed. They then did spot interviews with pilots, flight attendants, and different employees, asking them if they understood the SMS process and if they

knew how to file a report, and if they didn't know how to file a report, who would they ask?

All of this was double-checked. As the process went through in training, it has become more extensive. But that's where the accountability lies, and we continue to have spot checks.

Mrs. Bonnie Crombie: Thank you. I think I have only one minute left.

Mr. Barone, you mentioned you were disappointed that the minister repatriated the oversight and certification of the commercial operators. Why did he feel it was necessary to do this specifically? It seems like a very drastic step, so tell us why this happened.

Mr. Sam Barone: I can't tell you why it happened, because the minister made his decision based on advice and circumstances and the minister has a right under the Aeronautics Act to—

Mrs. Bonnie Crombie: Granted, but there has to be more to it than circumstances. There had to be concrete specific reasons why it happened. So what were they?

Mr. Sam Barone: I can't speak to that. I was not privy to the minister's decision-making process when he made his decision.

Mrs. Bonnie Crombie: We talked about there being 400 companies, 14 private auditors, and 3 staff. In the best of all possible worlds, what's the right number when it comes to inspectors and auditors?

Mr. Sam Barone: I would be speculating to tell you what the right number is. We know that we've had a system that's been working, and in our view, we've had oversight all along.

So as for the right number, now that it goes back to Transport Canada, that's for their own organizational requirements and design of the resource requirements to do that mandate.

• (1005)

The Chair: Thank you very much.

Monsieur Laframboise.

[Translation]

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

I'm going to come back to you, Mr. Mignault, because I didn't have time to finish my remarks earlier.

I am aware that you are defending the inspection system today, but I remind you that, in the context of the safety management system's implementation, when this committee questioned the fact that the government was cutting the number of inspectors, no one in the industry came to defend the pilot inspectors or the Transport Canada inspectors. So be it, but when you want an oversight service, you have to provide the required staff and the budget. The pilot inspectors and inspectors also have to receive training on the new technology.

Today I hope you will agree that there will have to be enough pilot inspectors and inspectors and that the budget will have to make it possible to deal with all the new technologies. Would you be in favour of that recommendation?

Capt Jacques Mignault: Mr. Laframboise, I'm not in a position to judge the number of inspectors required, but I can tell you that Transport Canada's oversight and inspection functions are still necessary. The nature of those inspections or of that oversight must adapt to developments in this new system. In other words, we're looking at how the system works rather than merely checking a flight in the context of an inspection. We manage to make oversight combinations. I'm saying you have to adjust to this new situation and adjust our oversight.

Mr. Mario Laframboise: Once again, they timidly say that they are aware there must be a balance and spontaneous checks to ensure that—

Capt Jacques Mignault: Absolutely.

Mr. Mario Laframboise: All right. That was one aspect that wasn't clear four years ago. Things change and so much the better. The government, it has to be agreed, understood that we had to ensure the number of inspectors and budget were sufficient. The ICAO made the same recommendation. The safety management systems were implemented after September 2001 to reassure the public. That was an addition that was made. The problem, among other things, is that the former government thought it could save money on the inspection system, but that was not the way to go. You have to add a more substantial oversight level and make the business accountable.

In addition, you told me earlier, with regard to what the TCA people stated, that there were still reprisals. You said the system was evolving and attitudes had to be changed. In other words, there may have been reprisals, but, in the industry, you're trying to change things so that voluntary disclosures are part of the culture and that is well supported. The problem I'm dealing with as an elected member is that people tell us about the need to enforce an act such as the one in the United States to protect those people, a slightly more restrictive act.

Capt Jacques Mignault: Based on my experience, the framework for the entire implementation of the SMS, which is non-punitive, is robust enough to deal with eventual situations of conflict where the normal investigation process you referred to could not be followed. I can't comment on specific cases I don't know about, but I can tell you that the tools are currently in place to ensure confidentiality and —

Mr. Mario Laframboise: The problem, Mr. Mignault, is that you represent all the businesses. You know that these are economic cycles. We've seen businesses, including travel agencies, shut down

recently. There may be reprisals at businesses that are not doing so well, but we must ensure that passengers do not come to any harm as a result of that, and that's our objective. Yours is probably the same.

Capt Jacques Mignault: I'd like to make a comment in conclusion. This entire system is based on trust. It's important that we establish that within the business. That's why my mandate, as safety manager, is really to ensure that we maintain this framework of confidentiality and trust through which we can lead people to tell us about their concerns. I can assure you this is in the spirit of the SMS.

•(1010)

The Chair: Thank you.

[English]

Mr. Richards.

Mr. Blake Richards (Wild Rose, CPC): Thank you, Mr. Chairman.

Thanks to all of you for being here today. I'm sure that all of you share with Transport Canada and with all members of this government a common goal of continually improving airline safety.

During testimony we had from Transport Canada department witnesses last month, I particularly remember Marc Grégoire, the assistant deputy minister, informing this committee of the seriousness with which the department takes its oversight role. I believe he mentioned that three-quarters of the department's budget is dedicated to safety and oversight. He also noted how Transport Canada, as Mr. Barone of CBAA stated in his opening remarks, is considered a world leader in safety management systems.

When the department was here, Mr. Grégoire himself said something to the effect that the world is watching Canada on this issue of SMS and that other countries were inspired by our system. But one of the most interesting things he offered in support of his claims that day was, I thought, mentioned almost just in passing. He said that Canada's rate of 5.7 accidents per 100,000 flying hours in 2008 is our lowest rate in the last 10 years.

We know that one of the ways in which you can improve on what you're doing is to know what you're doing well and what you're doing right and to try to build on that and improve on that. My question is for any of you or all of you who would be interested in answering it. If that rate is going down, what, in your opinion, might be the reasons for that, and what can we do to build on them?

Mr. Sam Barone: Thank you, Mr. Chairman.

Mr. Richards, SMS is not a complete removal of oversight; it is an extra layer. It is the promotion of a corporate culture at all levels, not only on the shop floor, but at very senior levels, strategically, and at CEO levels, to ensure.... But I would say that you don't rest on your laurels; that it's an approach of continuous improvement. As well, what's important is not only what you do know, but what you don't know, and you have to try to manage those risks at all times.

We're still proud of our safety record. However, one accident is one too many, in our view. We definitely think that SMS is a contributing factor because it has taken this away from just the shop floor and has made everyone throughout an organization accountable for aviation safety.

Mr. Blake Richards: Thank you.

I certainly would agree with your assessment that one accident is one too many and that we always need to do more. We're doing a lot of work, I think, throughout the industry and through Transport Canada, but we can always do more to ensure safety.

I appreciate you being here today.

Did the other group have a comment?

Capt Michel Chiasson: I think we should be very proud of the record as it is, but even if the record is zero per 100,000, that doesn't mean that we can take time off to rest. It means that we have to continue in the pursuit of safety, because we have to be ever-vigilant. We can never rest on our laurels. All we can do is improve. I share with my colleagues the view that one accident is not acceptable. A zero rate is something to be proud of, but that doesn't mean we take a rest.

Mr. Bernie Adamache: I would just like to add to that. You asked why we are leading in this. I think it's because intrinsically in Canada we've allowed the companies or asked the companies to take on internal investigations, probably far more so than any other country has at this particular point. It's that path that has led us down to where our employees themselves.... Even the cleaner who's cleaning the hangar floor, if he sees something on the floor, he picks it up; he knows that it could cause an accident if it is not dealt with. I think it's that leadership that has taken us to where we are so far.

The Chair: Thank you very much.

As a small business owner, I know how difficult it is to change direction in a company. You often think that because it's small, it should be easier. I knew all my employees personally, and when we made a culture change, it quite often was a very long and time-consuming process. I share, I think, some of the challenges you may be going through in trying to implement these kinds of changes.

I wish you well in the future as you proceed. Thank you very much for attending today.

We're going to take a short two-minute break and invite our next guests to the table.

Have a good day.

- _____ (Pause) _____
-
- (1020)

The Chair: Welcome back.

We now have joining us, from the Canadian Federal Pilots Association, Mr. Daniel Slunder, the national chair. He knows the way the committee works, so I would ask him to please proceed.

Mr. Daniel Slunder (National Chair, Canadian Federal Pilots Association): Thank you, Mr. Chair.

Good morning. My name is Daniel Slunder. I'm the national chair of the Canadian Federal Pilots Association. I'm here to provide you with an update on the status of SMS from the perspective of licensed pilot inspectorate professionals, who once conducted inspections, audits, and enforcement actions, but who now do mostly paperwork involved with SMS assessment in program validations.

At my last appearance before your committee, I presented the results stemming from the lack of traditional inspections and audits. The issues we identified occurred because inspectors had been forced to focus exclusively on SMS assessments and validations instead of audits and inspections. In short, aviation inspectors have not been watching the safety practices of the aviation industry as they once did. In our opinion, and in the view of many outside experts, the absence of traditional safety oversight represents a serious risk to the travelling public.

Following my last presentation to your committee, we met with Transport Canada officials. The department wants to work cooperatively to resolve some of the pressing safety issues we identified. We're encouraged by this turn of events, and cautiously optimistic, particularly given Minister Baird's recent decision to return business aviation to direct Transport Canada supervision. There are, nevertheless, formidable safety concerns that remain.

Aviation safety incidents reported through CADORS, the civil aviation daily occurrence reporting system, continue to increase every year. They have increased from a reported 4,000 incidents in 2000 to 14,000 incidents last year. This is troubling, as CADORS incidents are generally precursors to or indicators of a larger safety issue. Traditionally, many CADORS incidents were investigated, resulting in enforcement action, yet when we searched the records for the last two years, we find no record of any enforcement action against large operators. Let me repeat: there have been zero enforcement actions against large operators during the past two years.

Transport Canada has always insisted that SMS is an additional layer of safety over traditional oversight. In the interests of public safety, there is an urgent need to reinstate a traditional oversight program that has atrophied during the introduction of SMS.

Transport Canada officials made some encouraging announcements. They testified on March 30 that their goal is to assign 70% of the inspectors' time to SMS validation and 30% to the traditional type of inspections.

The principle behind this announcement is welcome, but the reality is far less encouraging. As you've already heard, the latest version of TC surveillance policy requires that 100% of SMS assessments and validations must be completed before inspectors are free to conduct traditional audits or inspections.

For inspectors, Transport Canada's number one priority right now is to roll out SMS at airports. Next will be the hundreds of small 703 and 704 operators. Today it is impossible to accomplish all SMS tasks; therefore, we will continue to turn a blind eye to safety concerns in aviation operations. Even though SMS assessments and validations are largely a paper exercise, they take an extraordinary amount of time.

CFPA members report that it used to take one week to conduct an audit of a typical operator. Under SMS, there is one week spent preparing for a validation; the site visit requires two or three days; and the validation report takes a week to produce. It easily requires twice as long to assess and validate a company's SMS. Meanwhile, inspectors are reporting to me that scheduled surveillances and inspections are being cancelled.

Before Transport devolved business aviation in 2005, there were five person-years assigned to monitor 150 certificate holders. Now, with business aviation under regulatory surveillance, inspectors will have, as you've heard, up to an additional 400 certificate holders to review and monitor.

Perhaps you've heard that Transport Canada is hiring inspectors. This is a step in the right direction, but it amounts to a band-aid gesture when major intervention is required to restore traditional oversight to the much-vaunted additional layer of safety for the travelling public.

Consider that the professional pilot inspectorate represented by the CFPA has reached near historic low levels. Approximately 100 positions are currently vacant. At the supervisory level, there are 40 vacancies. Like cascading dominoes, this has the effect of pulling working level inspectors away from their day-to-day responsibilities to backfill supervisory jobs for which they were not trained.

Transport Canada has hired 20 working level pilot inspectors in the last year, ending in February; during the same period, 27 inspectors left Transport Canada, for a net loss of seven front line pilot inspectors. This puts into proper context Transport Canada's plan to hire 100 additional inspectors, the majority of whom will not be professional pilots. Even after these new hires, it will be impossible for inspectors to complete their SMS assignments while devoting 30% of their time to traditional oversight activities.

• (1025)

In order to achieve the additional layer of safety concept, Transport Canada needs to restore the working pilot inspectors to the pre-SMS levels of approximately 500, then add 30% more inspectors, for a total of 650. This task will not be easy given the demographics of the professional pilot inspectorate at Transport Canada.

In 2008 the CFPA commissioned the well-known demographer, Dr. Linda Duxbury, to study the licensed pilot inspectorate. Professor Duxbury concluded that we face a crisis in aviation safety oversight, arising from an aging workforce. More than half of this workforce is

eligible to retire starting next year, taking our most experienced professionals out of the picture. With no effective program to retain inspectors or recruit replacements, Duxbury said that we are heading for a "very high potential for a shortage, a huge and profound shortage".

I have circulated a backgrounder to give you a sense of our conclusions. Transport Canada officials testified to your committee that they must shuffle internal departmental resources to make ends meet in the civil aviation directorate. TC seems to be doing the best it can with available resources, but it's not good enough. To protect the travelling public and achieve the much-touted additional layer of safety, which requires the restoration of traditional oversight, Transport Canada needs a significant infusion of resources. That decision rests with elected officials like you.

The absence of traditional oversight is not the only problem with Transport Canada's SMS. You will recall from my previous appearance that I told you about a troubling incident with an Air Canada flight. Due to a number of circumstances that piled up one on top of another, a number of serious violations of Transport Canada's safety regulations occurred, including refueling with engines running, which placed passengers at risk.

This incident became public only because an experienced pilot on board as a passenger reported it to me. In addition to the hot refuelling, he was concerned about the presence of ice on the wings. The concerned passenger/pilot reported this incident to Transport Canada and, under SMS, it was referred back to Air Canada to address. Even though serious infractions of the safety regulations occurred, no TC action was taken, and Air Canada has full responsibility to address the incident and no obligation to report their actions.

We'll never know what action Air Canada has taken to address this incident because TC's SMS provides airlines with immunity from enforcement action and complete confidentiality for self-reporting. This amounts to a veil of secrecy. So you and the public will never know.

To end on a positive note, I'm happy to report to you that Transport Canada has listened and recognized that SMS training for inspectors is an issue and must be addressed. There is a plan to introduce a revitalized course in September. Overall, senior management at Transport has improved communications with us and is attempting to address issues that were previously highlighted.

Thank you for giving me the time to present this.

The Chair: Thank you very much.

Mr. Volpe.

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

Captain, thank you very much for coming before the committee again. I recall the last time you came and your concerns at the time; this time, I think you're even a little more direct. It's troubling, actually, not because you're direct, but because of what you have to say.

I'm sure you chose your words very carefully, but in your presentation you said that "the absence of traditional safety oversight represents a serious risk to the travelling public". In another committee hearing having to do with vehicles, as opposed to air equipment, I made the very serious statement that, in the face of these kinds of statements and backed up by evidence, the minister's or the regulator's indifference to these facts verges on negligence bordering on criminal negligence.

If we're talking about the safety of travellers, once a plane is up in the air and there's a problem, that problem usually translates into a fatality. Now, because you said this very deliberately, I'm just wondering whether it was your intention to shock everybody into that reality.

Mr. Daniel Slunder: My members have been reporting to me that in some areas they're now being told that they're not going to look at the 703 and 704 operators the same way they did before, mainly because they're so short-staffed and everything is focused towards implementing SMS at airports. This is the stepping away that we're noticing now.

In other areas, I'm told that despite being told to pull back, the managers have taken it upon themselves to continue and add a certain element of traditional inspection. That's not listed in any of the documentation that Transport Canada provides to the inspectors on how to conduct inspections.

• (1030)

Hon. Joseph Volpe: Captain, as you know from past appearances before this committee and from—I'm sure you've monitored—the presence of Transport Canada, along with that of some of your colleagues from the industry a few moments ago, we've talked about establishing a different culture, a culture that focuses on safety first, for the client as well as for those who provide the service. I think you probably heard a few moments ago that it's "corporate safety" rather than flight safety.

In my mind, if you're going to establish a different culture, you're going to have to recognize new conventions, but those conventions have to be identified. The processes have to be constantly reinforced.

I'm getting from your presentation that not only are those conventions not identified, but when they are, they're not reinforced. That's an accusation that you make on the second page of your presentation. In fact, you're even more blunt than I would be accused of being. You've said that "we will continue to turn a blind eye to safety concerns in aviation operations". That's not a rosy picture like the one I heard a few minutes ago.

Mr. Daniel Slunder: In fact, we're not looking; that's the difficulty. So we may as well be blind, because if we're not looking at what's going on in the industry, the result can be somewhat significant.

Hon. Joseph Volpe: I appreciate that, Captain, but... You use another word here...the fact that we're giving some of the big carriers

"immunity from enforcement". But softer language is where we say "no whistle-blower type of information gathering", so in other words, there are no penalties associated with reporting issues.

But once those issues are reported, something has to happen with them. By suggesting that there has to be an "enforcement", there's a punitive component to that. Don't you see a dissonance between non-punitive reporting and the request to ensure that you have enforcement mechanisms in place?

Mr. Daniel Slunder: Transport Canada still maintains that they can enforce and they can apply punitive measures. It's still a tool that they say is available to them, but they're not using it.

Hon. Joseph Volpe: But they're not using it because everybody has asked for the establishment of a non-punitive reporting system. You've heard it before, with the idea of a new culture, one that says to report everything, that you won't be punished for it because the information you provide is going to make everybody safer.

I know that you've been very direct and forthright, but to then turn around and say, "You know, you have to have enforcement" is a suggestion that the other way doesn't work.

Mr. Daniel Slunder: I understand the concept of wanting everyone to input into the system and to have everybody's participation. There ought to be no punitive action brought against an individual when it's not done on purpose. We understand that.

But what I'm saying is that in all of what we've seen thus far, there has been no enforcement action whatsoever conducted, whether it be premeditated or not, whether the action of the individual has been premeditated or not. We don't see it.

• (1035)

Hon. Joseph Volpe: There are allegations by those in the industry who say that we—with "we" meaning the workers or whoever, those who are not in high management, the on-the-ground staff, so to speak—fill out the forms, but we don't know what happens because there's no follow-through. In my mind, if that allegation is correct, it means that somebody at the top doesn't have the same kind of culture that they're coming to the committee to tell us exists.

Mr. Daniel Slunder: I can report that the individual who came to me and said that he had difficulty with a particular flight still hasn't received any answers other than what he received in the first instance, which was, "thank you very much for your input". That was it.

Hon. Joseph Volpe: So no change because there's no stick?

Mr. Daniel Slunder: He hasn't heard anything. I'm not privy to what has been decided and neither are you. The only person who would know would be the principal inspector who would have to do some follow-up on that, and then the responsibility seems to lie with that individual.

The Chair: Thank you.

Monsieur Laframboise.

[Translation]

Mr. Mario Laframboise: Thank you, Mr. Slunder, for taking part in our committee's business. From one appearance to the next, things evolve.

In your brief, you talk about Transport Canada officials who, on March 30, stated that their goal was to assign 70% of inspectors' time to SMS validations and the remaining 30% to traditional-type inspections. You say the principle is welcome. If this time allocation were applied, if you had the time to proceed in that manner, do you think that would be a reasonable measure?

Mr. Daniel Slunder: From what I'm told, that's the case. We would have the opportunity to proceed with SMS validations and verify the minute details concerning carriers. However, we're not at that point.

Mr. Mario Laframboise: Indeed. You also said the reality was less encouraging. The Staff Instruction states the following:

5.0 OTHER SURVEILLANCE ACTIVITIES

5.1 GENERAL

(1) Where surveillance resources are still available after the annual surveillance planning is completed in accordance with CAD SUR-008, other surveillance activities may be planned [...]

If I understand correctly, this suggests that there may be a 70/30 time allocation but that will happen if time permits. Is that correct?

Mr. Daniel Slunder: That's correct.

We have the impression that, for the inspectors, there is no available time in the case of the 30%.

Mr. Mario Laframboise: That's what troubles me. Mr. Grégoire, who represented Transport Canada, told us he was doing everything he could to increase the number of inspectors. Do you think that's true?

Mr. Daniel Slunder: I can't really speak for Mr. Grégoire, but 20 pilots were hired last year to work at the department, but we lost 27. So we lost seven. I'm willing to believe they want to hire people, but 20 at a time isn't enough.

Mr. Mario Laframboise: What's the problem, in your view? Is it salary, compensation, the fact that it's not competitive?

Mr. Daniel Slunder: There are a number of reasons. I believe there's a major shortage of pilots. I can give you an example. A few years ago, when the airline was going bankrupt, people who lost their jobs tried to find work at Transport Canada. That's no longer the case. When Skyservice went bankrupt, we didn't receive calls from individuals looking for work at the department. Fewer people are available. In addition, the hiring system for pilots takes a lot of time.

Mr. Mario Laframboise: It takes too much time.

Mr. Daniel Slunder: Yes. I'm also not sure the qualifications required of candidates are currently available. There has to have a lot of knowledge on safety management systems and risk management. However, pilots from outside the organization generally haven't worked—

• (1040)

Mr. Mario Laframboise: They don't know that. They haven't receiving training in the field.

Mr. Daniel Slunder: Exactly. It may be different for Mr. Mignault, since he was directly involved in the field, but that's not the case in general. So it's harder to find qualified people.

Mr. Mario Laframboise: In the case of the 27 pilots who left, they were probably people who were retiring. That's even more disturbing.

Mr. Daniel Slunder: Yes.

Mr. Mario Laframboise: We're told that, within a few years, there will be massive departures as a result of retirement. That's somewhat the message I'm sending you.

Mr. Daniel Slunder: Yes. The research by the demographer Ms. Duxbury, which we commissioned, has shown us the extent of the problem.

Mr. Mario Laframboise: That leads me back to the entire principle of the safety management system. As you know, we sent out alarm signals concerning the takeover of the safety management system by the Canadian Business Aviation Association. The representatives had some questions, but it was simply the Transportation Safety Board that observed it was simply a case of negligence. In the context of the safety management system, businesses were left to their own devices. You've already underscored that situation.

Mr. Daniel Slunder: Yes, we had expressed our fears and submitted those complaints to the committee.

Mr. Mario Laframboise: Absolutely.

Going back to the example of fatigue, you saw the CBC reports. Were you, as an inspector, previously able to observe these things, or is this something that is very hard to ascertain?

They found logbooks that were falsified, things like that. How have matters come to this today? Is it because you no longer have the opportunity to verify those aspects? At the time, were you afraid that would happen? Is this kind of check now ruled out of your work, whereas it was previously part of it?

Mr. Daniel Slunder: Previously, to conduct an inspection, we consulted the logs. The time people spent on duty was always subject to very thorough inspection.

Honestly, now, we ask whether there is a system for verifying whether people are rested, and we're told there is one. So we assume they are. Do you have any evidence of people complaining? No. So everything must be working well. We previously consulted the logbooks of individuals to determine the number of days they had worked and the number of hours they had flown. We checked. We're also no longer—

Mr. Mario Laframboise: If there's a shortage of pilots, the situation will be even more disturbing if we don't monitor that.

Mr. Daniel Slunder: It won't be easy.

Mr. Mario Laframboise: That means business leaders will force pilots to work more.

Mr. Daniel Slunder: There's always that fear. I can't talk about what businesses will do in future. However, we've already wondered about that.

The Chair: Thank you, Mr. Laframboise.

Mr. Bevington.

[English]

Mr. Dennis Bevington: Thank you, Mr. Chair.

Thank you, Mr. Slunder, for coming here again.

I have one question about the other surveillance activity, where you're still under the same rules in terms of notification, the 10 weeks of notification. In this new section that has come in, this 5.0, there don't seem to be any timelines attached to how you conduct the surveillance. Do you understand them?

Mr. Daniel Slunder: I've not asked my members to comment on that, so I don't know what I can tell you about it at this time. This is the new SUR...?

Mr. Dennis Bevington: Yes, section 5.0, part of SUR—

Mr. Daniel Slunder: I think it's SUR-001, version 3.

Mr. Dennis Bevington: Yes.

Okay, so you really don't know, as there's no clarification yet on how that would take place. Was it your practice in the past to conduct spontaneous surveillance?

Mr. Daniel Slunder: Yes, we did.

Mr. Dennis Bevington: So you wouldn't tell the company 10 weeks ahead of time that you were going to come in and check out what they're doing?

Mr. Daniel Slunder: No, and in fact, we used to do things like ramp inspections. We'd show up.... I was subjected to one in a Transport Canada aircraft at...I believe it was not St. Catharines, but London. We landed, and an inspector walked up to us and said, "We chose you at random—show us your documents". There were no-notice inspections. We don't see many of those anymore.

Mr. Dennis Bevington: I think you've laid out pretty clearly the argument about the requirements, about needing the staffing to actually do the oversight. I don't want to get into that, but the other two items you talk about in SMS are immunity from enforcement action and confidentiality for self-reporting.

I've been looking at the situation with the Cougar crash off Newfoundland. Would there not have been some sense of enforcement of a requirement to upgrade the equipment there, when it was clearly noted prior to this crash that the equipment needed to be upgraded? Shouldn't that have been the subject of an enforcement action?

• (1045)

Mr. Daniel Slunder: I'm not familiar with the details of the accident and I'm reluctant to comment until the Transportation Safety Board does.

Mr. Dennis Bevington: Okay, but you say that this "immunity from enforcement action" takes away one of the key tools you had in the past to ensure that what you saw there was going to take place...?

Mr. Daniel Slunder: It certainly was an incentive to do things right.

Mr. Dennis Bevington: Yes. Now, regarding the confidentiality for self-reporting, you say that there have been 14,000 safety incidents reported. That means you don't understand how they've been.... You know that the incident is there, but you don't understand what the company has done to fix it?

Mr. Daniel Slunder: The 14,000 incidents I referred to are CADORS and that means externally reported. It is not the companies that report them; it is generally air traffic control. So any time an

airplane departs, say, for example, in less than ideal weather conditions, a safety report gets—

Mr. Dennis Bevington: Or lands in less than ideal weather conditions...? They're all doing it.

Mr. Daniel Slunder: Yes. That gets reported. Those incidents appear to be on the increase.

Mr. Dennis Bevington: So you don't understand, then, how those incidents go back to the company, and the company is responsible for dealing with them, and they don't have to report back on these incidents...? Is that it?

Mr. Daniel Slunder: We are required to monitor. For example, in headquarters when I was looking at the CADORS, I would assess this. I would look at a company, and if the name appeared several times in the CADORS, I would look at the trends. From that, I would then go to the company—or to the principal inspector, because I was in headquarters—and ask, "What are you doing about this individual and what are you doing about this company?" I would get feedback from my inspector or my counterpart in the region.

But that was part of my surveillance program. Now, to tell you the truth, I'm not sure what they do. I think what they do is look at the CADORS, look at the company, and ask if these things are entered into their SMS. If the individual says yes, they say, okay, you're addressing it, and thank you very much.

Mr. Dennis Bevington: So there's no return on that, then, in terms of the specifics of what they actually accomplish or what they do to deal with the situation.

Mr. Daniel Slunder: Well, it's been a while since I've been anywhere near the regions for that type of work, so I can't tell you now how things are coming back.

Mr. Dennis Bevington: So perhaps it's not simply the lack of resources here, but some of the rules that need to be examined closely in terms of SMS. That's what I'm trying to get at here.

Mr. Daniel Slunder: There's always room for improvement, really, and as we've been told, it's an evolving system and it has its flaws. It will have to be readjusted as it goes along.

Mr. Dennis Bevington: So you think it would be an important part of the surveillance activity that this would be spontaneous surveillance.

Mr. Daniel Slunder: Oh, absolutely. I believe it's mandated by ICAO that you do no-notice inspections. I don't think it necessarily has to be—

Mr. Dennis Bevington: So until you had filed your report on their SMS, a company would be of the understanding that you wouldn't be there to inspect them on the ground. Is that the case? If you can't do this inspection work until you file the SMS, until you go through the SMS work....

Mr. Daniel Slunder: I understand what you're saying. Yes, we're not going to be going into a company for any reason other than just looking at their SMS, and that should be about it.

In the smaller non-SMS companies, where we traditionally did inspect and we continue to do this type of work, now what we're being told is that we don't have the time to do these anymore because we have to do the SMS function. So we're pulling away from doing that type of surveillance and they don't even have an SMS yet.

Mr. Dennis Bevington: I talk to small operators and they say that the inspectors on the ground are sometimes their best friends.

Mr. Daniel Slunder: Oh, I hear that all the time.

Mr. Dennis Bevington: Yes, so the system, when it was in place, provided.... This is my real concern with these small operators. They don't have the sort of internal size to create a culture, the transient employees who are employed in all these small companies change constantly, and in order to create a culture of safety, you need the inspectors there to provide that understanding. Was that the way it worked in the past?

• (1050)

Mr. Daniel Slunder: In my experience of how it worked in the past, I was always welcome to come into the company because I would find things that they were not aware of and that they intended to fix, things that they never intended to let go off the rails.

The Chair: Thank you.

Mr. Watson.

Mr. Jeff Watson: Thank you, Mr. Chair.

Of course, thank you, Mr. Slunder, for your appearance here and your return to the committee. Welcome back.

I want to thank you, first of all, for your report to the committee, notwithstanding that you have some additional criticisms, or maybe some lingering criticisms, even, that in your opinion are unresolved. These are obviously for the committee to consider in regard to what—if any—further action is needed?

I do appreciate some of the positive reports as well. You note the commitment by Transport Canada to additional hiring. You have a positive note about our commitment to increased training, and to, as Mr. Grégoire called it at this committee, getting it right by building additional capacity, not just with the regulated, but with the regulator. You note positively the increased communication with labour leadership, which I agree is a positive step forward. You make positive note of the minister's announcement to take back the certification from the CBAA.

Is it reasonable to conclude that the relationship with Transport Canada in at least your group is improving, and that as a result of that, the results are more satisfactory from that relationship than, say, a year ago? Is that a reasonable conclusion to draw?

Mr. Daniel Slunder: I can say that it's a remarkable change from a year ago.

Mr. Jeff Watson: Okay.

Mr. Daniel Slunder: It's quite noticeable.

Mr. Jeff Watson: Well, I appreciate that very much.

There's a considerable history here at this committee on SMS as an issue. I know that at least three parties are principally supportive of the concept of safety management systems, and our concern,

therefore, is ensuring proper implementation of SMS as it's being rolled out under Transport Canada.

I would like to ask this for the benefit of the committee and the record. Is the CFPA principally supportive of SMS or are you opposed in principle to safety management systems?

Mr. Daniel Slunder: We've always maintained that safety management systems is a good concept. Our issues were with how it was being implemented.

Mr. Jeff Watson: Okay. So there's some agreement in that sense. So we're not talking about wanting to see it withdrawn from the 705s, for example.

Mr. Daniel Slunder: Not at all.

Mr. Jeff Watson: Looking ahead, can I therefore conclude that in principle you support the eventual extension of SMS, capacity permitting, to airports, for example, or, capacity permitting, capacity sufficient for compliance, to 703s and 704s, and eventually to maybe even the 702s, or at some point if the business aviation sector has increased capability to comply...? So principally you wouldn't be opposed, provided the conditions were right, to seeing SMS extended to all those others over time.

Mr. Daniel Slunder: We never opposed SMS as such.

Mr. Jeff Watson: Okay.

I have a question for you. You've noted a demographic challenge in the future with respect to the inspectorate. Looking at the other side of the coin in terms of the industry, is there a similar demographic challenge ahead for qualified and trained pilots to fly commercial aircraft? Does that exist as well for the industry?

Mr. Daniel Slunder: I think it does, which will probably exacerbate pressures on us to maintain and attract new pilots.

Mr. Jeff Watson: I don't think that challenge is dissimilar to that in a variety of sectors beyond the aviation industry. I think we face a productivity challenge as a result of demographics, our aging demographic and what comes in behind it. The choices are either to increase productivity, which is to do more with less than historical employment levels, or to perhaps see some contraction in the size of various industries to sort of rightsize the relationship. Are those two plausible outcomes of a situation like this?

Mr. Daniel Slunder: I'm not sure—

Mr. Jeff Watson: I'm just trying to provide some context, if you will—

Mr. Daniel Slunder: Right.

Mr. Jeff Watson: —for your ask not only for the restoration of historical levels, but for additional levels beyond that. I'm trying to gauge whether or not that's a reasonable presumption based on the productivity challenge of entire sectors. Or should that not be a consideration at all for the aviation industry?

• (1055)

Mr. Daniel Slunder: I think outside experts have linked the number of inspectors in Transport Canada and the aviation pilot inspectors to the level of safety. I think, though, the more inspectors you have, the better you'll be able to manage the safety of the industry—or the lack thereof, if we're not there. The additional—

Mr. Brian Jean (Fort McMurray—Athabasca, CPC): A point of order, Mr. Chair?

The Chair: Excuse me.

Mr. Jean, on a point of order.

Mr. Brian Jean: Yes. The witness has just referred to some outside experts who have identified that safety is tied directly to the amount of inspectors. I would like to have him table that information to the committee, please.

Mr. Daniel Slunder: Excuse me. I'm sorry. You'd like...?

Mr. Brian Jean: I'd like you to table the names of those experts—

Mr. Daniel Slunder: Oh, yes. Justice Virgil Moshansky—

Mr. Brian Jean: —and the reports, if you have them. Do you have copies?

Mr. Daniel Slunder: I don't have that with me. I'll see if can—

Mr. Brian Jean: Do you mean Justice Moshansky who testified here in front the committee?

Mr. Daniel Slunder: That would be the gentleman.

Mr. Brian Jean: Okay. Are there any other experts?

Mr. Daniel Slunder: None that I can cite right now.

Mr. Brian Jean: Okay. Could you provide that list—

The Chair: Due to time, just provide the report you're referring to through the chair, if you could.

Mr. Brian Jean: —and any other experts?

The Chair: Mr. Watson, you have about 20 seconds.

Mr. Jeff Watson: Thank you, Mr. Chair.

I appreciate the intervention because I was going to ask a question on the fact that you said “experts”, plural, and that's why I wanted.... I appreciate the clarifying intervention by Mr. Jean.

I have no further questions so I'll cede the floor back to you, Mr. Chair.

I thank the witness.

The Chair: Thank you.

Mr. Dhaliwal.

Mr. Sukh Dhaliwal (Newton—North Delta, Lib.): Thank you, Mr. Chair.

Thank you, Mr. Slunder.

On the one side, we are hearing that there are serious concerns about the looming retirement of inspectors, but on the other hand, if we look at the Conservative 2010 budget, we'll see that they have frozen the operating budget for Transport Canada. Do you see this as an irresponsible step going forward?

Mr. Daniel Slunder: I'm not well positioned to comment on whether it's responsible or irresponsible. I can just give you the fact that I think we're having difficulty maintaining, or attracting people, or keeping our people, as it is. Whether the budget is sufficient is for you to decide; I'm not there.

Mr. Sukh Dhaliwal: On airline pilot fatigue, Transport Canada recently announced that it will take two years to consult on that. Do

you believe that we have enough information now to take action right now?

Mr. Daniel Slunder: I'm sorry. I didn't hear your question.

Mr. Sukh Dhaliwal: Transport Canada has announced that they are going to do consultation on the airline pilot fatigue issue and that it's going to take two years to come up with a solution. Do you see that we have enough information right now to act?

Mr. Daniel Slunder: In my experience in working in writing regulations, it generally takes as many as four years to pass a regulatory change. In this instance, Transport Canada is saying that it needs to review or to look at studies. Those studies already exist. So two years to get it through might not be impossible, but it will be very difficult.

Mr. Sukh Dhaliwal: Do you still feel that air fatigue is a key issue when it comes to pilots? Do you hear those complaints or concerns from pilots from time to time?

Mr. Daniel Slunder: From my members, because we're not subjected to the same work conditions as airline pilots are, I don't hear many complaints, but I do know that it is a significant concern. I personally have experienced having to work for long periods of time. It takes quite some time to recover and you make more mistakes near the end of 30 days of being on duty than you do after five days' work.

• (1100)

Mr. Sukh Dhaliwal: If it's a significant concern, do you have any recommendations that you want to share with the committee?

Mr. Daniel Slunder: No. I did not prepare to address that subject.

Mr. Sukh Dhaliwal: On the other issue, in your last presentation, you mentioned unqualified pilots being allowed to fly. Has Transport Canada taken any action since then?

Mr. Daniel Slunder: I'm not aware of Transport Canada doing anything in that respect.

Mr. Sukh Dhaliwal: Do you still feel that this is an issue and that it should be...?

Mr. Daniel Slunder: As I said, I'm not aware of whether or not Transport Canada took issue or addressed that issue.

Mr. Sukh Dhaliwal: Thank you.

The Chair: I have to stop it there. I'm going to let our witness go.

I have Mr. Bevington on a point of order.

Before that, I'll just thank you for coming again, Mr. Slunder, and for providing us with an update today. We appreciate your time.

Mr. Daniel Slunder: Thank you for the grilling.

Some hon. members: Oh, oh!

The Chair: Before we end, I have Mr. Bevington on a point of order.

Mr. Dennis Bevington: Yes, Mr. Chair. I had asked you previously to check the records on the debate that took place there to ensure that there was compliance with the requirements for confidentiality under the.... I had the opportunity to view them as well. I think it was pretty clear that, in the heat of the debate, there were comments made that went outside the purview of the previous report that was made on that in camera session. Is that your understanding?

The Chair: I have reviewed it and am actually waiting for a final opinion on it, and—

Mr. Dennis Bevington: Okay.

The Chair: —I will bring that to the committee on Tuesday.

Mr. Dennis Bevington: That will be fine. You know, in reality, because.... I made the point last time that if somebody has made an error in something, I'm very willing to accept apologies for that behaviour. I'm not interested in making any other issue out of it, other than for committee members to continue to try to work as best they can. I understand what happens in the heat of situations. I'll just leave that out there.

The Chair: I appreciate that. There is a grey area there and I did want to get an absolute opinion. I will bring it to committee on Tuesday.

Thank you.

The meeting is adjourned.

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