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Laval, November 6<sup>th</sup> 2014

The Honourable Lisa Raitt  
Minister of Transport of Canada  
House of Commons  
Ottawa (Ontario)  
Canada  
K1A 0A6

**Re : Bill C-43 (2014)**

Madam Minister,

Articles 143 and 144 of Bill C-43 is in our opinion an abuse by the government in that they negate the efforts of so-called industry consultation undertaken since the beginning of 2014 by Transport Canada (TC). The Association des Aviateurs et pilotes de brousse du Québec (APBQ) and other organizations and businesses that have participated in good faith in the exercise deserve more consideration.

As the recipient of the 2014 Aviation Safety Award from your own hands on March 3 of this year, representing nearly 2,000 aviators and 27 local associations across Quebec, the APBQ is able to appreciate the security motivations order that would justify an intervention by the ministry. Already airport security is governed by the standards of the International Civil Aviation Organization (ICAO) and reference documents such as TP312 from TC.

But, as we have already mentioned many times at different forums, it is difficult to let the so-called public interest guide decisions in aeronautics. In this regard, the APBQ wishes to issue a strong opposition to the proposed articles 143 and 144 contained in Bill C-43 (2014).

This letter represents our fifth intervention on the issue of the need to define, in a democratic manner with members of the industry, what should be the consultation process on aerodrome development that the department wants to set up:

- On January 17 2014 in response to the Preliminary Issue and Consultation Assessment (PICA) activities CARAC # 2013-014;
- On February 6 2014 during a conference call with other members of the industry to voice our response;
- On February 10 2014, through an email to reiterate our position on the need for a "Focus Group" on the subject and recently;
- On June 16 2014 in Ottawa with 10 other members of the industry during was intended to be a Focus Group meeting on the topic.

It is important to note that those present around the table that day in Ottawa represented nearly all members of the general and commercial aviation community in Canada!

Although widely discussed by the participants and requiring an update, the minutes of that June 16 work session show a clear willingness by the industry to establish a governance model and operate in a transparent and appropriate manner for the consultation process.

There is still much work to be done. For example, defining the scope of targeted aerodromes, duration and what issues may be brought up for consultation, the dispute process, etc. In fact, a series of nine (9) recommendations was issued and, according to TC, would be subject to review and further discussion by the focus group, all culminating to the examination and review of legislative requirements and regulations planned for December 2016.

Despite these interventions, we are faced with proposed articles 143 and 144 which totally ignore all the work we have done and what we have tried to implement in good faith with TC. Not only that, but the proposed amendment to paragraph 4.31 (2)<sup>1</sup> of the Act gives full discretionary powers to the Minister, trampling the very principles of democracy that we expect from the Canadian government.

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<sup>1</sup> « An order under subsection (1) is exempt from examination, registration or publication under the Statutory Instruments Act..»

### Contextual position APBQ on consultation

It is commendable and quite legitimate to consult local stakeholders for works of public interest such as aerodromes. This is the position that our association favours. However, the process has to be very well supported by a more robust, transparent and effective governance, taking into account the needs of all stakeholders.

It is essential to avoid any ambiguity and to ensure that not only local interests take precedence over the future of general aviation in Canada. For example, provincial entities such as the Quebec Commission for the Preservation of Agricultural Land (CPTAQ) would suddenly have the opportunity to explore new or other reasons to restrict general aviation while the Supreme Court of Canada has clearly ruled otherwise<sup>2</sup>. The range of people that make up the phenomenon of "not in my backyard" (NIMBY) groups mobilize the media and often instigate disinformation campaigns aimed at the rest of the population, creating a climate of fear with regard to the aviation as a whole.

All these people have the right to their voice in decision-making concerning airports, but it must be well supported and extremely well controlled before the proposed amendment to the Canadian Aviation Regulations (CAR). Taxpayers at all levels would be impacted by this lack of preparation and control.

This indicates that any coercive power made available to municipalities will sound the knell for the development or expansion of aerodromes in Canada. While we sadly witnessed the closure of the Edmonton City Centre Airport (Alberta) on November 30, 2013 and we will do the same with the Buttonville (Ontario) soon, anything that will harm the replacement of these airports will weaken the air transportation system of the country. By allowing municipalities to increase control over aeronautics at the national level, Canada is exposing itself to the agendas of all mayors across the country, which is contrary to the judgment of the Supreme Court of Canada in 2010, which reminded, once again, the exclusive jurisdiction of the Federal Government over aeronautics<sup>3</sup>.

We encourage clarification of standards that would avoid the bashing of aviation as a whole by individuals with questionable ethics. This can be done without giving decision-making power to municipalities and provinces in aeronautics, avoiding « *...or is not in the public interest* » (proposed article 143). Especially when this power extends to both the development and operations at an airport, the latter area being totally unknown to most municipal and provincial authorities.

Allowing municipalities and provinces or individuals from interfering in the development, the expansion or the operations of an airport by lobbying to the Minister or the party in power, may pose a serious threat and become a security hazard to aircraft operations in Canada.

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<sup>2</sup> 2010 SCC 39, [2010] 2 SCR 536, *Québec v. COPA*.

<sup>3</sup> Supra, note 2.

For all the reasons listed above, we ask that you remove all of division 2 from Bill C-43 (2014), pursue with the work started with the industry and proceed as planned initially. That is when clear and concise guidelines surrounding the development, expansion or modifications to an aerodrome, will be able to be integrated into the Aeronautics Act of Canada.



**Bernard Gervais**  
President

Cc :

The Right Honourable Stephen Harper, Prime Minister  
The Honourable Thomas Mulcair, Leader of the Opposition  
Jeff Watson, Parliamentary secretary to the Minister of Transport  
James Rajotte, President, Finance committee (FINA)  
Scott Brison, Vice-president, FINA  
Nathan Cullen, Vice-president, FINA  
Larry Miller, President, TRAN  
Haong Mai, Vice-president, TRAN  
David McGuinty, Vice-president, TRAN  
Justin Trudeau, Liberal party of Canada