



Brief for:
Standing Committee on Finance

Regarding:
Bill C-43, Part 4, Division 2, Sections 143-144
Amendments to the Aeronautics Act

Submitted by:
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On behalf of:
The Experimental Aircraft Association (EAA)

Summary:

EAA is concerned that certain provisions of Bill C-43 would give sweeping, unprecedented, and potentially undesirable unilateral authority over Canada's aerodromes to the office of the Transport Minister. These sections would allow the Minister to circumvent existing aerodrome law and policy to permit or deny development of new aerodromes, continuing operation for existing aerodromes, closure of aerodromes, and construction projects on aerodromes. EAA believes that placing so much power in the hands of the Minister without any requirement for due process or reference to policy, especially for Canada's economically and culturally vital certified and non-certified aerodrome infrastructure, would be ill-advised.

Commentary:

Part 4, division 2, section 143 of Bill C-43 seeks to amend the Aeronautics Act to allow for the Minister to "make an order prohibiting the development or expansion of a given aerodrome or any change to the operation of a given aerodrome if, in the Minister's opinion, the proposed change is likely to adversely affect aviation safety or is not in the public interest." The section permits the Minister to exercise this authority, based on an opinion, "exempt from examination, registration, or publication under the *Statutory Instruments Act*."

EAA believes that “aviation safety,” as well as “public interest,” are subjective terms that are only reasonably defined by a consensus of the interested and affected public, the aviation industry, and the government. The proposed language in Bill C-43 does not account for any consensus, or even input, from affected aerodrome users, owners, developers, or the public. It places the opinion of the Minister above comment or reproach and invests it with the full force of law. If the purpose of including this language is to allow the Minister to administer aerodrome decisions to satisfy aviation safety and the public interest, then it follows that an allowance for the public and aviation safety organizations to have a meaningful voice in the decision-making process would be rational.

EAA is concerned that the section exempts the Minister from submitting proposed actions and/or final decisions regarding aerodromes to scrutiny from the Department of Justice, as is required by the Statutory Instruments Act. Any proposed actions or decisions dealing with Canada’s transportation infrastructure, which necessarily affects personal and business logistics, agriculture, tourism, recreation, and regional emergency response plans, should be subject to legal review as well as public evaluation and should account for public comment. We believe that decisions about aerodromes should be influenced by their owners, users, and the public around them—not simply by unilateral action from the Transport Minister.

Conclusion:

Because of these concerns, EAA requests that sections 143 and 144 be removed from Bill C-43, Part 4, division 2 and that the amendment be returned to Transport Canada for further development. We believe that creation and execution of aerodrome policy is best and most equitably achieved by a system that features a process including checks and balances.

About EAA:

The Experimental Aircraft Association (EAA) is the world leader in recreational aviation. With an international membership of more than 185,000 people, including more than 6,000 in Canada, EAA brings together pilots, aircraft owners, and aviation enthusiasts who are dedicated to sharing the Spirit of Aviation by promoting the continued growth of aviation, the preservation of its history and a commitment to aviation’s future.