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Chair

Mr. Merv Tweed

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Monday, February 12, 2007

• (1535)

[English]

The Chair (Mr. Merv Tweed (Brandon—Souris, CPC)): Good afternoon, everyone, and welcome to the Standing Committee on Transport, Infrastructure, and Communities, meeting 34.

Orders of the day: pursuant to the order of reference of Tuesday, November 7, 2006, we are studying Bill C-6, an act to amend the Aeronautics Act and to make consequential amendments to other acts.

Joining us today from the Department of Transport are Merlin Preuss, Franz Reinhardt, and Joan Knight. From the Department of National Defence we have Jacques Laplante, and Alex Weatherston.

As we have done in previous committees, we'll ask you to make your presentations. I'd ask you to limit them to no more than seven minutes, and then we will start the round of questioning from our committee members, if that's suitable. I would ask whoever is going to take the lead to please do so.

Thank you.

Mr. Merlin Preuss (Director General, Civil Aviation, Department of Transport): Thank you, Mr. Chairman.

Bon après-midi à tous. Good afternoon, everybody.

I am pleased to have the opportunity to appear before the Standing Committee on Transport, Infrastructure, and Communities for its study of Bill C-6, proposed legislation to amend the Aeronautics Act.

This act establishes the responsibility of the Minister of Transport for civil aeronautical activities and responsibility of the Minister of National Defence for military aeronautical activities. The legislation, which completed second reading in the House on November 7, 2006, contributes to Transport Canada's ongoing commitment to enhancing the safety of the national transportation system.

I'll outline for you today some of the key elements of the legislation, the content of which is very technical in nature.

Canada is one of the safest aviation systems in the world. This enviable record is due in part to the safety regulations that focus on accident prevention. Transport Canada's role is to provide the sound regulatory base on which the system operates. The department has a responsibility to have the tools in place to actively improve upon the safety performance of the industry. The aviation industry is increasingly global, and while globalization creates new opportunities for air transportation users and providers, it also highlights the

need for a competitive business environment, for greater harmonization of standards and regulations, and for smarter regulations. To remain competitive globally, the industry must continue to improve its safety performance.

Regulating smarter is a phrase that is often used and involves continually improving regulations, better managing the regulatory process, and recognizing the shared responsibility of governments, citizens, and industry in making the system more effective. The result is less prescriptive regulations that are in line with the rules of other regulatory agencies, both within Canada and internationally, and meaningful consultations with wide reach to both industry and the public. In practical terms, this means regulations that impose rules that are more focused on safety results, with fewer interventions and that are designed, where appropriate, to give industry the flexibility to be innovative in meeting those outcomes.

The changes proposed to the act are reflective of the new strategies being implemented to regulate aviation safety but provide explicit enabling authority for newly evolved safety and regulatory initiatives such as safety management systems, considered an important component of regulating smarter.

Safety management systems will make a safe system even safer, while at the same time strengthening partnerships with industries by clearly setting out roles, authorities, and accountabilities, while ensuring high standards for transportation safety and reflecting the evolving role of government. This bill is the work of leading safety experts and international bodies that have been advocating that greater attention be paid to aviation safety at the human and organizational factors level. This means that problems, hazards, incidents, and accidents are not only reported, but the associated risks are analyzed and appropriate actions taken to prevent their recurrence.

Canada is among the world leaders in this area. Our American counterparts in the Federal Aviation Administration have also recognized the need to dig deeper to change our culture from one of diagnostics to one of prognostics. What this means is that we are moving away from just being reactive following accidents to becoming proactive by anticipating potential problems before they evolve into accidents.

It's important to note that the enabling authority for the safety management system regulations is valid and authorized under the existing act. However, for greater clarification and to provide additional statutory protections, the department is proposing to expand the minister's authority under the act with legislative amendments.

The proposal also includes, amongst others, new regulation-making authorities such as those respecting fatigue management and increased penalties for administrative proceedings and summary convictions. It is important to bring the level of penalties in line with other current legislation, since these penalties were last reviewed over 20 years ago.

Amendments to the Canadian aviation regulations that came into force in June 2005 require aviation organizations to implement safety management systems as part of an approach to improving safety risk management in the aviation sector. This is not self-regulation, and it is not deregulation; it is actually an additional layer of regulation, i.e., more regulation, to enhance the work Transport Canada continues to do through its oversight program. With safety management systems, operators must still comply with all the current regulations and standards, and Transport Canada can, and will, continue to take enforcement action when necessary.

Transport Canada's team of over 800 inspectors works with Canadian air operators, aircraft maintenance organizations, manufacturers, airport operators, and air navigation service providers to maintain the safety of our aviation system. These inspectors are well trained through the department's robust mandatory training program with specified courses and on-the-job training.

● (1540)

In a safety management systems environment, the role of inspectors becomes even more important, in that intervention is at the systems level rather than at the operational level. This means that systems put in place to ensure personnel competency, sound maintenance and engineering, and safe operations will be subject to assessment and validation, and the consequences of systems failures will be more dramatic and will potentially result in suspension of the operating certificates.

This is a clear manifestation of the change in the accountability framework, whereby certificate holders will be required to take ownership of the safety of their operation and become more accountable for their activities. However, the capability of inspectors who intervene at the operational level will continue to exist. In fact, deficiencies discovered at the systems level would warrant intervention at the operational level through audits and inspections. This change of accountability framework does not alter in any way Transport Canada's ultimate responsibility for providing the safety oversight of all certificate holders operating in a national air transportation system.

The bill before you today establishes a legislative framework for a voluntary, non-punitive reporting program under the act, including the appropriate confidentiality and enforcement protections. Transport Canada, with the strong support of most stakeholders, is of the view that the establishment of a voluntary reporting program under the Aeronautics Act will enhance aviation safety. Through the program, the department will have access to aviation information

that would not otherwise be accessible. The information will be used to revise regulatory requirements and to develop promotional and educational materials. Individuals and companies will benefit by having access to and receiving additional safety information, including that on best practices and lessons learned.

Consultation has been very important during the development of this legislation, as it is for the development of all aviation regulations. The bill before the committee today is the result of extensive consultations with stakeholders through the Canadian Aviation Regulatory Advisory Council, which began in 2000. The council's prime objective is to assess and recommend potential regulatory changes through cooperative rule-making activities concerning the full range of Transport Canada's civil aviation regulatory mandate.

Stakeholders, including all major organizations and associations, have been involved in this consultation and are generally supportive of the amendments.

I look forward to responding to any questions the committee may have. I'm at your disposal in this regard, as are my officials. Thank you.

The Chair: Thank you very much.

Who is next?

LCol Jacques Laplante (Director, Flight Safety, Department of National Defence): I am, sir.

[*Translation*]

Good afternoon, Mr. Chairman, ladies and gentlemen.

I am Lieutenant Colonel Jacques Laplante. I am the Chief Flight Safety Investigator at the Directorate of Flight Safety at National Defence and I thank you for allowing to make some introductory remarks to this committee on the proposed amendments to the Aeronautics Act. I would first like to say that these amendments are critical for the continued success of the Canadian Forces Flight Safety Program and the department's Airworthiness Program because they will allow us to correct multiple deficiencies that presently exist.

● (1545)

[*English*]

The director of flight safety, Colonel Shelley, is responsible for maintenance and implementation of the Canadian Forces flight safety program. Colonel Shelley, my boss, unfortunately had to be away today on flight safety duties.

Our flight safety program is a very successful program that deals with prevention, safe behaviour, and protocols for occurrence investigation. It has been in existence for more than sixty years and has been used by several other countries as a model for the development of their own programs.

The sole purpose of the flight safety program is to identify aviation safety deficiencies in military aviation matters and to make recommendations to eliminate or reduce such deficiencies. It is very important to note that our investigations are not used for disciplinary or administrative purposes.

Recent changes to the way air force operations and training are supported have led to a serious gap in the legal authorities for the investigation of military aviation safety matters when civilians are involved. The amendments would fix this gap. As you may know, civilian contractors are becoming more and more engaged in our air operations and training, with activities ranging from major maintenance overhauls on our aircraft to the long-term lease of Canadian-owned aircraft at the NATO Flying Training Centre, in Moose Jaw. Those are two examples.

The National Defence Act provides legal authority in respect of persons subject to the Code of Service Discipline, and lawful orders may be given to ensure the cooperation of military personnel involved in military aviation accident investigations. However, the National Defence Act does not generally apply to civilians, and certainly not in this context.

I must also point out that the civilian Transportation Safety Board is prohibited, by its enabling legislation, from investigating military aviation accidents unless the situation involves a separate civilian aviation facility or a non-military airplane. The investigation must then be coordinated with the Department of National Defence.

While we are responsible under the Aeronautics Act for military flight safety investigation, military investigators have no legal means of obtaining information from civilians and civilian contractors involved in military aircraft accidents. This responsibility cannot be exercised by the Transportation Safety Board because the Canadian Transportation Accident Investigation and Safety Board Act precludes them from investigating strictly military aircraft accidents.

Another related problem is our inability to obtain certain information critical to flight safety investigations, specifically from civilian companies and next of kin. Civilian companies provide a wealth of technical data and next of kin provide human factor data unavailable from any other source.

Ideally, we would also like to request that these organizations and individuals review preliminary draft investigation reports for their input. However, there is currently no penalty for unauthorized or premature release of information during the consultation process of the investigation. Since early release of investigation reports can compromise the investigation, we are very reluctant to conduct this kind of consultation, in fear of untimely release of incomplete or inaccurate information.

The lack of information can also be very traumatic for next of kin, because in complex investigations that last years in some cases, they do not receive timely updates on the investigation until it is

complete. This, too, is based upon the possibility of untimely release of information.

These release problems will be solved by the provisions of the amendment that will make unauthorized release of investigation information contrary to the Aeronautics Act. This will allow us to share preliminary information during the consultation phase of the investigation process, with confidence that it will not be released.

The new part II of the Aeronautics Act will give military investigators appropriate powers to conduct full and proper investigations into military aircraft accidents that may involve civilians. Military investigators will be thoroughly trained in respect of all aspects of their new powers before being allowed to exercise these powers. As the new powers are similar to those currently set out in the Canadian Transportation Accident Investigation and Safety Board Act for the Transportation Safety Board, the private sector involved in aviation matters in Canada should be very familiar with their application.

The amendments will also encourage voluntary reporting by protecting the identity of persons who report. And the amendments will also facilitate the sharing of information with the Transportation Safety Board, for coordinated investigations, since both offices will have the same obligations to protect privileged information.

• (1550)

Lastly, the proposed legislation will obligate the Department of National Defence to publicly release the final flight safety investigation, to ensure the public of an open, independent investigation process. We have been doing this on our own initiative since 2003, as a normal practice for all final investigation reports.

In conclusion, the proposed amendments are critical to improving the ability of the Canadian Forces to ensure the safety of the men and women in the military aviation community, civilians involved in military aviation, and the general public.

I will be pleased to answer any questions the members of the committee may have. I am also assisted here today by Mr. Alex Weatherston, our legal counsel at the Department of National Defence, from the legal services office, who has worked on the development of this bill.

Thank you, Mr. Chair.

The Chair: Thank you, Lieutenant-Colonel.

Is anyone else pitching? No?

I will turn it over to Mr. Volpe, for seven minutes.

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

Let me say thank you very much to our witnesses for coming forward and helping us to understand a bit better what we're about to vote on soon, I suppose.

I just have three very brief questions, if you don't mind. They really relate to some issues.

The first of these issues is that this legislation is so important. Because it's enabling, it provides the government or the Minister of Transport with the opportunity to get information and to pass regulations. It's my understanding that you're already doing a lot of the work that presumably the regulations that would flow from this would enable the department to do. Is that a mistaken impression?

Mr. Franz Reinhardt (Director, Regulatory Services, Civil Aviation, Department of Transport): If you're talking about the establishment of safety management systems, the current legislation enables the minister to make regulations with respect to that. We've already started doing this for the major air carriers and some other segments of the industry.

However, in order to clarify that authority and also provide specific protection provisions in order to allow people to do internal reporting without fear of reprisals, we needed to expand the enabling authority under this proposed amendment. That's why we are simply expanding upon what we already had before.

Hon. Joseph Volpe: What you had before was that which you expected to get through the legislation, so let me take you one step further. Let's say that on a dark day in March the government decides it can no longer govern and you don't get your legislation. What happens to the regulations that will not have been put in place but are in fact being applied?

Mr. Franz Reinhardt: These regulations are still valid. Safety management systems are valid. The requirements for organizations to abide by the basic criteria are valid. However, the protection provisions that we are seeking now—to further the internal reporting, to get more access to more safety information—will not be enabled. I believe that would make for a system that is not as robust and one that would not provide as much information as we would expect to have in order to go the extra mile to advance safety.

Hon. Joseph Volpe: Part of the enabling will also call into question a series of relationships as the safety management systems are being rolled out. As you say, they're already there, but they aren't all fully operational because we're actually trying to expand the authorities of the minister in order to ensure a variety of outcomes.

It's my understanding as well that there will be several bills conflicting with each other. I'm not sure yet whether Bill C-11 captures the responsibilities under the Canada Labour Code. Would you address that for a moment?

Mr. Merlin Preuss: I think we all realize that the Canada Labour Code is “notwithstanding” legislation. That means that what the enterprises involved in safety management systems will have to do is create a system in which the obligations of the Canada Labour Code are clearly met.

We have a working agreement with Labour Canada on how we are going to deal with any conflicts. We don't anticipate any major problems with this because at the end of the day, especially where we're looking at how it's applied to aircraft operating, it's really not a

split responsibility to enforce it. Our systems should be quite nicely interleaved.

• (1555)

Hon. Joseph Volpe: I have one other observation, and it's one that came up as a result of a program where the minister was interviewed. On the question of fines, which you've raised here in your briefing notes, they're going up from \$5,000 to \$50,000 for individual violations and from \$25,000 to \$250,000 for corporations.

Given that most of the people who would be the subject of an investigation or a fine are probably covered by corporate insurance in the event of such an instance, is that amount, the new amount, an accurate reflection of what might be considered a deterrent in the current marketplace, or should this amount be much higher to ensure compliance?

Notwithstanding the fact that I think you said this is not going to be prescriptive legislation, that it's really going to encourage much more voluntary compliance, you still took the trouble to talk about modernizing the amounts of fines. So I'm interested in your reflections on that.

Mr. Franz Reinhardt: We believe, first of all, those will be the maximum. As you know, we can go lower, but those are maximum fines. We think they are reasonable—

Hon. Joseph Volpe: Excuse me a second. That's precisely my point. If that's the maximum amount for a corporation.... For the sake of naming a name, let's use Air Canada; \$250,000 for that corporation is probably a pittance.

Mr. Franz Reinhardt: First of all, yes, you may say that may not be a big amount, but we can go under what we call summary conviction where it's a fine of over \$1 million. So there's also that possibility.

There's also the question of the reputation of the company as well. As you know, we post a corporate offenders' list on the website when these things happen. We're dealing here with companies mainly. I'll give you an example. For instance, if there are violations with respect to noise abatement at airports, a company will sometimes pay the \$5,000 or the \$20,000 because it's the cost of doing business, as opposed to having to lodge people abroad for maybe a higher amount of money.

We believe \$250,000 is a reasonable increase from what it was before, taking into consideration the fact that there's also the summary conviction that could go as high as \$1 million.

The Chair: Monsieur Laframboise.

[Translation]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Thank you very much, Mr. Chairman.

Mr. Preuss, I did read your presentation. I am concerned because you are telling us that you started to work on this in 1998. You set up a committee, a sort of industry panel, which has been meeting since 2000. You concluded by stating that the industry representatives support the bill that is before us now. They all seem quite satisfied with it. My only problem is that it is not up to the industry to decide how aviation safety is managed; that is up to Transport Canada. My general impression is that rather than strengthening Transport Canada's authority and that of its inspectors, more power is being given to the industry to guarantee safety. I find that far from reassuring.

I will ask you my first question. Currently, as far as commercial transportation is concerned, verification of industry capabilities, etc., is done by your inspectors; you said so earlier. How many do you have?

[English]

Mr. Merlin Preuss: These days we have around 800 inspectors engaged in oversight activities.

[Translation]

Mr. Mario Laframboise: How many did you have in 2001?

[English]

Mr. Merlin Preuss: I'm not certain of those figures, but they certainly haven't decreased. In fact, there may have been some increases. I can come back to you with the exact numbers. There has been no dramatic change in the last five years in the total number of inspectors.

• (1600)

[Translation]

Mr. Mario Laframboise: That is what I thought as well. The number may have remained stable, but the problems in aviation safety have increased over the years, and you have not increased your inspection section staff. That worries me.

Why have you not done so? Why did you not decide to put more effort into guaranteeing the safety of the industries? Why did you not make that choice?

[English]

Mr. Merlin Preuss: If I understand you correctly, you're indicating to me that you have information that says our safety performance in this country has deteriorated in the last five years?

[Translation]

Mr. Mario Laframboise: No, it is not that. In order to increase safety, you have introduced this bill and you want to create designated arm's length organizations, and put in place a safety management system that is administered and supported by the industries. Personally, I would have preferred to see you planning a safety system that relied on an increased presence of Transport Canada inspectors, on arm's length industry specialists, precisely to guarantee safety.

Why did you not choose to do that? Why are you turning more towards independent organizations rather than increasing the power of Transport Canada's service?

[English]

Mr. Merlin Preuss: We're not in fact turning to the private sector. What we're doing is increasing their accountability.

As I said in my opening remarks, sir, on the safety management system requirements, those regulations are in addition to what is already there. In fact, I often say, when asked this question, that the first requirement of a safety management system is to clearly show how you're complying with the current regulations.

So it's a system that sits on top of everything that is there today. It is not a reduction regulation. It is not deregulation. It is not turning over oversight of the operations to the enterprises, whether that's Nav Canada, or the airports, or Air Canada. It's very much an additional requirement.

Our insertion point will be at the systems level so we can capture all of the issues, rather than pinpointing one or the other. If that doesn't solve the problem, we will be able to intervene in the same way we do today.

[Translation]

Mr. Mario Laframboise: Mr. Preuss, the committee's job is indeed to call experts to appear before us. One of them, Judge Moshansky, stated in the *Toronto Star* on June 16, 2006, that he strongly doubted that Transport Canada would be capable, with fewer civil aviation inspectors, of fully carrying out its duty to ensure the air transport security of the travelling public. This judge studied all of the safety problems after the 1998 crash at the airport in Dryden, Ontario.

Some specialists are already beginning to criticize your position. I'm having difficulty understanding. It seems to me that after the events of September 2001, we must increase security. You are choosing to make the industries more independent rather than doing what is being recommended to you. We are going to call the judge to appear before the committee. Personally, I'm having a great deal of difficulty understanding your approach.

Why did you not choose to increase the number of inspectors, to increase your oversight? Try to enlighten me on this subject.

[English]

Mr. Merlin Preuss: Let's see if I understand what you're asking me here. You're referring to Judge Moshansky perhaps?

• (1605)

Mr. Mario Laframboise: Yes.

Mr. Merlin Preuss: Okay. I haven't had a chance to speak with him, and to my knowledge he hasn't discussed any of the intricacies of the safety management systems with any of my officials. He certainly hasn't discussed it with me. So I'm not sure exactly on what basis he's making the comments he's making. But I'd be more than happy to speak with him if he wishes to do that, and we can go through it all.

The whole system, in our experience to date, is one where our impact and our integration into the company's operations is much more detailed, much more in depth than it ever was before. We are finding things through this process that were never evident with just the direct supervising of activities approach.

The whole business about more resources.... In fact, at the point of departure, when we started eight years ago to look at what was out there to improve the safety and performance, we realized...and this is also vouched for by specialists like Professor James Reason, who said to me personally that if you add more inspectors into the system without approaching the whole problem differently, the cost benefit just simply won't be there. You will not achieve a higher performance than you have right now. Our performance is second to none in the world, with the airlines as an example.

So how do you improve on our already very, very safe system? As I indicated in my opening remarks, you have to get into the human factors. It's not just the policeman on the corner who says to me, "Please don't speed, and if you speed, I will do something about that", and then by reducing my speed, by punishing me, I will then maybe not do that next time.

The Chair: Thank you.

Mr. Atamanenko.

Mr. Alex Atamanenko (British Columbia Southern Interior, NDP): Thank you very much for being here.

This is tied in with the inspectors. If we look at the number of flights and the passenger volume in 2007 compared with 2001, we have roughly the same number of inspectors. Could you comment on that, please?

Mr. Merlin Preuss: The system on which we base our risk profile is one that's based on activity levels. So what you're referring to is that there has been an increase...well, there was a decrease as we went through the tragedy of September 11, and then an increase, and we're about back to the same levels we were at on September 11, through that period. I don't know exactly what the numbers are, but there has been no calculated reduction in personnel. So I would suggest that what you're indicating to me would be a perception that because we've had these consistent increases, somehow we haven't kept pace, and I think to a large extent we have.

Of course, when you take a look at what we're trying to put in place, and without losing the capability to deal with the individual operations, by approaching this at a systems level and actually having companies that comply—and of course, if they don't, we'll be back to where we are and we'll be demanding more resources to go at them in that other compliance-based way. But if their systems work, and we have all kinds of data that's available today and will be available tomorrow to determine whether or not that's happening, we will be able to deal with growth in a very important way, because if you're looking at a system that's in place to take care of 100 pilots and it grows to 110, there is no impact on the manpower at that particular point. But again, we have to be ready, as others have said, to go back in there and take care of the problems if we're finding some shortfalls in the system.

This industry has not done this before. It's in the nuclear industry. The power generating plants have been using this for a long time, as well as Shell Oil, the oil companies, to avoid the big spills, and it's the same thing with the chemical industry. So we're taking this step by step, using what their experience is and our experience and building on that.

As I mentioned, our friends to the south are now embarking on this, and so is the international civil aviation authority, as a regulatory requirement.

So, yes, we're a little bit ahead of some countries, but this is not a new idea, and it's certainly not one where the idea only sits here in Transport Canada and Canada.

Mr. Alex Atamanenko: We had a tragedy in British Columbia that you're aware of, of course, and that was with the ferries.

I have a document here, a sworn statement by the former director of safety, health, and environment at BC Ferries, Mr. Darin Bowland. As you are aware, BC Ferries has had a safety management system in place for some time. Yet, according to Mr. Bowland, BC Ferries was plagued by rampant safety problems. He believes these deficiencies led to the sinking of the *Queen of the North* and the death of two passengers.

In an era when Transport Canada has a hands-off sort of approach and air operators or regulators are now forced to rely on the good graces of airlines to police themselves or turn themselves in, the first question is, aren't you afraid that your plans to go back out of aviation safety oversight and rely on safety management systems, or SMS, with its self-reporting and non-enforcement, will create similar conditions in aviation?

Secondly, could you please tell me and the committee what kind of comparison Transport Canada has done with other safety management systems in Canada and around the world?

Lastly, how does the safety management system that Transport Canada is proposing for aviation stake up against the safety management system, for example, that BC Ferries operates?

Mr. Merlin Preuss: As a general comment—and again I've said this publicly quite often—if I could roll the clock back eight years, I would never have used the term "SMS", because it has now become a buzzword.

Comparing safety management systems quite often is a comparison of apples and oranges. So I have no knowledge of what BC Ferries' SMS looks like, but I will tell you that it may or may not be the same as what we have here.

The other thing that comes into play when you are talking about the comparisons of safety management systems and how we've compared them otherwise is, what exactly are the bases or the principles they're using? You will find some divergence there.

When we built this system—and as I mentioned, we started eight years ago with the experts at the time, such as Dr. James Reason, who came to our executive—we spent three days looking at all the options and then we built on that, looking at what the chemical industry has. They have a very good reputation.

I think the oil industry certainly has a good reputation. In fact, we've taken the advice of people who work for Shell, dealing with the SMS that Shell demands. For example, if you wanted to contract your aircraft to Shell Oil, you'd have to demonstrate a certain safety management system. Again, the requirements are somewhat less stringent than ours, but it would give you all the basic principles.

So we're quite confident that what we have is as demanding as anything that's out there. We believe we're taking a step-by-step approach to it, so that if we are picking up errors and problems with the system, we'll be able to correct them before there are any downstream effects. Even the regulations that were put in place a year and a half ago are not active. In other words, what we've done is to say, "Okay, this is your starting point", and then we put in place an implementation of two or three years, again so we can watch what's going on. So far, the results have been positive.

• (1610)

Mr. Alex Atamanenko: Thank you.

The Chair: Mr. Jean.

Mr. Brian Jean (Fort McMurray—Athabasca, CPC): Thank you, Mr. Chair.

I'm actually going to pursue pretty much the same line of questioning, just so I understand it. First of all, we have one of the safest, if not the safest, aviation systems in the world. Is that correct? And we're actually going to take that safest aviation system in the world and those regulations and leave them as is—actually, make some improvements to them—and then put another layer on top of that, this SMS system.

Coming from northern Alberta, I know that many of the plant sites in that area have a safety management system and an emergency response crew, etc. They seem to brag a lot about them, and they've had them for some period of time. So I was curious when you mentioned Shell Oil. I think they even have one in their Albion plant up there.

I understand as well that this act is going to bring in some more tools to force compliance or in essence more regulatory tools to make sure that they do follow the letter of the law. Is that correct? Everything from a letter of warning, more or less, to a restriction of operations is...

Mr. Franz Reinhardt: It will go from letters of warning to assurance of compliance agreements with companies, that if they don't comply with the regulations the fines will be doubled up, to the suspension or cancellation of certificates. So there will be more requirements and more enforcement tools in the tool box in the future if we accept those proposed changes.

Mr. Brian Jean: So we actually have the safest aviation system in the world and we're putting more tools and in fact another system on top of that. Okay.

I understand Australia and New Zealand have adopted an SMS system and have had it for some period of time, and now the United States looks like it's adopting it. I even understand the ICAO, or the International Civil Aviation Organization, has actually adopted an international standard, and, from my understanding of that organization, most countries will probably adopt that soon.

Is that fair to say?

Mr. Franz Reinhardt: That's correct, yes.

Mr. Brian Jean: Are there indeed other organizations such as that that have come forward in support of this SMS system you have put forward?

Mr. Franz Reinhardt: Other organizations other than aviation, do you mean?

Mr. Brian Jean: No, including aviation, the Air Line Pilots Association and people like that.

Mr. Franz Reinhardt: We have many associations that are actually supporting the proposed changes to expand safety management systems—major pilots unions, manufacturers, and transport associations.

Mr. Merlin Preuss: In fact, when we started the effort with Air Transat some years ago as a pilot project, we spent a lot of time with ALPA, which represents the pilots of that company and of Jazz. I don't know what is the percentage of pilots they represent here, but I can tell you that ALPA International was very active, and continues to be very active, in the United States in promoting safety management systems there. I think they had a role, and perhaps even a significant role, in changing the FAA's mind in terms of how soon and in what form they would implement SMS, so especially that type of a group. ACTA, of course, is of the same mind. We're working with them these days to implement it.

• (1615)

Mr. Brian Jean: So in fact these other jurisdictions that have adopted this type of management system, a self-governing one in essence—who have passed the regulations—have had good success with this. Have they had a lot of self-reporting?

Mr. Merlin Preuss: The self-reporting thing actually shows up in two different ways. There's one where there's a jeopardy involved, and of course we're trying to remove, in a certain way, the personal jeopardy so that it gives them some freedom to come forward. There are the normal things that would be there anyway, that you'd pick up one way or another.

But to the point of how successful they've been, the Australian example is a good one. This was such a good idea down there that they thought everybody would participate, and of course what happened was that 80% to 90% of the industry that is generally compliant and really wants to do the right thing all the time complied, but they didn't regulate it.

So we learned from them and we said, if we're going to get at those people who don't want to be part of the partnership, who don't want to be part of the team that promotes safety across the board, then we're going to have to make sure we regulate it across the board, and that's what we've done.

Mr. Brian Jean: So, in essence, we will avoid the problems they've had in some other jurisdictions? This SMS system actually sounds like a management system to prevent accidents before they're about to happen over the long period of time. Would that be a fair assumption?

Mr. Merlin Preuss: Yes. The idea is to identify the small problems before they become big ones, and that of course means delving into the human factors areas, delving into the root causes. Of course, when you're dealing with people, they have to be willing to come forward; they have to be willing to tell us what the issues are.

Mr. Brian Jean: So they'll put forward things they may have hidden before because there's no real penalty in the small ones.

Mr. Merlin Preuss: That's right.

Mr. Brian Jean: Thank you. Those are all my questions.

The Chair: Monsieur Bélanger.

[*Translation*]

Hon. Mauril Bélanger (Ottawa—Vanier, Lib.): Thank you, Mr. Chairman.

I am a new member of the committee, so I will try and tackle this from a broader perspective.

Mr. Chairman, you will correct me or assist me if I am asking questions to which answers have already been given.

Has the department, during presentations before other groups or other committees, used some kind of chart to compare the legislation as it currently stands and the proposed amendments? In other words, is there some kind of road map for this bill that will allow us to navigate it, given that this will likely become rather complex as we move ahead?

Mr. Franz Reinhardt: We have prepared what we call an administrative consolidation. We have taken the current act and superimposed the new proposed changes, identifying them with grey shading. It gives you an idea. We could provide this kind of document to the committee to give you an idea of the current legislation and the proposed amendments.

Hon. Mauril Bélanger: That would be very useful.

My second question is to you, Mr. Chairman, if I may.

Did the committee discuss the possibility of hiring an expert in air transportation who would be able to do the appropriate research as regards the proposals before us?

I do not in any way want to undermine the abilities of the committee staff, but it is a regular occurrence, when an in-depth study such as this one seems to be undertaken, that a committee resort to additional expertise. Was this considered by the committee?

[*English*]

The Chair: I don't think it was necessarily excluded in our discussions. We'd certainly be prepared as a subcommittee or a committee to take names and put them forward.

[*Translation*]

Hon. Mauril Bélanger: Thank you.

Just out of curiosity, a document was distributed today that is entitled: "NOTES D'ALLOCUTION, 2^e lecture", and in English, "SPEAKING NOTES, 2nd reading".

Where do these notes come from? Are they from Transport Canada? I have the impression these notes were prepared for a

minister or for a parliamentary secretary. Do you know what I am talking about?

• (1620)

Mr. Franz Reinhardt: I believe you are referring to Mr. Preuss's speech.

Hon. Mauril Bélanger: It is not Mr. Preuss's speech. In English, the title is as follows:

[*English*]

"Speaking Notes, 2nd Reading, Amendments to the *Aeronautics Act*". Then it says it was last modified today.

If this was for second reading, wasn't that in the fall? Why are we getting this document?

[*Translation*]

Mr. Franz Reinhardt: I do not have the same document as you.

Hon. Mauril Bélanger: It was just distributed.

Mr. Franz Reinhardt: All we have are the notes. There may be some parts of the speech that had been planned for second reading, but that is not at all the same document.

Hon. Mauril Bélanger: We will have your speech in the committee's minutes. That is why I did not ask you for it.

Mr. Franz Reinhardt: No.

[*English*]

Hon. Mauril Bélanger: Do we know the origin of this?

The Chair: It was given to us just prior to the start of the meeting.

Hon. Mauril Bélanger: By whom?

The Chair: The Department of Transport.

Mr. Franz Reinhardt: I'm told it's an administrative mistake, and the actual speech from Mr. Preuss will be sent to you electronically.

Hon. Mauril Bélanger: Thank you.

Do I have a bit more time?

The Chair: Yes.

Hon. Mauril Bélanger: On consultations—I gather this has been going on now since 1998—were there two sets: pre-September 11 and post-September 11? Was there a change in the consultations? Did we resume them or restart them? Did that have an effect on the consultations?

Again, I'm new to the committee, but are there reports on these consultations, and are they available?

Mr. Franz Reinhardt: Yes.

We started to consult before September 11, and at that time the proposed changes were mainly the same as you see here, except there were more security amendments to enhance the security provisions.

When September 11 happened they decided to fast-track those proposed changes on the security side. That's why they withdrew them from our bill and fast-tracked them through the public safety bill. The rest are exactly the same as they were at that time.

We have consulted with the industry. We had an exchange of correspondence and incorporated some changes following their consultation. There are some documents, but I don't know if they are exhaustive.

Hon. Mauril Bélanger: Where are those documents available?

Mr. Franz Reinhardt: We have some documents that may be made available, yes.

Hon. Mauril Bélanger: Are they not on the website?

Mr. Franz Reinhardt: I believe that some are still on the website, under CARAC.

Mr. Merlin Preuss: There are all the dispositions from all the committees that were used to build this up. All that information is available.

The Chair: That won't go against your time.

[Translation]

Mr. Robert Carrier (Alfred-Pellan, BQ): Good afternoon, Mr. Preuss. Earlier on, you stated that Canada was one of the safest countries in the world. That is quite an assertion, but I would like to see statistics to that effect. On what do you base your statement that Canada has a very good safety record? You can perhaps give us a partial answer, but I would also like to receive written documentation.

[English]

Mr. Merlin Preuss: Certainly I can provide that. I obviously don't have it with me. There's comparative information available, probably even on our website. I'm not sure.

[Translation]

Mr. Robert Carrier: You are saying that we are one of the best in the world. Would we be in second or third place?

[English]

Mr. Merlin Preuss: That's a very complex question. If we just talked about Air Canada, I could give you some very concrete numbers.

• (1625)

[Translation]

Mr. Robert Carrier: No, you were talking about Canada.

[English]

Mr. Merlin Preuss: For Air Canada or the major airlines, when you compare statistics from one country to another vis-à-vis major airlines, that's relatively transparent. You'll find that data at IATA. You'll find that data at ICAO. More generally, though, you run into trouble. For example, if you wanted to look at the air taxi segment, not the large aircraft segment, and you compared, for example, FAA data with Canadian data, you'd have some difficulty, because it's not counted the same way. So we'd have to do a fair amount of work if we wanted to compare say, the G-7 nations' record vis-à-vis some of the smaller types of operations.

But certainly at the airline level it's relatively simple to see the comparison. You can even go to the IATA or ICAO websites and you'll find countries in the world colour-coded. We are green, as is America. It's not even the same in some countries in Europe. It's not the same in Africa. I have no doubt that we are at the top, or very

close to the top, in terms of our current performance. Of course, our worry is how we maintain that.

[Translation]

Mr. Robert Carrier: If I understand correctly, your information on safety in different countries allows you to state that we live in one of the safest countries. I would like to see the documentation that supports that statement, for the committee's information.

The purpose of the bill before us is certainly to improve safety, not to weaken it. We want to remain the best of the best. Do you believe that what you are proposing as a safety management system, that would be controlled in part by Department of Transport inspectors, would be a better solution than increasing the number of inspectors who report directly to the department?

[English]

Mr. Merlin Preuss: As I mentioned before, the collective wisdom of the experts in this area has indicated to us that doing more of the same will not give us the next step. Of course, our fear is that as the activity increases, we are going to end up with more events. Therefore, it's important to reduce the accident rate, and that simply cannot be done just by throwing more resources at the problem.

Our industry is as compliant as any in the world. In other words, they're generally well-behaved. We don't have to do a lot, especially with the high-risk operations like Air Canada and Air Transat. Those companies are very compliant. They are very knowledgeable and responsible companies. But they can't go to the next level. They can't delve more deeply into the problem areas without an infrastructure or a framework that will allow that to happen.

We're regulating that additional framework with the fervent belief that as a result, we'll be able to deal with the problems better and therefore increase our performance and reduce the rate.

[Translation]

Mr. Robert Carrier: That's good.

You expect the system to increase performance, and you seem confident that it will improve our safety. Is this because countries like Australia and New Zealand are already using it? What level are these countries at on the safety scale in terms of performance or efficiency? Are they doing better than we are because they are using this system?

[English]

Mr. Merlin Preuss: I don't have that data with me, sir, but I do have Canadian data. Air Transat's occurrence numbers have been reduced substantially since they've started to implement this. I would invite this committee to invite Allen Graham, the president of the company, to talk about what has happened with his company since they have started down this road.

Don't quote me, because I don't have the numbers for sure, but three or four times as many reports are now being generated by their company. We're seeing a 50% decrease in the number of reports that indicate something bad happened—somebody got hurt or something got broken. We have our own experience to rely on. I can't quote you statistics from other countries, but I can certainly tell you that the oil industry, the chemical industry, and the nuclear power industry will tell you this is probably the only thing they have that works at the very high-risk levels.

The Chair: Mr. Fast.

Mr. Ed Fast (Abbotsford, CPC): Thank you, Mr. Chair.

I'd like to shift gears a bit from a broad view of this legislation to something more specific. I was pleased to see that clause 17 of the bill addresses the whole issue of the removal of natural growth. I believe it's going to affect sections 5.82, 5.83, 5.84, and 5.85. This certainly affects my community, which is home to the Abbotsford Airport. They've raised the issue of trying to get the removal of trees and other growth that impairs air traffic movement done on a timely basis.

They raised three concerns. The first was having a legislative framework that actually provides a clear mandate to do that; the bill does that, and I'm very pleased with that.

The second is that it also gives clarity as to who covers the cost. Obviously the airports don't want to pay for it, but the legislation makes it clear that it's the airport's responsibility.

The third aspect is the issue of how we're going to actually get this done. We have a significantly large bureaucracy that is already probably somewhat overburdened and has some very serious issues to grapple with—security and safety. Are we now going to have federal bureaucrats continually monitoring and engaging in negotiating agreements with owners of properties that are adjacent to airports, getting those agreements signed, and giving notices where required? Is there a better way, perhaps by devolving some of those authorities by way of delegations or by way of a memorandum of understanding to the local airports themselves, so that when they have a problem, they've been given notice? That way, when they've got a problem, they can act immediately.

My experience has been, especially with some of the smaller and community-owned airports, that the members of the airport authorities have relationships with the property owners around the airport. They have relationships with the individuals who would do the tree-topping and the removal of trees. Is that something you have given some thought to—how we can make this more efficient and allow the local community to take some ownership in this and get it done in a timely fashion?

• (1630)

Mr. Franz Reinhardt: It's already provided for in the proposed changes. There's some sort of delegation to the municipalities to handle this with Transport Canada. It's already covered.

Mr. Ed Fast: I'm pleased to hear that.

What process will that take? Is it going to take an order in council, or is it going to take simply a ministerial directive to actually get that done?

Mr. Franz Reinhardt: I'll ask our official legal counsel to answer this.

Joan.

Mrs. Joan Knight (Counsel, Legal Services, Department of Transport): The minister might be using his authorities under the act in order to delegate to other people, to the community, to do that. The actual process has not yet been worked out, as far as I know, but the ability to do it is certainly there currently with what we have. The minister has the authority to delegate most of his powers. He can't delegate legislative powers, but anything else he can, and that authority could be used.

Mr. Ed Fast: Is that something the department is anxious to do? We're eagerly awaiting that.

Mrs. Joan Knight: The department obviously is going to be relying on the airport authorities themselves to give them the information, because that's where it's going to come from normally. Yes, I believe the department would want to work this out with the small authorities, where possible, if the authority itself is willing to take on the responsibility, to take on the delegation.

Mr. Ed Fast: That's encouraging to me.

I have a different question that has to do with the ability now, under this bill, to regulate aircraft emissions. Did the previous Bill C-62, which died on the order paper and was brought forward by the previous Liberal government, have a similar provision?

Mr. Franz Reinhardt: Yes, it did.

Mr. Ed Fast: And it's in response to some of the issues we're facing today regarding climate change—

Mr. Franz Reinhardt: Exactly.

Mr. Ed Fast: —and smog and air pollution?

Mr. Franz Reinhardt: There currently are standards of certification, but of course we want to make sure there's a full enabling authority for the minister to have his say, in terms of clean air and emission standards.

Mr. Ed Fast: Okay.

Finally, the bill certainly does provide for a degree of self-regulation within the industry. Is that correct?

Mr. Franz Reinhardt: I would not use "self-regulation". We believe it is an additional requirement, where we ask the industry to do additional work with us. But it's not delegation, and it's not self-regulation—definitely not—because they currently have to abide by a series of requirements, and we're adding an additional requirement.

In the past, they used to be reactive. They had to comply with regulations. If they did not, we would take enforcement. Now we ask them to do more than comply with regulations; we ask them to become proactive. We ask them to take safety data, analyze them, and come up with trend analyses to determine that if I don't fix this little problem here, it will grow and evolve from a small incident into a bigger incident or accident.

So we ask them to be proactive. We ask them to audit. Even before we go and do our own assessment and audits, we ask them to do an internal one, take the data, and prove to us that they've used that data in a proactive way to advance safety. That's why I'm saying it's much more than it was before. Before it was a set of regulations. Now it's a set of regulations, plus another one asking them to become proactive. So that's why I would not use "self-regulation".

• (1635)

Mr. Ed Fast: That was very helpful.

Thank you.

The Chair: Mr. Hubbard.

Hon. Charles Hubbard (Miramichi, Lib.): Thank you, Mr. Chair.

It seems like you have been working at this for nine years, and we've reached a point now where it's before the House and sent to the committee.

In terms of the drafting, and we have two legal people at the table, are both of you satisfied with the bill as it went to the House and was referred to committee? Is there any advice you can give us that you are concerned about in terms of the legislation?

Mrs. Joan Knight: Not at this time, no.

Mr. Alex Weatherston (Counsel, Legal Services, Department of National Defence): We certainly have no government motions to bring to amend any portion of it, no.

Hon. Charles Hubbard: No, but no recommendations to—

Mr. Alex Weatherston: No, not at this point.

Hon. Charles Hubbard: Some bills are drafted by yourselves, some by the justice department, which come to you, but you are satisfied with what you have.

Secondly, in terms of the costs that might be involved with the new legislation, has anyone done a budget analysis of how much extra money it will cost the government to bring this legislation into effect?

LCol Jacques Laplante: On our side, sir, we're going to be doing the same business, but we're now going to have better legislation to help us get the support of civilian personnel, so no increase on our side.

Hon. Charles Hubbard: Okay. At present there will be no demands for additional money to the treasury.

LCol Jacques Laplante: No, sir.

Hon. Charles Hubbard: With the concept of penalties—one of you made the statement, and I'm not sure which one—there are multiple deficiencies in the present system, and this new legislation will overcome those deficiencies.

Could you give me two major examples of those deficiencies that are being corrected by this legislation?

Mr. Franz Reinhardt: We're not talking specifically about deficiencies; we're talking about going the extra mile to improve safety. We're saying that academics of the world have told us, and many organizations, companies in the petrochemical industry and all that, that in order to go the extra mile to improve safety when you're already doing all you can do, you have to think outside of the box.

Hon. Charles Hubbard: I'm sorry. I did pick up on the words. One of you used the expression "there are multiple deficiencies in the present system".

Within the present system, in terms of those who are assessed penalties or given warnings, is it available on the website in terms of individuals or corporations? How does the public know that a certain company is not meeting all the requirements of the industry or the regulators?

Mr. Franz Reinhardt: With respect to "multiple deficiencies", I think it was raised by DND, with respect to their portion. I think I'd like to defer to them to answer this.

With respect to us, is there a means of knowing how a corporate citizen is behaving? Yes, we have our website, and you can see it there. All the corporate offences are listed on the website.

Hon. Charles Hubbard: If an individual goes to hire a taxi, is he or she able to go to the website to see the record that the taxi company has in terms of working with the general public?

• (1640)

Mr. Franz Reinhardt: Yes.

Hon. Charles Hubbard: I'm going to ask two more quick questions, if I have time.

One deals with the green movement. They claim that aircraft are one of the major polluters in terms of the upper atmosphere. We're in fact purchasing new C-17s.

For the new aircraft that are being developed, is there any assessment on the emissions that would be involved in the decision on which aircraft would be better, one from another, in terms of the companies and the engines they're using or in terms of the fuel they're using to generate lift and to provide flight?

LCol Jacques Laplante: Well, sir, you're talking about C-17s, and I'm not sure that I would be able to answer that question. We could definitely ask our technical authority.

Hon. Charles Hubbard: But, gentlemen, I'm asking this. Is there an assessment of emissions in terms of different aircraft? Is there any assessment available on what they're doing to the environment?

Mr. Franz Reinhardt: The International Civil Aviation Organization looked into this, and they have a special CAEP committee reviewing those emissions. As you know, there are over 180 signatories to ICAO that are privy to the information provided by the CAEP committee.

Hon. Charles Hubbard: The final question is one that is off the wall a little bit.

We heard about aircraft and the new planes that are being built. The Americans are apparently putting pressure on Canadian citizens over who can work on those aircraft, because of dual citizenship.

Has there even been an incident, in terms of regulating the system over the last years, where an individual with dual citizenship has been a threat to the safety and security of the aircraft flying in this country?

Mr. Merlin Preuss: Not to my knowledge, sir.

Hon. Charles Hubbard: Thank you.

The Chair: Thank you, Mr. Hubbard.

There are no questions on this side, so we'll go back to Monsieur Bélanger.

[*Translation*]

Hon. Mauril Bélanger: One of the proposed measures—I believe it is clause 2—talks about Canada's international obligations. The amendments are proposed in part to ensure Canada meets its national obligations.

Could you tell us what international obligations Canada is currently not meeting?

Mr. Franz Reinhardt: None. I believe you are referring to what we call in English the purpose clause.

[*English*]

Of course, it's as part of a purpose clause. There was no purpose clause in the past and they were not exact. We're now coming up with one. We are reflecting the mandate of Transport Canada under a purpose clause.

It was there before, and it is there now, but we needed to craft a purpose clause to really get a good appreciation of what the bill was all about.

[*Translation*]

Hon. Mauril Bélanger: So there are no international obligations that we are unable to meet. Is that correct?

Mr. Franz Reinhardt: Yes.

Hon. Mauril Bélanger: Industry has been given responsibility for self-monitoring. I am not referring here to self-regulation. Do Transport Canada's obligations regarding consistency with other legislation also apply to the private sector?

Mr. Franz Reinhardt: I cannot speak to other legislation. However, I can tell you that when we ask certificate holders to self-monitor and to conduct verifications, we do our own verifications and monitoring as well, in other words, what we were doing before. Nothing has changed, except that there is more monitoring than before.

Hon. Mauril Bélanger: I am going to give you the example of official languages. All carriers are subject, to a certain degree, to the Official Languages Act. When we talk about self-monitoring, are there any clauses in these monitoring regimes that deal with official languages?

Mr. Franz Reinhardt: No. I can tell you, in light of my experience, that among the requirements that we currently have such as reading safety measures on the aircraft, there are no exemptions. They must all comply with the Official Languages Act.

Hon. Mauril Bélanger: I am not talking about exemptions. What often happens in cases where authority is delegated is that we forget to delegate responsibilities, or certain responsibilities, that fall to the department. I would like to know if you would eventually be in a position to assure the committee that in such a case, the delegation will include the responsibility to comply with the other pieces of legislation the department is subject to.

Mr. Franz Reinhardt: We have indeed addressed that topic, and we can guarantee that it is our intent to ensure that these acts are complied with. I can even give you an example: the provisions of the Labour Code concerning the Aviation OSH, the Aviation Occupational Safety and Health Regulations.

We are aware of part II of the Canada Labour Code and the fact that its provisions apply regardless of any other legislation. We advised certificate holders of that, and we even took steps, as facilitators, to try and bring certain unions and companies to agreement.

The Aeronautics Act does, indeed, have certain requirements, but we are respectful of the requirements of other legislation. Employers and employees must simply agree as to the implementation of this coordination.

• (1645)

Hon. Mauril Bélanger: So there would be no objection on the part of the government if an amendment were to be presented to confirm that?

Mr. Franz Reinhardt: I would not see there being any objection if it can add something, although I am unsure that it would.

[*English*]

The Chair: Thank you.

Mr. Preuss, do you want to add something?

Mr. Merlin Preuss: The concept of delegations to which you refer is not new. We've had those delegations in force for many years, perhaps decades, and there's never been a question of meeting the obligations of the Official Languages Act. They have managed quite well, to my knowledge.

There are always incidents where someone wants to question something. But the delegations themselves are obligated to respect the law, and to my knowledge they do, to the best of their ability.

The Chair: Monsieur Laframboise.

[*Translation*]

Mr. Mario Laframboise: I want to go back to my initial question. I have nothing against the safety management system, but the problem, to my mind, is that you are creating an organized system that will apply to small companies. I think that it can work for large corporations, and I am convinced that you have the inspectors you need to show up any time at Air Transat or Air Canada and ensure that everything is in order.

The problem with this bill is that you are organizing smaller companies into safety management systems. If they are unable to do so themselves, you create designated organizations that will organize the sector. So you are creating an organized system.

To my mind, the dubious aspect concerns the monitoring of this system, which must always be done by Transport Canada. You say that you will be doing more inspections than in the past. We will see what other witnesses have to say about that. For the time being, that is what you are saying, and I am not sure that it is the case. I know that you have reduced your inspectors' training budgets. That is the problem.

I do not have a problem with organizing the system, with delegating to organizations that will take responsibility for a sector, but you must have the staff necessary to inspect any company, from the smallest to the largest, at any time. Having the industry organize itself and set up safety management systems is one thing, but if there isn't anyone I trust to ensure that they are meeting the safety standards as the population expects them to do, that is a problem.

You are organizing a system, but I am not sure that you have the staff you need to ensure that the system is better than the current one. As we speak, you have inspectors who may go, at any time, to any company to ensure it is meeting safety standards.

That is what I was saying at the outset. Because of the attacks in 2001, I would have preferred seeing a greater number of inspectors and not an organized system; let's allow, for example, Air Canada and Air Transat, through regulations, to have a safety management system, but not the smaller companies. Keep in mind that it was a smaller company that trained the pilots who crashed their aircraft into the twin towers in New York.

I have trouble accepting the idea of this system and leaving the issue of safety entirely in the hands of industry.

[English]

Mr. Merlin Preuss: If I understand you correctly, your concern is with the smaller operators—perhaps the air taxi sector.

[Translation]

Mr. Mario Laframboise: Yes, given what you do. You are creating designated organizations. In your text, it says this:

In low-risk parts of the aviation industry, such as business aircraft operators, we intend to authorize industry to establish operational standards for their members. We would audit their members' management system [...]

So it is the organization that will audit the management system. That is what you are telling us, it is in writing.

[English]

Mr. Merlin Preuss: What I think has happened here is that a system is in place for the non-commercial operators. It is for the likes of Shell Canada and their flight department, for Weston Foods—for presidents in the private sector who have their own airplanes. We have a system in place now, a very successful system that has been running for more than three years, and they have to have a safety management system. In between us and the operator is an organization that has a designated authority to provide the infrastructure for the safety oversight. You're talking about the Canadian Business Aviation Association.

One of the reasons they've been so successful and have a very good safety record is the CEOs of the companies take the advice of their flight department, and they are knowledgeable of the operation. That's different from you or me buying a ticket, sir, because we basically trust in the system that's in place to assure our safety.

I've no intention to designate a company to go out to provide oversight over these small operators—not at all. That's not what's envisioned by anything in this act. That's not what we're talking about at all. We're talking about putting at least the basic principles in place at the smaller operations, the smaller airports, the smaller air

operators, so that they too can start looking a little deeper into their problems to find the issues before they become accidents.

We've just completed a pilot project that included even something as small as a one-person maintenance organization to see the issues that would be coming forward if we asked for the SMS to be put in place with the smaller operators, and the results have been quite positive. The only thing that stands out in terms of the study is that, as we might expect, they're going to need more help from us to set these things up than perhaps Air Canada or Nav Canada or Pearson airport would need, because they simply don't have the expertise, the sophistication, and the infrastructure—but we would ask them to apply the same principles, albeit at a less sophisticated level in a less sophisticated process.

As I mentioned before, that's not law and that's not regulation yet in terms of the smaller operators. We're being very careful; we're not about to displace what has given us the record we have without some assurance and confidence that what we have put in place is going to do the job. This is not a tomorrow thing; this is three years or four years down the road, and with a careful implementation plan.

All I can tell you now, based on our experience—and we've been at it for quite a few years with Air Transat—is it's all positive.

There was also a question about intervention. We're not going to lose the ability to intervene as we have in the past; we just won't start there, because if the system works, then the little bits and pieces of the system will work.

Today we sample little bits and pieces of the system and we deal with that particular infraction, that particular problem with that particular person, or that particular procedure. Why not fix the whole thing? Why not develop a system through which the little thing never gets to grow, because it's identified and fixed?

That's the theory. The practice right now has been successful to this point.

• (1650)

[Translation]

The Chair: Mr. Atamanenko.

Mr. Alex Atamanenko: Proposed new section 5.392 in clause 12 is meant to ensure the confidentiality of information provided to the Minister of Transport as a result of a process under the Canadian Aviation Document Holder's Safety Management System. New sections, in this case sections 5.395 to 5.398 in Bill C-6, set up the legislative framework for a voluntary reporting program for information on contraventions relating to aviation safety or security. There are provisions intended to provide qualified confidentiality protections and enforcement immunities to persons who report such information.

Please explain how the voluntary reporting provisions contained in clause 12 provide adequate protection against self-incrimination for persons who report information under the safety management system.

In other words, in the case of these people, it would appear that there is a lack of protection. Can you share your comments with us? [English]

Mr. Franz Reinhardt: You're referring to what you're calling a whistle-blower approach, are you not?

These provisions are far from being whistle-blower provisions. We considered a possible whistle-blower program but realized that under the safety management system we wanted a better cooperation and coordination between employers and employees, and to ensure a good safety culture and good working relationship we realized that whistle-blower provisions were not what was required.

What we're doing here is asking employers, under a set of regulations already in place, to have within their SMS system a voluntary reporting, with a non-punitive policy whereby people can report without fear of reprisal inside the company.

What we're seeing here is that if Transport happens to be auditing or assessing a company and happens to observe information reported by an employee to an employer, that information will be protected from use against either the employer or the employee for enforcement, and also under access to information, if there were....

Supposing we bring the information back to the office—and we are under the access to information purview—it's going to be protected by section 2 of the Access to Information Act. We want people to be free to report to their employer blunders they may have committed, little violations that may lead to a bigger problem. We want them to be able to fix them. That's why we say report it.

If we happen to view this when we examine and audit you, we will not use that type of thing against you and make it available. This is one part of the voluntary reporting.

Later on, in another provision, we are creating what we call a universal voluntary non-reporting program for those people who are not governed by SMS, mainly for the general aviation public or small "other aircraft" maintenance engineers or others, everybody who would want to report information of a violation that was not intentional or that is not something criminal.

There, we are emulating an American system—called the ASRS, aviation safety reporting system, in the States—that was considered very successful, to obtain safety data we would not otherwise obtain because people would not come forward to tell you they had committed a blunder and that some safety aspect was involved.

Now, with this process, the Americans have realized they are getting much information that they can put to good use. They identify it and put it to good use to help advance and improve the safety of the travelling public. That's another system.

So there are two systems there. The main purpose is to obtain as much safety data as we can obtain, because we're in a world where we need that safety data to go the extra mile. As we said earlier, it's not by giving more sanctions that aviation safety will improve.

We've been shown in the past that if you sanction someone and don't help them find the root cause for their having done something wrong, they'll never learn and will keep doing it again; whereas now, with our new systems, we want to give them the opportunity to find

the root cause factor and take corrective measures themselves and not do it again. This is the way we are thinking about advancing safety.

• (1655)

The Chair: Thank you.

Mr. Volpe.

Hon. Joseph Volpe: I'd like to follow that up very briefly.

There is a lot of confidence and a lot of faith placed on this voluntary reporting system. As you've just said, unless I misunderstood everything, you indicate that you thought this would not be one of those circumstances that would require whistle-blowing protection because you didn't want the company or the organization to feel it would be penalized if the information came forward, so it would be more receptive to getting information that would be fed into an understanding of the trend line in establishing root causes.

I understand how, in theory, that would work. What if the employer decides it is inconvenient for that information to come forward from an employee and fires the employee? What protections do you envisage in this legislation for such a circumstance?

Mr. Merlin Preuss: There are a couple of ways I can answer this, sir. I'll start by saying that the management system we're putting in place in Transport Canada civil aviation is identical to what we're demanding of the industry. When I talk about reporting cultures and how those systems work, I have a bit of inside and first-hand knowledge. In terms of what is advertised, if you go to our website right now, you'll find a thing called CAIRS in English, the civil aviation issues reporting system. If you're looking for a whistle-blower provision, that's it, because that supercedes anything else. It can be totally confidential. It can be at whatever level the reporter wants.

Today, as we sit, if someone wants to blow the whistle on somebody, they have that system available to them. That's part of the policy, and I don't see it changing. In fact, all I see happening is its use being enhanced. So in terms of what goes on inside a company that's not appropriate, they still have another place to go.

As for what your other question was, I missed the first part of that, Mr. Volpe. I just missed the nuance.

• (1700)

Hon. Joseph Volpe: It all comes down to giving the employee some level of comfort that in the process of reporting, that employee is not putting his or her job at risk. Should the employee get terminated, there is some recourse to a reinstatement or some sort of relief.

Mr. Merlin Preuss: The answer is that it's difficult to explain how the assessment process works. Frankly, when we go in and do an assessment, we are talking to individuals on the shop floor. We are talking to pilots in the cockpits. We are talking to flight attendants in the back. We will be asking them questions like, "How is this system working? What have you reported? What haven't you reported? Why? If you reported something, we'll follow the life cycle of that report to see if it has complied with the SMS. If you haven't reported it, that's a data point as well, but why didn't you? What's wrong? What are you afraid of?"

That's a basic premise in our assessment tool, in terms of how the reporting system or the front end of the SMS is working. There are several ways that I think that information will come to light.

Let's not forget that what we're dealing with here are the smaller issues. Once there's a major incident, this system is put aside. For example, once you get the coroner involved or the RCMP involved, or where you've hurt somebody when there's an accident, you have the safety board involved. But at that point, the SMS has failed, the whole system has failed, just as it has today.

All we're talking about here is the front-end stuff, to try to get at it before it turns into a Transportation Safety Board accident investigation or, worse still, something requiring the involvement of the coroner. That's where we see the meat.

[Translation]

The Chair: Mr. Bélanger.

[English]

Hon. Mauril Bélanger: Actually, maybe we're talking about a bit more, because in this proposal there's quite a bit more authority for Defence after an incident has occurred. Is that correct?

LCol Jacques Laplante: There shouldn't be more authority for Defence, because we have the same concept. Our accident investigation cannot be used for disciplinary or administrative reasons. All of the information we're gathering is de-identified and we're not putting any names in any of our reports. We're making sure that we de-identify the information.

Hon. Mauril Bélanger: But in terms of the amendments proposed in this bill, National Defence will have more authority.

LCol Jacques Laplante: We will.

Hon. Mauril Bélanger: Okay. And it's not just pre-emptive, it's after an incident as well. Is that correct?

LCol Jacques Laplante: Basically, presently we're asking for more powers of investigation, which we don't have for civilian companies or civilian employees. The aim at the end of the day is still to make sure we have a very thorough investigation process.

Hon. Mauril Bélanger: I don't know if this is dealt with in the act, but I hope to get an answer.

What would occur? What would happen? Who would have the final authority if we had a situation involving both the military and civilians and there was a conflict in terms of how to proceed? Who would have the final authority to determine how an investigation, for instance, would proceed? Would it be DND or the Minister of Transport?

Mr. Franz Reinhardt: Are you talking about an accident?

Hon. Mauril Bélanger: I'm talking about any circumstance. If there's a conflict between the two departments, how is it resolved?

LCol Jacques Laplante: If it's a matter of investigation, if it's a military airplane, we're probably going to be the lead. If it's a civilian airplane and it happens at a civilian facility, let's say at a civilian airport, because it's a military airplane, we will be the lead. The Transport Safety Board will be a member of our investigation team, and we will be doing a coordinated investigation. If it's a civilian airplane that has an accident at a military facility, as we had some years ago when we had an accident happen in Moose Jaw

during an air show.... It was a civilian airplane. The Transport Safety Board was the lead agency and we were part of their investigation.

It is well established within the legislation.

• (1705)

Hon. Mauril Bélanger: My question is this. If there were to be a conflict, and both departments see the situation, who has the authority in the act—more than in the proposals—to determine that this is how we will proceed? Where does that authority lie?

Mr. Franz Reinhardt: If you look at the application of the provisions, it clearly spells out where the Minister of Transport has authority and where the Minister of National Defence has authority. It shouldn't leave any grey area. If there were one, I guess that our ministers and senior officials would meet and try to....

But if you look at the definition, Mr. Bélanger, it seems very clear.

Hon. Mauril Bélanger: All right, I'll look out for that.

I wanted to ask two things. One is just sort of amusing. There is one power that's been given to the minister about zoning, if I recall, wherein the minister would have the authority to destroy. Does that mean that if that had been in the act before, the Chatham silo would not have been an issue?

Mr. Franz Reinhardt: The Chatham silo, I remember, was about 15 or 20 years ago. At that time we didn't have the authority.

Hon. Mauril Bélanger: I know. So would that have been the solution then, that the minister would have ordered it destroyed?

Mr. Franz Reinhardt: It could have been one potential solution —

Hon. Mauril Bélanger: Well, we have to be mindful of that.

Mr. Franz Reinhardt: —aside from negotiation.

The Chair: Be very brief.

Hon. Mauril Bélanger: This is a much more far-reaching question, I hope. Am I misreading this when I read that there would be a greater power for regulating? I'm not sure. I thought I heard that. I don't have difficulty with the situation where regulations are created, and there's a system whereby this occurs now. But is this act asking for a greater authority to regulate on the part of the department?

Mr. Franz Reinhardt: No, we're asking, in some areas, to expand the regulatory authority, which of course is always subjected to the CARAC—the Canadian Aviation Regulation Advisory Council—process, but in consultation.

Hon. Mauril Bélanger: Is it no longer through Parliament, then?

Mr. Franz Reinhardt: Yes, it goes through. It gives it one, it gives it two.... Well, there is the committee, the Governor in Council.

Hon. Mauril Bélanger: Okay, that's what I want. As we go through these hearings, then, I think that would be something we may want to....

Mr. Franz Reinhardt: Yes, there may be one or two areas where there are additional requirements for regulation-making authority.

Mr. Merlin Preuss: I'll give you an example. Right now we have no authority to regulate with respect to fatigue issues for maintenance people. So you'll find a fatigue management section there that now targets all the people in aviation, because the previous act restricted our powers in that area in terms of where we could regulate. So we're trying to take a holistic approach towards everybody who could impact the safe flight and to deal with things like fatigue. In those areas, yes, there are some additions.

The Chair: Mr. Carrier.

[Translation]

Mr. Robert Carrier: Thank you.

I had some questions left on the role of the Department of National Defence.

Mr. Laplante, you talked about civil-military occurrence investigations. I would like to know what you mean by that. Is there a single type or are there several? Does it involve cases where military aircraft collide with civilian aircraft?

• (1710)

LCol Jacques Laplante: For several years, a number of civilian companies have been involved in our flying operations. The situations vary greatly. In some circumstances, civilian organizations provide us with our aircraft. That is the case with Bombardier in Moose Jaw. These companies provide the aircraft and maintain it, whereas on our side, we provide the pilots and train them on the aircraft.

Other civil-military investigations can take place if, for example, a civilian company performs major maintenance work on one of our aircraft and following that an accident occurs. The civilian company is implicated in the probable causes of the accident. We must be able to investigate the civilian company to determine the causes of the accident.

In other cases, for example in Southport, Manitoba, we have aircraft that are subject to a contract between National Defence and a civilian company. They belong to the civilian company and are registered with Transport Canada. They are maintained in accordance with Transport Canada standards, and that department is responsible for certification.

However, use of the aircraft by National Defence is part of a long-term contract and, according to the Canadian Transportation Accident Investigation and Safety Board Act, National Defence is responsible for investigating an accident in which it is involved, provided that the aircraft are used in support of National Defence. So you have an aircraft that is completely regulated by Transport Canada but which is used by National Defence, who becomes responsible for the investigation. In that case, if the accident does not involve another civilian aircraft or a civilian airport, it can be considered purely a military investigation, and the Transportation Safety Board cannot be involved in our investigation. That is where

we need to be careful. We do not want to end up with a civilian employee who is afraid of losing his job because he has provided information to the Department of National Defence. We must have the same authority as the Transportation Safety Board to be able to protect the individual. Our goal is not to punish the individual, our goal is always to find the causes of the accident to ensure that there won't be another accident for the same reasons.

Mr. Robert Carrier: If I understand correctly, in all of the cases that you have mentioned, the investigation will be conducted by the person designated by the Department of National Defence? So the investigation will be conducted by your department, will it not?

LCol Jacques Laplante: Yes, within the Department of National Defence, the minister has the obligation to investigate all flight safety problems. The department has delegated that authority to my boss, the Director of Flight Safety, who is also responsible for investigations under the Technical Airworthiness Program. When we conduct an investigation we do it independently. The chain of command does not influence our report. The report is not signed by the Minister of Defence or by the Chief of the Air Staff, the report is signed by my boss, and it is an independent report. It is an independent organization. A certain number of investigators are trained specifically for this type of investigation.

Mr. Robert Carrier: Is the definition that you have given me concerning accidents between military and civilian aircraft in the bill?

LCol Jacques Laplante: Yes. In English, these aircraft are called military conveyances. In French, this is identified in paragraph 10(1) (a). This paragraph defines what is considered a military aircraft and what is considered a civilian aircraft operated by National Defence. This is an aircraft under the direction of National Defence for the purposes of the investigation.

Mr. Robert Carrier: So, could Transport Canada experts be part of an investigation you are conducting?

LCol Jacques Laplante: Yes, of course. At that point, we will use the expertise of Transport Canada and the civilian company. Given the proposed amendments to the legislation we will be able to use civilian experts, while protecting information. And we will be able to make recommendations when our report is reviewed, before it is made public on our website.

[English]

The Chair: Thank you, Mr. Laplante.

With that, we do have a few things that I want to close our business day with, so I thank our witnesses for attending today and I appreciate your comments. Perhaps we'll have a discussion later, as this bill moves forward.

Thank you.

While our witnesses are leaving, I would like to advise you of a couple of things.

Mr. Bélanger mentioned expert witnesses being available in regard to the other side of this story, I guess. We have Mr. Moshansky, who acted in the Dryden review. He actually wrote us and asked us if he could make a presentation to committee. He did the inquiry and made the final report and two interim reports, and I think based on what I'm hearing, he may present a very interesting, different position to what we're trying to do.

I am also advised that there are some people who could be made available through the ICAO, which is the International Civil Aviation Organization, who deal with those types of issues.

The last thing I want to bring to the committee's attention is that I received a letter this morning from Canada Post. I'll read the letter, and I'll just advise you as to what I've done with it and where we will proceed.

It's written to the clerk. It says:

The President of Canada Post would like to thank the Committee for their invitation to appear before the Standing Committee on Transport, Infrastructure and Communities. Unfortunately, a scheduling conflict prevents her from appearing before your Committee this coming Wednesday, February 14, 2007.

The President wants to confirm her commitment to participate to any future appearance in order to address the important issue of remailing or any other Canada Post issues.

I will be contacting her office. Due to the timing of it, I felt I had to make a decision, and I've made a decision that we would defer her, with the idea that I'm going to get in touch with her over the next week and confirm a date. Something has come up.

We were able, for Wednesday's meeting, to confirm Transport 2000 to appear before the committee on Bill C-6.

Mr. Julian has advised the clerk, and therefore me, that he would be bringing forward his motion with regard to the National Marine Council on Wednesday. It's been tabled and he has the option of bringing it forward.

If everybody is comfortable with that.... Mr. Volpe.

• (1715)

Hon. Joseph Volpe: Mr. Chairman, I was under the mistaken impression that you were going to canvass the committee on how you were going to respond to the president of Canada Post.

Just as a matter of general response to an answer like that, what you read out in the letter, I would say I'm not impressed with somebody's commitment to the commitment. I'm more impressed with the attendance when it was requested. So unless it's too late, I'd advise that you let the president of Canada Post know that we'd already confirmed her for Wednesday and the members are loaded for a meeting on Wednesday. That's this Wednesday, not next week.

The Chair: Monsieur Laframboise.

[*Translation*]

Mr. Mario Laframboise: You made a decision. You have already contacted Canada Post to say that you agreed to discuss this another day.

[*English*]

The Chair: We have started the negotiations, and I'm hoping it'll be done within the next 10 to 14 days, which would be the next two to four meetings. I would be prepared to accommodate whatever Ms.

Greene's...if she says February 28, we'll make arrangements for that particular day.

Monsieur Laframboise.

[*Translation*]

Mr. Mario Laframboise: I trust you. In committee, we always try to get along with the witnesses, but I should also mention that there are limits to our patience.

[*English*]

Mr. Brian Jean: Is there a speakers' list, Mr. Chair? I'm just curious.

The Chair: We have confirmed those for Wednesday, just simply because of the timeframe. We have done a call-through on the list that was presented to the committee the other day, and I'm hoping that after Wednesday I'll be able to meet with the subcommittee and confirm the names on the list.

Mr. Jean.

Mr. Brian Jean: I want to bring to the new committee members that I think Ms. Greene has been here once or twice in front of our committee already—

The Chair: Once.

Mr. Brian Jean: —and I know that on two separate occasions I asked her for a meeting and she always responded quickly. So I don't know; it must be something of great importance.

I'm curious about the other witnesses, though, at the same time, because I know Mr. Laframboise had especially requested that CUPW representatives and Ms. Greene attend at the same time. I don't know the will of the committee, but that's what he had suggested.

• (1720)

The Chair: No, it is still my plan to have them both attend at the same time.

Mr. Brian Jean: Then as far as Wednesday goes, what would be our...?

The Chair: On Wednesday we would be doing Transport 2000, and Mr. Julian has advised us that he will be tabling his motion in regard to the National Marine Council.

We are trying to add another witness if we can, but due to the short notice, it has been a little more difficult. I can assure the committee that I'll be diligent in confirming Ms. Greene to the committee.

Mr. Brian Jean: Just being proactive and understanding from history, should we maybe set aside four or five hours for Mr. Julian's motion at that time?

That was for the record. And it's not even Friday.

An hon. member: He's not here to defend himself.

The Chair: Mr. Volpe.

Hon. Joseph Volpe: It being only Monday, Mr. Chairman, I'm just a little bit befuddled by the turn of events—I really am, sincerely—because without revealing the substance of the discussion in camera of the committee that was setting the agenda, you'll recall that there was a sense of urgency about trying to speak with Madame Greene and others, given the rush of the timetable that was coming upon us.

If I understand correctly what you said, we probably will not see Ms. Greene until sometime towards the end of March, because it is your expectation that she might be available for the end of February, but you have no indication that this is going to be the case. So, of course, the only way we could speak to her would be next week, and then after that we're gone for a couple of weeks at least.

I'm wondering, why this turn of events? What is so urgent for Madame Greene that she couldn't come here, especially given the government member's suggestion that she has always made herself available? As I say, I don't want to reveal the substance of the discussion in the last meeting, but there's a series of inconsistencies here that are puzzling, quite frankly.

The Chair: It's my understanding that something obviously very important to her has come up. It was Ms. Greene's suggestion, the date of February 14, and I presume something dramatic has changed that.

I know from experience in the last session with this committee that if we felt or if there were a thought that a witness was avoiding us, we did have the power, and we actually executed that power, to bring somebody in, pretty much on a command performance.

Hon. Joseph Volpe: The reason I'm asking the question is that given the circumstances that the committee was going to impose on the meeting...whether it's those circumstances that prompted a request for deferral.

The Chair: I don't believe that to be the case.

Mr. Jean.

Hon. Joseph Volpe: Is this based on faith or on fact?

The Chair: I'll defer to Mr. Jean.

Mr. Brian Jean: I have no first-hand knowledge, but I understand that the witnesses who were coming forward on Wednesday had no problem with the issue that we discussed and the result of it. My understanding is that they were still coming at that time.

I do want to make mention of two things, though. The notice of motion that was put forward, I believe, if you read it, dealt only with the issue of remailers. The discussion we had also affected the rural mail, and we wanted some answers on rural mail as well. So I would say that the original motion didn't talk about rural mail; it just talked about remailers.

Also, to be fair to Ms. Greene, I've asked for her to be in attendance, including the committees, three or four times now, and she has always made time to see me, even about other caucus members' questions, from all parties.

She has a huge corporation of 70,000 employees to run. I'm sure that if she's asking to be excused from the committee, she has other business to attend to that must be of some sort of urgent nature. I

would suggest at this time, and, quite frankly, we passed that motion fairly strongly, all of us did, and I think the reality is, let's get on to other business.

We have Bill C-6. I don't think the remailer issue is a major one at this time. Rural mail is an issue, but they have a directive. I did have a briefing from Canada Post on that particular directive and what they were doing, so they were going to come forward and report to us what they were going to do on rural mail as well as remailers. I think the directive is up in another 30 or 40 days. I don't think there's any rush in relation to that particular issue.

But certainly, we—and I think Ms. Greene—are open to another date.

• (1725)

The Chair: I will contact Ms. Greene's office directly and try to bring to committee as early as Wednesday a firm date for when she will appear.

Monsieur Laframboise.

[Translation]

Mr. Mario Laframboise: I'm listening to what the parliamentary secretary is saying. Although this question may not be important to him, perhaps it is to others. Do you understand?

Let's be very clear. I don't want the opinion of the parliamentary secretary, who does not want her to appear before this committee, to prevent us from having her appear. If that is the case, we will respond accordingly, and he does not constitute the majority. I want him to understand this.

[English]

The Chair: I will report back to the committee on Wednesday on any correspondence I've had with her at that point.

Monsieur Bélanger.

Hon. Mauril Bélanger: We obviously put out the notice for the meeting on Wednesday before confirming the witnesses.

The Chair: No, they were confirmed.

Hon. Mauril Bélanger: So the witnesses were confirmed, and after confirmation they asked not to appear?

The Chair: This was the date Ms. Greene put forward to us as one she could work into her schedule.

Hon. Mauril Bélanger: Did we reconfirm on Friday before putting out the notice?

The Chair: We got the notice today.

Hon. Mauril Bélanger: And that was after reconfirming on Friday? I'm a little surprised at that. Perhaps we shouldn't be as accommodating as you've demonstrated here.

The Chair: I appreciate those comments, and I will report back to the committee on Wednesday about my conversation with Ms. Greene.

Thank you.

The committee is adjourned.

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