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CANADA

## **Standing Committee on Transport, Infrastructure and Communities**

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**EVIDENCE**

**Thursday, March 25, 2010**

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**Chair**

**Mr. Merv Tweed**



## Standing Committee on Transport, Infrastructure and Communities

Thursday, March 25, 2010

• (1050)

[English]

**The Chair (Mr. Merv Tweed (Brandon—Souris, CPC)):** Members, as we discussed at the subcommittee in regard to Bill C-310, an Act to Provide Certain Rights to Air Passengers, in the last Parliament we had a motion that went to the House. I think everyone has it in front of them. It was decided at the subcommittee that we should deal with it, or at least address it.

Monsieur Laframboise, you have the floor.

[Translation]

**Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ):** I am ready to move once again the motion to adopt a report. The motion would read as follows:

That, pursuant to Standing Order 97.1, and, after some hearings on Bill C-310 [...], the Committee recommends that the House do not proceed further with Bill C-310 because it makes air carriers responsible for passenger inconveniences and excludes the responsibility of other parties such as an airport authority, NAV CANADA, Canadian Air Transport Security Authority [...], and the Canada Border Services Agency.

I maintain my position. I know that the bill is now back before the committee. We could consider it all over again, but my position would still not change. I have heard the witnesses whom I needed to hear. It is pointless to drag out a bill that, in my opinion, cannot be amended to meet our needs.

[English]

**The Chair:** The motion has been presented and seconded.

Mr. Volpe.

**Hon. Joseph Volpe (Eglinton—Lawrence, Lib.):** Mr. Chairman, obviously I'm not in agreement, primarily because I disagree with the way the motion was accepted. In fact, all the discussions we had relative to a study of the bill did not make the air carriers exclusively responsible for inconveniences. It did in fact include any other parties, because the definitions were large enough to be able to allocate the liabilities according to circumstances. The definitions were sufficiently wide enough to be able to say let us establish a passenger bill of rights that protects the interests of the traveller, mitigated only by circumstances that would be outside the air carrier's control, and Nav Canada, for example, or weather conditions and others would clearly be left out of that.

If the committee is going to say, no, we don't want hear this, despite the fact that the House said it wanted us to study this and come back with a good recommendation, then this recommendation doesn't really reflect what the House wanted us to do.

It's probably best for us to resume consideration of the bill. A lot of things have happened since this particular motion was passed by the committee, and I ask the committee to reconsider.

**The Chair:** Mr. Bevington.

**Mr. Dennis Bevington (Western Arctic, NDP):** I'm in agreement with most of what Mr. Volpe has said, but I want to add another factor to it.

We heard a lot from the airline industry about how they were going to do this voluntarily, when the bill was in front of us. Have we heard much about that in the intervening time since we put this motion forward before Christmas? No, they just shut right up. I don't see that the voluntary response was very sincere. They've had plenty of time now to come up with their voluntary response to air passenger rights and they haven't done it.

By taking this off the table now, we're not putting any pressure on the industry at all. We're not making them do what they said they wanted to do. So not only are we rejecting what Parliament said we should do, we're taking all the pressure off the airline industry to do what they said they were going to do.

This committee should take heed of what's happening and recognize that this is an important issue and that we don't play games with this issue and we don't try to ignore it. This is an issue we should deal with. We should keep it on the table, and over the course of the next while we can start to talk about how this works.

Maybe we'll bring the airline industry back in and ask them what they did over the intervening six months to give the voluntary consideration to airline passengers' rights, where that has gone, how far they have moved in doing that.

I think in that regard we'll do our job here. If we simply ship this back to Parliament the way it is, we haven't done our job.

**The Chair:** Mr. Jean.

**Mr. Brian Jean (Fort McMurray—Athabasca, CPC):** I just want to say that the House wanted us to study it, and we studied it.

I agree with Mr. Laframboise, in this case, with respect to Mr. Volpe, that quite frankly the airlines are being held responsible for everything, even things outside their control, with this bill. I don't think, as a result of that, we can support...especially with regard to the circumstances right now of the economy.

Although the bill may have validity, and sometime in the future we could look at it again, I frankly think this particular bill has so many flaws that we can't support it.

**The Chair:** Mr. Volpe.

**Hon. Joseph Volpe:** You will not be surprised, Mr. Chairman, that I disagree with the parliamentary secretary on this. Mr. Bevington has given us all an opportunity to step back for a little bit. We don't have to report this until June 11. We might hold back the reporting until... Maybe we might change our mind, but...

Mr. Bevington draws a very important and salient point in all of this, which is that the airlines had said to all of us that they were making all of their adjustments, that they were prepared to make the adjustments. In fact, they met with me and said they were prepared to do everything that needs to be done. Then, in the same breath—I'm sure Mr. Jean will not want this to be repeated everywhere—they decided they were going to thumb their nose at our study, because the government had agreed with their position and they were confident that the government was going to shut this thing down.

I'm sure Mr. Jean wouldn't want that relationship to develop legs.

**The Chair:** Monsieur Laframboise.

[*Translation*]

**Mr. Mario Laframboise:** I maintain my position, even more so in light of the events that transpired after we last examined this bill. For instance, in December, a security-related problem made a number of passengers late. The bill would not have solved anything, since the problem was related to security. The committee will probably summon the Canadian Air Transport Security Authority, CATSA, to appear before it and explain what happened to us. The bill would not have affected the situation. In addition, one airline carrier ceased operations. Would the bill have helped the carrier? No. On the contrary, it would have accelerated its demise.

Therefore, a problem exists. I am not saying that there is nothing to be done. I think that airline carriers are aware of this. Considering the way the bill was tabled, I am surprised. After all, the NDP and the Liberals still have the opportunity to do something, their MPs have the opportunity to introduce bills. They could bring forward an amended bill, one that would be more acceptable to the airline carriers.

I understand that we have a problem, and airline carriers told us as much when they appeared before the committee. Everybody needs to sit down together to discuss this issue. Airline carriers, the Liberals and the NDP should discuss the matter and introduce an acceptable bill. In the meantime, the bill we are currently discussing will not help the situation, but it may make it worse.

• (1055)

[*English*]

**The Chair:** The motion by Monsieur Laframboise has been put.

(Motion agreed to)

**The Chair:** As a final piece of business, I need a motion from the floor to report this to the House.

**Mr. Brian Jean:** I so move.

**The Chair:** It is so moved.

(Motion agreed to)

**The Chair:** I have nothing else on my agenda.

**Hon. Joseph Volpe:** We have about a minute, and I just want to raise a point of order.

**The Chair:** On a point of order, I'll hear Mr. Volpe.

**Hon. Joseph Volpe:** With respect to item 5 on the report from the subcommittee to the committee, that the chair was to request an update from the Department of Transport on follow-up items related to the Toyota study and that further meetings were to be scheduled as necessary, I know that we are waiting with some anxiety for some of the documentation that will be coming forward from the department.

In the interim, can we, as indicated in principle, begin to bring together some of the witnesses who might furnish a good follow-up, who in fact have a stake in the conclusion of our study?

**The Chair:** Are there any comments?

Mr. Jean.

**Mr. Brian Jean:** I certainly think that's appropriate, but I would like to get the information from Toyota first that we've asked for; in particular, when they were aware of the incident in Europe and whether or not it concerns the same equipment. It greatly concerns me that they would wait a year for that, so I am certainly very concerned about it. I would like to get that information from Toyota first and would like to have translated what is necessary to have translated, so that this committee can go through the other information that has been provided by Transport Canada.

Both of those things need to be done, and I need at least a week to go through that information.

**The Chair:** Mr. Watson.

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

I might as well be on the record, then: if we're going to begin to look at such a meeting, I think it's important that we call CTS Corporation to come before the committee to confirm precisely when the discussion began with Toyota over redesigning the gas pedal.

Also, I think there's a secondary reason that's in the public interest. That is that CTS has released public documents that cast doubt on whether or not the gas pedal issue solves the broader issue of sudden acceleration in Toyota vehicles. We have Toyota saying that the deal is closed: it's not throttle, it's not the gas pedal, it's no longer the floor mat issue, so everything is settled. CTS leaves that door wide open, I think, with their own press release.

We need to get to the bottom of whether the out-of-control-vehicle issue with Toyota has been satisfied. I think CTS is one of those witnesses who would have a valid opinion, having been a supplier since 2005 of the gas pedals. I want it on the record that I'm interested in having CTS Corporation appear. That could be Mr. Khilnani and/or other relevant officials from their operations in Mississauga.

**The Chair:** I would ask the committee, based on the direction in what I think I'm hearing, that if people submit names to me through the clerk, we'll certainly contact those people and put them on alert that we would hope they'd attend our meetings.

Mr. Volpe.

**Hon. Joseph Volpe:** Thank you very much for that, and I thank the committee members for being open to doing this and doing it with relative speed, if I understand Mr. Jean correctly.

As a courtesy to all colleagues, I've written the minister and have copied the deputy minister and the chairman asking for any documents that are available in either language to be sent to me personally. I'm asking for them as an individual member; I don't care what language they're in.

I would also honour any embargo the department might have with respect to submitting any of those documents to the committee. I wouldn't do anything with them, outside of my own personal study, until such time as the committee received the portion that I would deal with.

I'm just letting you know as a courtesy.

● (1100)

**The Chair:** Thank you.

The meeting is adjourned.

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