

Aircraft Registry Act

ing; the bill provides also for regulations concerning the manner, form and content of notices of interest, as well as the procedure to be followed, the nature of required rights, the provision of copies, etc. It also provides for penalties in the event of false information.

The eighth and last main provision of this bill is that it gives the required legal base for Canadian adherence to the Geneva Convention on the International Recognition of Rights in Aircraft. To this day, 33 countries have ratified the convention or have made application, particularly the United States, France, West Germany, Italy and the Scandinavian countries. The United Kingdom, one of the ratifying states, has recently adopted measures similar to ours, under its Mortgage of Aircraft Order of 1972.

Finally, the Aeronautics Law Section of the Canadian Bar Association has studied and encouraged for many years the establishment of a central aircraft registry. Representatives from the Canadian Bar Association have reviewed and approved these provisions and a number of their suggestions have been retained. The bill has the support of Canadian aircraft builders, Canadian financial institutions, and the Canadian Air Transport Association.

● (1450)

[English]

Mr. Elmer M. MacKay (Central Nova): Mr. Speaker, we, on this side of the House, listened with considerable interest to the parliamentary secretary explaining the various provisions of this legislation. It seems to me that this is a bill of considerable merit. The preamble to the bill indicates that Canada can hardly be accused of acting with undue haste in associating itself with the provisions of the convention which was signed at Geneva in 1948. That convention had to do with the international recognition of rights in aircraft. It is only legitimate to ask why such a piece of legislation of such obvious merit has been so long delayed.

This is a constructive piece of legislation and, certainly, we on this side of the House do not wish to impede unduly its passage. We welcome its introduction and, after making some comments on it, will not stand in the way of its orderly process through the House.

The Standing Committee on Transport and Communications of the other place considered the various ramifications of the legislation and looked at many of the practical considerations which are involved. This bill, as the parliamentary secretary said, is designed to protect, to regulate in an orderly fashion, the registration of aircraft, and to deal with the rights and interests of those who deal in many ways with aircraft. This includes their purchase, sale, maintenance and repair.

It has been suggested that, possibly, one reason for delay in bringing this bill forward has been the lack of pressure exerted by aircraft owners, operators and others in the aircraft industry. I doubt that. Nevertheless, the fact that such a suggestion has been made is an indictment of this government's policies.

An officer of the Department of Transport, testifying before the committee of the other place about the lack of pressure being responsible for the delay in bringing for-

[Mr. Guay (St. Boniface).]

ward this legislation said, as reported at page 2:6 of the proceedings of that committee of June 27, 1973:

I do not think it was a case of mature reflection: I think it was a case of pressure not being exerted by any aircraft operators or financial interests that there was any advantage to implementing the convention. Where Canada is now getting into the manufacture of aircraft itself, and trying to sell these aircraft in other countries, the rights in these aircraft must necessarily be recognized...

That, certainly, is a proposition which makes sense. The witness went on to say:

Then, too, there is the large amount of money involved in purchasing aircraft from other countries—and they are getting more expensive now—and it is difficult to find out what is actually against an aircraft. It is more difficult now than it has been. This legislation has actually been in process for about five years, but this is as far as it has ever got, and we hope that it will continue.

We want to see this legislation implemented. It has considerable potential in its application both domestically and, as the parliamentary secretary said, internationally.

Some provisions of this legislation are of interest to those who are concerned about constitutional problems, as they impinge to some extent on provincial jurisdiction. Perhaps some of my colleagues will say something about that later. I hope that in the establishment of the registry system, as set out in the legislation, there will be a maximum of co-operation by provinces. I believe that this will be the case.

The legislation will have a great deal of practical effect. Of course, its utility will depend on the regulations and the procedures which will be implemented. Uniform procedures must be implemented across the country. The same holds true to some extent with respect to the international ramifications of the bill. Hopefully, the various provinces will co-operate and assist in the public advertising and in the various procedures which will need to be developed.

I hope that someone, on behalf of the minister, will explain the meaning of clause 8, which reads:

A person in whose name a notice of interest in an aircraft registered in Canada is not recorded in the registry (a) has no claim in respect of that interest against any other person who, without actual notice of that interest, subsequently purchases or otherwise acquires an interest in the aircraft; and—

Now comes the part which interests me:

—(b) may not seize or take any action to obtain seizure of the aircraft.

I assume that this provision will apply if the person does not take advantage of the various provisions of the central registry. I further assume that it will not affect the existing rights of any person who does not want to utilize this registry system, provided nobody else is ahead of him in coming under the regulations which will be implicit in the setting up of this system. That seems to be the interpretation put forward before the standing committee of the other place concerning this particular aspect of the legislation.

Answering a question put by a Senator, a legal officer said before the committee of the other place, "Whatever rights they have under existing laws remain." He was referring to the categories of persons to which I referred. I assume that that is correct. It is none too clear. I hope that