

Aeronautics Act

proposed new act so that (a) would become 1 and (b) would become 2.

Mr. Turner: I am sure the numbering will take care of itself. The only deletion is in respect of the present subsection 2 of the new section.

The Deputy Chairman: Hon. members have heard the proposed amendment. Is it the pleasure of the committee to adopt the amendment.

Some hon. Members: Agreed.

Mr. Nielsen: Mr. Chairman, I raised one other point having regard to availability. The minister dealt quite adequately with facilities and services provided but he has not satisfied me regarding the levy of a charge for availability of facilities. He drew the example of retainers in the professional field as an analogy but I suggest there is no analogy there. Even if there were, in that case there is a service being offered to the one who pays the retainer, that service being the agreement of the one retained not to act against the one who pays the retainer.

As another example the minister used the field of pilotage regarding ships using our navigable waters. In my submission this also is not a good analogy because as he knows these pilotage fees are only payable when the ships are in fact using the pilotage services or when they are compelled to use them. In this case you are dealing with facilities which no one is compelled to use. These electronic navigational aids are available to the general air space users without compulsion.

During the second reading stage I posed a specific question which the minister might answer. Does any other country which is a signatory to the international air agreement make any charges for the availability of electronic navigational facilities? I hope Canada is not seeking to establish a precedent in this field because the international agreement itself covers this very point.

As I pointed out before, Canada is a signatory to the international air agreement which at page 29 sets forth the following:

Each member state undertakes, so far as it may find practicable, to make available such radio facilities, such meteorological services, and such other air navigation facilities as may from time to time be required for the operation of safe and efficient scheduled international air services under the provisions of this agreement.

There is in any event an obligation upon Canada to provide the kind of facilities in respect of which it is being sought to levy a

[Mr. Nielsen.]

charge because of the mere availability of them.

The minister made a further point regarding my analogy in connection with highways to the effect that we have not yet reached the position where, because of the number of aircraft and users of these facilities, we can afford to pay the cost of erecting and maintaining them. May I point out to the minister that before this bill was proposed no such charges were made for electronic navigational aids in Canada. We are now breaking entirely new ground.

Mr. Turner: The industry is moving forward.

Mr. Nielsen: As I have pointed out, Canada has been a pioneer in the promotion of the growth of aviation.

Mr. Turner: Perhaps this is a pioneering change.

Mr. Nielsen: We do not want to stifle that growth by the imposition of an unacceptable precedent. I believe there are valid analogies, which the minister tried to draw but failed, on the other side of the coin and I want to point out one or two.

A good example of parliament's attitude toward the kind of tax I suggest this is demonstrated by the export duty on electricity which was imposed until the 1963 federal budget which time it was repealed. For many years the authority to levy an export duty on electricity was established under the Exportation of Electricity and Fluids Act and later the Exportation of Power and Fluids and Importation of Gas Act. Under both those statutes it was enacted that the Governor in Council could make regulations imposing export duties not exceeding \$10 per horsepower per annum on power exported from Canada.

At this point it will be observed that in each of those two power statutes there was a delegation from parliament to the executive of the right to impose a tax but with the notable exception that in these power statutes, and this was the point I was trying to get across during second reading, a maximum tax was established by parliament. That is not the case in respect of this proposal. In this case no maximum rate is established anywhere in the bill. Even in the provisions of the Financial Administration Act, as the minister well knows, there was a maximum rate of \$64 established. Here there is no such expression of limitation.