

*Transportation Accident Investigation Board*

ered to confer observer status on that representative in the first instance. The Canadian Bar Association concluded that this special status which was maintained in Bill C-142 represents an erosion of the Board's independence because the Minister, not the board, holds the power to designate.

Second, we must talk about the career opportunities of investigators. Mr. Justice Sopinka observed that investigators at the CASB demonstrated favouritism toward Transport Canada at the expense of the board because all opportunities for career advancement rested with Transport Canada. In other words, there is the suggestion that because these investigators, in looking for career advancement, must go to Transport Canada, they have to please Transport Canada. This situation was seen to have contributed to a reduction in co-operation with board members and therefore an erosion of the board's independence. Mr. Justice Sopinka stated that the investigators always had one eye on the job with Transport Canada. He recommended that a new provision be added to Clause 9 that would prevent investigators from seeking employment with Transport Canada for one year after termination of employment with the board. His recommendation for Clause 9(5) is that no person who has been designated under Clause 9(1), while he holds a certificate of such designation or for a period of one year after he ceases to hold a certificate of designation, shall be employed by Transport Canada without the approval of the board.

Some of the most serious problems with the Canadian Aviation Safety Board Act have not been addressed in the proposed transportation accident investigation Board Bill. Strong recommendations submitted by the Canadian Bar Association and Mr. Justice Sopinka among others, recommendations which would have gone a long way toward correcting these problems, have been rejected by the Government. Therefore, it is expected that the dissension, conflict of interest and erosion of the board's independence which plagued the CASB will simply be transferred to the new TAIB. Both the chairman and the director of investigation are perceived to hold too much power in the present board. This situation ties the hands of the board in limiting its role and function while infringing on its independence. Moreover, the TAIB Bill fails to cut some of Transport Canada's conduits to the board which also restricts its independence.

• (1150)

The failure of the Government to adopt recommendations from two of the most respected sources of legal opinions in Canada raises serious questions. Many controversial and contradictory events have taken place at the CASB in recent times. These need no elaboration. Why has the Government chosen not to adopt provisions that would have corrected these and gone a long way toward improving transportation safety standards in Canada?

The concept of an independent Board to investigate transportation accidents in the air was created in 1984 under a Liberal Government. It was an excellent idea which has been applauded by experts all over the world. The new Transportation Accident Investigation Board that the Minister is proposing to replace the Canadian Aviation Safety Board is modelled after the CASB, and rightly so.

Accident investigation is a crucial element in ensuring high levels of safety standards in this country. The recommendations flowing from investigation reports form the cornerstone of Canada's safety regulations which protect travellers on a daily basis. Therefore, this new multi-modal investigation agency must be of the highest standards, employing top Canadian experts who remain thoroughly independent from the Minister. We will ensure that the TAIB is such an organization by the time this Bill becomes law.

The Liberal Party is curious as to why this multi-modal board is being established on such an urgent basis. Is it really to promote increased safety, or is it to effectively wipe out the four dissenting board members who, for the last three years, have been questioning the causes of the Gander crash? Is it to eliminate dissension on a future board, or is it to eliminate dissenters on the present board?

We believe that the CASB would not have had to be eliminated and replaced at this time had the Government done the only right thing several months ago and called a judicial inquiry into the Gander crash, before the dissension on the Board had grown to a point of being unworkable.

This unjustified delay not only compounded the problem of dissension, but contributed to a lengthy public debate and put into serious doubt the ability of the Government to safeguard the high safety standards to which Canadians have become accustomed.