

the United States but with several major differences which affected subsequent development. It is often the practice in the United States to legislate in great detail to meet a wide variety of conceivable situations, and in consequence limiting the discretionary authority of the administrative body; usual Canadian practice is to legislate in broader terms, leaving the administrative body considerable flexibility to vary policies and procedures so long as the basic framework established by Parliament is maintained. Aeronautics legislation in the United States and Canada is an excellent example of this difference. I believe the U.S. approach may provide a greater degree of protection for the administrative body in difficult situations, since the rules are laid down for it in considerable detail. On the other hand, the Canadian approach allows the administrative body to adjust its position more rapidly to take account of changing circumstances.

A further legal difference arose out of the existence of the government-owned company Trans-Canada Air Lines in Canada. The U.S. Civil Aeronautics Board has full independence with regard to matters of domestic licensing and regulation. In Canada, the Government found it necessary to define in general terms respective fields for development by TCA and by private airlines in order to prevent undesirable conflict. For this reason, while the Canadian Air Transport Board is a licensing authority, its issuance of licences is subject to Ministerial approval and its negative decisions may be appealed to the Minister. Thus the Canadian Board's jurisdiction must be exercised within the limits of the policy laid down by the Government, although of course the Board may recommend a change in government policy and the Government from time to time does modify its policy.

This has not proven to be a limitation on development in Canada and in any case is more than offset by another difference. The Canadian operator may have recourse to the courts against a decision of the Air Transport Board, but only on matters of law or jurisdiction, not on questions of fact. Determination of fact is solely within the Canadian Board's competence. On the other hand, the U.S. operator appears to have wide leeway to use the U.S. courts to change decisions of the U.S. Board or impede their implementation.

In the international field there is not a great deal of difference in effective jurisdiction although there are variations in procedure. However, it is specifically provided in the Aeronautics Act in Canada that the Air Transport Board shall grant licences to conform with international air agreements. This leads to more rapid and speedy procedures in Canada in the implementation of bilateral air agreements than in the United States, where these agreements have the status of executive agreements and implementation involves the rather lengthy procedures also applied in domestic route-licensing.

Post-War Rate of Growth of Commercial Aviation

With this background I propose to refer to relative rates of growth and relative position, using the annual review of U.S. air transportation prepared by the Air Transport Association and Canadian information prepared by our Bureau of Transportation Economics. While the figures used were not calculated on an exactly comparable basis, they do permit a broad comparison.

In Canada, one company, Trans-Canada Air Lines, accounts for two-thirds of our total revenues, domestic and international, while one other company, Canadian Pacific, with total revenues about 30 per cent of those of TCA, accounts for much of the rest. The remainder, however - major carriers other than TCA and CPA - were completely non-existent some six years ago. In the United States