

The major recommendations were in the areas of airworthiness, accident and incident investigation reporting, enforcement of laws and regulations, navigational aids, uncontrolled airports and personnel. The Dubin recommendations on accident and incident investigations in Volume 1 resulted in the passage of the Canadian Aviation Safety Board Act. It was introduced in the House by the former Minister of Transport, the Hon. Jean-Luc Pepin, and was passed. The Canadian Aviation Safety Board is now operational.

The Aeronautics Act amendment Bill with which we are now dealing implements the legislative recommendations of Volumes 2 and 3 of the Dubin Commission and represents the first attempt at a comprehensive scheme of amendments for the Aeronautics Act since the Act was passed in 1919. I believe there were some minor modifications in 1921. Essentially, the legislation which has been on the books heretofore was the product of the 1919 variety, and I think we all recognize that there have been some tremendous changes in the aviation business between 1919 and 1985.

The proposed amendments will strengthen the Department's enforcement program with stronger enforcement powers and increased penalties. These should prevent a recurrence of the situations described by Mr. Justice Dubin such as unlicensed air carriers which operate in an unsafe manner and undercut legitimate competitors and which are not deterred by the currently available penalties; operators who fail to comply with safety standards and continue to operate unsafe aircraft; and individuals who ignore the rules of the air or the instructions of air traffic controllers while operating aircraft.

In his findings Mr. Justice Dubin cited many examples of these situations. The proposed amendments will give the Department the necessary tools for more vigorous enforcement. In order to enhance the enforcement of the Act, the offences will be reorganized so that some may be prosecuted by indictment, fines will be increased, and there will be new penalties for operating an illegal commercial air service including the possible forfeiture of the aircraft.

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The amendments also increase the administrative powers of enforcement as well as suspending or cancelling a licence. The Department will be able to assess monetary penalties varying up to maximum of \$1,000 for certain regulatory offences. This is a relatively new concept in Canada, but it is used by the Federal Aviation Authority in the United States and has been advocated by the aviation community in Canada.

The proposals for more vigorous enforcement, however, will be balanced by a method of review of administrative enforcement decisions. The establishment of an independent civil aviation tribunal, as recommended by Mr. Justice Dubin, will provide a vehicle for such a review. This body will hear and determine appeals from administrative penalties in an expeditious and fairly informal fashion. It will provide two opportunities for challenging the Department's decision, first by an application to a single member of the tribunal and then to a panel of the three members.

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In most cases the tribunal can substitute its own decision for that of the Department, but where the matter would involve medical qualifications or professional incompetence, the tribunal will be limited to affirming the departmental decision or referring the matter back to the Department on the basis that the Department has a responsibility to the public to ensure the competence of those involved in aviation. The tribunal will be composed of people representing expertise in the various areas of aeronautics. Most will serve on a part-time basis and members will be drawn from all parts of Canada. The aim of the tribunal is to provide a system whereby these matters can be decided in an expeditious and informal manner by persons who have the technical knowledge of all factors involved.

The amendments to the Bill also permit the consolidation of the aeronautical regulations system by expanding existing regulatory powers and introducing new regulatory powers so that all requirements necessary for aviation safety can be mandatory. Heretofore some of these matters could only be dealt with by administrative recommendations.

Some of the new areas of regulatory activity will include: airworthiness of aeronautical products such as aircraft engines and propellers; the location of aerodromes so that they will be sited in a manner that will lessen the risk of mid-air collision; air navigation facilities so that the increasing number of private aids will operate to the same standard as those provided by the Department of Transport; regulations with respect to the handling of aviation fuel to ensure that proper fuels are used and that these fuels are free of contaminants will be included in the new areas of regulation; liability insurance for private aircraft so that the public may be assured of compensation for damage caused by aircraft.

Concurrently with the development of these amendments, the Department of Transport has been engaged in a massive revision of the existing air regulations in order to present them in a new consolidated format that will be easier for the aviation public to understand. It is very clear that in order to have a system of laws and regulations and in order for those laws and regulations to be respected and their integrity to be upheld, there must be some assurance that the laws and regulations are clearly understood, that they are spelled out in fairly clear and coherent language. As a result of the many developments that have taken place in the aviation industry since 1919, some of the wording and some of the interpretations with respect to the rules and regulations have caused some problems in terms of the administration and the enforcement of these rules and regulations.

There are as well provisions in the Bill with respect to zoning. These provisions are aimed at clarifying the purposes of procedures used in zoning and also to extend zoning powers to areas around air navigation facilities. The amendments distinguish between zoning at airports for safety purposes, such as the safe landing and taking off of aircraft, and for purposes that are incompatible with airports, such as protecting access or preventing developments that would be affected by noise. The latter type of zoning is authorized only at federal airports and airport sites. Where zoning is aimed at incompat-