

*Aeronautics Act*

present bill to amend the Aeronautics Act would authorize all of these charges to be assigned pursuant to the Aeronautics Act.

The hon. member's point was whether the Financial Administration Act constituted authority for charges for the availability of services. Without entering into a legal interpretation let me just say in reply to him through you, Mr. Speaker, that the present amendment would remove any doubt that there might have been as to the justification for this.

**Mr. Nielsen:** At this point may I ask the minister if there are any actions still pending over the right of the government to collect the charges levied under section 18 of the Financial Administration Act?

**Mr. Turner:** I cannot give an answer to that question. I merely cite the principle that no act is retroactive under common law and no matter what this bill achieves it will not affect retroactively the validity of any charge made previously.

**Mr. Nielsen:** The charges were not paid before and actions were brought, as the minister knows.

**Mr. Turner:** Well, if the charge was invalid then it will not be validated by this particular amendment. I was asked how the charges are calculated. I am sure the hon. member for Yukon is aware of the manual information circular as to the present fees and charges and I would assume that the method of calculation would remain the same under this amendment.

**Mr. Nielsen:** No. That document does not cover the point of availability of electronic navigable aids and the charges made therefor.

**Mr. Turner:** Now we are talking about the availability charges, and I will deal with that in due course.

**Mr. Nielsen:** I might say I do not agree with the charge.

**Mr. Turner:** I would now like to deal briefly with the philosophical argument introduced by the hon. member for Yukon that because the highways are free to the users thereof, subject to licence charges and gasoline tax, then the use of facilities available to non-commercial pilots should involve the same rights and privileges. I quite realize that he would not object to hangar charges or to the gasoline tax.

[Mr. Turner.]

**Mr. Nielsen:** Just the amount.

**Mr. Turner:** He says merely the amount, but then we all have that particular problem. Let me say that much as I want to encourage an increase in the flying business and the pursuit of flying in this country, I do not think the day has yet arrived where the number of pilots and private planes involved justifies the self-supporting, no-charge treatment that the millions of users of our highways now enjoy.

I am sure that day will come. I look forward to the encouragement of the opening up of this country by way of commercial and non-commercial private air travel as much as does the hon. member. Let me say too that what we are talking about, within the present regulations in any event, is somewhat narrower than would appear at first blush because, for example, under the present regulations no fee or charge is payable in respect of a landing at an airport, other than Montreal, Toronto and Vancouver, of an aircraft not based at the airport which is owned and operated by a flying club or an aircraft over 5,000 lbs, not based at the airport, and owned and based at a flying school. The fourth exemption is a private aircraft not weighing over 5,000 lbs. Therefore the extent of these fees and charges is not as wide as the hon. member would have us believe.

• (5:00 p.m.)

**Mr. Nielsen:** I know the minister would wish me to point out that this is a recent change and that these charges at other airports are now included in the gasoline taxes. They were imposed at most of the Department of Transport airports.

**Mr. Turner:** I will interpret that as a rhetorical question, Mr. Speaker. Let me say also that the department is in constant touch and negotiation with the various private flying associations, and I would hope they would continue to do so in order that the objectives sought by the hon. member will be achieved and eventually there will be no distinction between commercial and non-commercial use of our airways and landing facilities. I would contemplate this over the years.

Let me say also that I am advised in respect of the Trans-Canada Air Lines Act that these charges contemplated and already imposed under that act in no way are higher than they are in the United States. I would point out to the hon. member that there is no