

*Transport Commission of Inquiry*

to one public service official who, in turn, is responsible to the deputy minister and on up the line through the minister to parliament. It can be argued, as a result, that there is really no direct conflict of interest at the accident investigation level. There is no reason why the accident investigators should not feel free to recommend what they wish and to make whatever findings they wish arising out of any particular accident.

While the suggestion has been made that there is a conflict of interest situation in existence in the various modes of transportation coming under federal jurisdiction, I do not know of any case in which it has been specifically alleged that the facts giving rise to an accident have been hidden from the public view or in which recommendations have been altered in order to protect any regulatory body or personnel. It may very well be, therefore, that the suggested conflict of interest does not exist to any extent, or if the possibility of conflict of interest does exist, there may be very little chance that in practice injustice to the public may result. By the same token, I know of no concrete evidence to suggest that the regulatory process suffers to any degree as a result of the present method of investigating accidents in the various transportation modes.

I think it might be of some value to hon. members if I give a very brief summary of the actual procedure which is followed in the investigation of accidents which occur in each mode of transportation coming under federal jurisdiction. I will start with the air transportation mode.

At the present time, there are presently registered in Canada approximately 13,000 aircraft. The registration of aircraft is growing at the rate of 10 per cent per year. These aircraft are involved in an average of between 600 and 700 accidents per year; and the accidents to which I refer are those which meet the International Civil Aviation Organization's definition of accidents. This definition includes accidents which result in substantial damage to aircraft or serious injury or death to a passenger. The air administration maintains a roster of trained accident investigators. Canadian accident investigation experts enjoy the opportunity and privilege of developing their expertise in co-operation with their counterparts in the United States. Both Canada and the United States provide their investigators with the same manuals and standards for use in accident investigation.

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The considerable number of aircraft accidents in Canada resulted in the creation of teams of accident investigation experts which are available in the various air regions in Canada. In the case of very large accidents, a plan which is in continuous existence and which has been adopted by the International Civil Aviation Organization is brought into play. Under this plan trained investigators head up each element of a team of investigators in an attempt to investigate and determine the cause of the accident. In this regard the Aeronautics Act has been amended to give full recognition and powers to accident investigators, such as the right to interrogate persons, to enter premises, and to inspect.

Information and materials supplied to accident investigators are maintained on a confidential basis and this

[Mr. Turner (London East).]

confidentiality has been supported by the courts. The purpose of the investigation is to promote and maintain safety, not to assign blame for the accident to any individual or groups of individuals. The creation of major accident investigation teams is an important development because it makes it practically impossible for the Crown or for public servants to hide the action of their own regulators or personnel should they be guilty of wrongdoing. When a major investigation team is set up the team leader and the heads of the various groups are the only personnel from the Department of Transport who are involved. The rest of the investigators come from a number of sources, including the air industry, universities, research laboratories, aircraft manufacturers and the like.

In the case of major accidents it is the practice for the Minister of Transport (Mr. Marchand) to appoint a person to conduct a public inquiry into the cause of the accident. In practice the person appointed is invariably a judge with long experience in the courts. The reports of the various components of the accident investigation team are then adduced as evidence in an open hearing before the judge and the witnesses are available for cross-examination by interested parties. The report of the judge is almost invariably made public, and the report is usually made the basis for whatever changes in the regulatory process may appear desirable as a result of the judge's findings. Less important aircraft accidents are not, of course, given the same treatment as more serious accidents, but even then a careful investigation is carried out and in due course the accident report is made available to the public.

Marine accident investigations are carried out under the authority of the Canada Shipping Act and reports are made to the Minister of Transport. Shipping accident investigations consist mainly of preliminary inquiries which are held in camera, followed, where the circumstances appear to justify it, by a formal investigation which is held in public. The marine administration at the moment employs only three persons, whose sole responsibility is the investigation of marine accidents.

Under the recently enacted shipping casualty reporting regulations, all ships, as opposed to only Canadian and British vessels, are now required to report casualties in Canadian waters to the nearest coastal radio station, which reports are passed to the appropriate region for action. Upon receipt of such a report in any region, a marine surveyor is detached from his normal duties and dispatched to carry out an investigation, his report being passed to the marine investigation section in Ottawa for assessment and any recommendations considered necessary regarding follow-up action.

The field officer appointed to hold a preliminary inquiry is usually a nautical surveyor, and he may be supported by engineer and/or hull surveyors. Only in cases of major casualties is an officer of the marine investigations section sent to investigate. Where no other action is considered necessary following a preliminary inquiry, a summary report of investigation is prepared for release to the public on request.

Preliminary inquiries in the marine field are held in camera, each witness being interviewed separately with no one present other than his counsel, should the witness desire to retain counsel. The witness is informed that he