

● (1550)

The committee has done a study, as Senator Nurgitz has pointed out. In committee today I asked whether we had had any separate professional advice in examining the bill. I asked that because this is the kind of bill in the study of which the Senate has had to look for technical aspects to ensure that it is as nearly perfect as the Senate can make it. In the past, in studying this kind of bill, we have often found errors because the bill had been put through the House of Commons perhaps too speedily. I was assured by Senator Nurgitz and by the chairman of the committee that, while we have not had any separate professional advice to go through and pick all the nits, it was given a thorough examination. There were two representatives from the Department of Justice before the committee, both of whom are known to me and for whom I have a great deal of professional respect. The committee was satisfied that the bill is in good order. Since the principle of the bill is a salutary one and we are assured that it has received a reasonably thorough technical examination, we should adopt the bill and we will support it accordingly.

Senator Nurgitz: Honourable senators—

The Hon. the Speaker *pro tempore*: Honourable senators, I wish to inform honourable senators that if the Honourable Senator Nurgitz speaks now his speech will have the effect of closing the debate on the motion for second reading of this bill.

Senator Nurgitz: Honourable senators, I should like to thank Senator Frith and point out to him that we had two experts, as he indicated, from the department, and the committee appeared to be satisfied by the explanations given by them. Another matter that I intended to mention in my initial comments, and did not, is that we usually get some assistance—and I am serious about that term—from representatives of the Canadian Medical Association and the Canadian Bar Association and others. In this case these groups did not appear. My understanding from questioning officials is that there is no one out there who has concerns about the bill. Some questions were raised as a result of changes to the Immigration Act, but I am informed and believe that the amendments made in committee in the other place removed those objections. Therefore, I am not now aware of anyone in the great Canadian public who has great concern about this bill other than to see its passage.

Motion agreed to and bill read second time.

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the third time?

On motion of Senator Nurgitz, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

AERONAUTICS ACT

BILL TO AMEND—SECOND READING

Hon. Finlay MacDonald moved the second reading of Bill C-36, to amend the Aeronautics Act.

He said: Honourable senators, it is ironic that this bill should be introduced today when honourable senators showed

quite legitimate concern and were appalled about the events of the past weekend and the concern for aircraft safety in general, which I may return to in a moment.

In August of 1979 the Honourable Mr. Justice Charles Dubin was appointed by the Minister of Transport, Mr. Mazankowski, to investigate and report on incidents involving aircraft and the formulation of laws, regulations and rules necessary for the safe and proper navigation of aircraft.

The Dubin Commission reported in three volumes issued between May of 1981 and February of 1982, and made recommendations in the areas of airworthiness, accident and incident investigation, enforcement, navigational aids, uncontrolled airports and personnel.

Volume 1 of the Dubin recommendations on accident and incident investigations resulted in the passage of the Canadian Aviation Safety Board Act.

This bill implements the legislative recommendations of 190 recommendations in Volumes 2 and 3 of the Dubin Commission, and represents the first attempt at a comprehensive scheme of amendment for the Aeronautics Act since the act was first passed in 1919. The drafters of that act would have to be commended that it stood over those many years. Kitty Hawk saw the first powered flight in 1903 and 1908 was the year of the Wright brothers' first sustained flight. Shortly after that was the first flight in the British Commonwealth in Baddeck, Nova Scotia—the Graham Bell-J.A.D. McCurdy flight. These are the first amendments to that act.

The main purpose of the Aeronautics Act is to provide a framework for a safe national air transportation system that serves all parts of Canada, including areas of the far north that cannot be served practically by any other means of transportation.

The amendments proposed will strengthen the department's enforcement program with stronger enforcement powers and increased penalties. It is to be hoped that these will prevent a recurrence of the unfortunate situations described by Mr. Justice Dubin such as: Unlicensed air carriers that operate in an unsafe manner and undercut legitimate competitors and that are not deterred by the currently applicable penalties; operators who ignore attempts to force them 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.

The amendments will also increase the administrative powers of enforcement. As well as suspending or cancelling a licence, the department will be able to assess a monetary penalty varying to a maximum of \$1,000 for certain regulatory offences. This, apparently, is a relatively new concept in Canada but is used by the Federal Aviation Administration 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 review of administrative enforcement decisions. The establishment of an independent civil aviation tribunal, as recommended by Mr. Justice Dubin, will provide a