

- (b) the documentation required pertaining to the various procedures developed in order to facilitate evaluation of those procedures;
- (c) the detailed conduct of the Department of Transport's studies and participation therein of representatives of the aviation industry and associations by monitoring, as appropriate, through specially appointed professional advisers if considered necessary, and by means of interim recommendation to the Department of Transport, the aviation industry and associations;
- (d) the IFR procedures finally developed, and the VFR flight operations in Dorval and Mirabel Terminal Radar Service Areas, and St. Hubert Control Zone, in terms of the adequacy of the method used in developing and testing the procedures and the implications in relation to aviation safety, implementation costs and operational efficiency; and
- (e) relevant matters that may in the course of the inquiry arise or develop and that, in the opinion of the Commissioners, should be included in the report.

The Committee further advise that

- (a) The Commissioners shall be authorized to prescribe and adopt such practices and procedures for all purposes of the Commission, including hearings, as they may from time to time deem expedient for the proper conduct of the inquiry and to vary those practices from time to time;
- (b) the officers of the Department of Transport and of Air Canada shall furnish to the Commissioners such information and assistance as they may require for their activities;
- (c) the Commissioners shall invite duly designated representatives of aviation associations and the aviation air carrier industry to be present and to participate in the inquiry;
- (d) the Commissioners shall be authorized to engage the services of such accountants, engineers, technical advisers or other experts, clerks, reporters and assistants as they deem necessary or advisable and also the services of counsel to aid and assist the Commission in the inquiry, at such rates of remuneration including transportation and living expenses as may be approved by Treasury Board;
- (e) the Commissioners shall submit interim reports promptly to the Minister of Transport on the results of particular aspects of the inquiry, and shall submit a final report with all reasonable dispatch and within ninety days of the receipt of the final results of the study based on the use of the air traffic control electronic simulator;
- (f) the Commissioners shall append to their reports any statement on the aspects of the inquiry reported upon, received from CATCA or CALPA within a specified period of time designated by the Commission;
- (g) the Commissioners shall not in any of their reports indicate that safety has been demonstrated unless they can justify beyond a reasonable doubt why any contrary view expressed by CATCA or CALPA should not prevail;

- (h) the Minister shall table any interim reports and the final report in Parliament and report in Parliament at an early date on the implementation of such reports; and
- (i) the administrative and related costs of the Commission shall be the responsibility of the Department of Transport.

The Committee further advise that Order in Council P.C. 1976-1576 of 23rd June, 1976 be revoked.

Certified to be a true copy  
P. M. Pitfield  
Clerk of the Privy Council

#### MEMORANDUM OF UNDERSTANDING

BETWEEN:

THE MINISTER OF TRANSPORT

AND:

THE CANADIAN AIR TRAFFIC CONTROL  
ASSOCIATION (CATCA)

AND:

THE CANADIAN AIR LINE PILOTS' ASSOCIATION  
(CALPA)

IT IS HEREBY AGREED

1. THAT the public Commission of Inquiry which has been announced be composed of three (3) judicial appointees; the third being acceptable to CATCA before any public announcement of his appointment is made.
2. THAT a prerequisite to the expansion or introduction of any bilingual air traffic service be a unanimous report of the Commission declaring the proposed expansion or introduction to be consistent with the maintenance of current safety standards in Canadian air operations.
3. THAT the terms of reference now contained in Order in Council PC-1976-1576 should include a provision to the effect that "the Commissioners shall append to their reports any statement on the aspects of the inquiry reported upon, received from CATCA or CALPA within a specified period of time designated by the Commission".
4. THAT the terms of reference should include a further provision to the effect that "the Commissioners shall not in any of their reports indicate that safety has been demonstrated unless they can justify beyond a reasonable doubt why any contrary view expressed by CATCA or CALPA should not prevail".
5. THAT the terms of reference should be revised on page 1 thereof as follows:
  - (a) In the preamble, by amending line 9 thereof to read as follows: "in relation to aviation safety, implementation costs and operational efficiency, and . . .";
  - (b) Further in the preamble, by amending line 13 thereof to read as follows: ". . . industry, and also upon such other matters as might influence . . .";
  - (c) In paragraph (d), by amending line 7 thereof to read as follows: ". . . to aviation safety, implementation costs and operational efficiency; and . . .".