

key issue of the independence of the investigation function. Results obtained from the questionnaire shed some insight into why some board members felt this independence in Canada had been detrimental to the operation of CASB. With the exception of the above group there was a general consensus that the investigation function should remain independent. It was determined in the international comparison that the U.K. and the U.S. both have independent investigation functions.

Dealing with the role of CASB members *vis-à-vis* the chairman, one sees that under the CASB legislation it should operate as does a private corporation's board of directors, with major decisions being taken by vote. Another view holds that the chairman is the chief executive officer with authorities conveyed by the CASB legislation and by collateral legislation, the Public Service Employment Act and the Financial Administration Act. The chairman can delegate some but not all the authorities conveyed to him under legislation. In summary, several of the CASB members see themselves as playing a role in guiding the investigations and studying policies to govern the selection of investigating staff.

The report found that there is a fundamental split within the CASB about the respective roles of the chairman and other board members and about the responsibilities and independence of the Director of Investigations. These divisions are so entrenched that if allowed to continue the Board's effectiveness could be seriously impaired.

• (1220)

In this regard some provisions of the CASB Act invite various interpretations. In part, this is because the wording of the Act does not distinguish between "Board" as a synonym for CASB and "Board" as a synonym for the CASB Board. This absence indicates the philosophy underlying the Act.

The more we examine these documents, the more we recognize the confusion that has existed within the Board. What has the Government done? In the wake of the Gander crash and many months later in the wake of the Dryden crash, it would appear that the Government has put them in suspended animation. It has appointed judges to handle an inquiry to see if an inquiry is needed in Gander and to head up the inquiry into the Dryden

### *Transportation Accident Investigation Board*

crash. But what about the inspection staff? Are they going to be the ones who are working for the judge in Toronto who is going to hold the hearings? Is it going to be the same group of people? Does that change the problem? Or is it that they only have one person to convince instead of a group of eight to ten?

Another thing is very clear, Madam Speaker. The night before the legislation was tabled in this House, I went back and compared the Bill that was tabled last year, which the Minister indicates is substantially the same as Bill C-2, the multi-modal Bill, to the Canadian Aviation Safety Act as passed in 1984. I compared the components dealing with the Board. Substantially, there is no change. There is the same level of confusion between the powers. It suggests that the Government intends to leave things as they are. The chairman and the Director of Investigations have the authority. The members of the Board, now limited to an additional four, are there not as aides to focus the investigation, but are there in part as bench-warmers to rubber-stamp the decisions made by the chair or made by the Director of Investigation.

So what the Government has not done, Madam Speaker, is, first, it hasn't learned the lessons of the Canadian Aviation Safety Board. It hasn't taken the time to rethink the legislation, listen to the comments of Justice Sopinka and to those of Hickling to bring forth some legislation that more accurately reflects—assuming that it wants to change it—the way in which the Board works and the way in which it relates to the Minister and to this House. It has not done so.

So I think the responsibility then is up to the Transport Committee of the House of Commons. This committee has historical involvement in this legislation in that it was the committee that dealt with the Canadian Aviation Safety Board prior to the establishment of legislative committees when it went through this House back in '83 and '84. There are people there who are knowledgeable about air, rail, road, marine service and to a lesser extent pipelines. We have staff available to us. I hope the Minister is prepared to allow us the freedom to pursue the opportunity we have in this House to take the principle of this Bill, which we all support and examine it. We recognize the need for a clean-up crew. We need