

Aircraft Registry Act

Why was it not considered useful to extend to other superior courts the authority to grant applications or certificates upon application, in accordance with certain procedures set out in this bill? The owner of a private aircraft may wish to dispose of the aircraft and continue to register his interest in it in the event of default, an accident or for some other reason. He should not have to go to the trouble of seeking counsel in British Columbia or in his own locale and sending him to Ottawa at his own expense simply to make application in order to exercise his will. The parliamentary secretary might think about that problem as we move through the various stages of this measure.

● (1510)

I suggest that a simple amendment might correct this situation. The point may seem to be unimportant, but there is nevertheless a shortcoming in the bill. Such an amendment would not impair the bill, but it seems to me it would be much more convenient and of no major concern to Air Canada, CP Air and any substantial regional feeder service. However, so far as the owner of a small, light aircraft is concerned, it seems a little inconvenient that he should have to come to Ottawa to make application and receive the authority to protect his own interests, which in fact is what this bill intends to do.

There is one other matter concerning clause 6 which is perhaps minor but which I should like to draw briefly to the attention of the parliamentary secretary. This is the clause which attempts to describe a deemed interest in an aircraft. It provides:

For greater certainty, a person shall, for the purpose of this act, be deemed to have an interest in an aircraft where he is

(a) the lessee of the aircraft and the term of the lease is not less than six months—

There are other subclauses, but it seems to me that "interest" is not fully defined. Utilization may be involved, but if there is a wet lease rather than a dry lease based on the number of hours flown, used and certain other things, this would make a difference. There is a restriction in the period prescribed of a certain number of days or weeks which, again, overlooks the fact that aircraft are sometimes leased for short periods with an extensive amount of flying time involved, whereas there may not be any flying time involved in a period of six months. There is an anomaly here and this question might be considered at some stage.

We need measures such as this as Canada moves toward the development of an internationally recognized aircraft industry. I am almost tempted to take advantage of this opportunity to speak about other aspects of the aircraft industry in Canada, wondering out loud, or hoping, if you will, that the government will not take 25 years to move toward a separation from the Ministry of Transport of the responsibility for investigating those accidents over which the department has regulatory control. It is true that these matters are correlated, and if that were not the case I would urge the minister to give serious consideration to such suggested separation.

Only when we take steps of this kind do we obtain the confidence of the national and international air community. We cannot grow in the area of aviation without full

[Mr. Forrestall.]

international confidence. We are in the process this afternoon of taking a small step. I only wish it had been a bigger step and that this measure could be taken as an indication that the government is prepared to move in other areas to further strengthen the confidence of the national and international community in our aircraft industry.

As the hon. member for Central Nova has indicated, this bill calls for the legislation to come into force on a day to be fixed by proclamation. Because I cannot read between the lines, I assume that is to allow an interim period during which liens on chattels can be transferred from existing provincial jurisdictions to the proposed central registry. It would seem to be useful to the industry to indicate the nature of the bill and the consequences of not adhering to it because, while it may not seem to be mandatory on the surface, it would be expensive for anyone who failed to follow it. It would be interesting to us in the chamber to have an indication of the length of the interim period which the industry, those associated with the industry or who have interest in a particular piece of equipment, will have to register an interest in order to obtain the protection this legislation will provide.

This type of housekeeping bill is useful, and I suggest similar legislation would be useful in many other areas. Let us now move on to deal with the conflict of interest and investigate aspects of Canada's air industry.

Hon. Marcel Lambert (Edmonton West): Mr. Speaker, I trust the House will forgive me if I exhibit again what seems to be the characteristic of being highly dubious of certain legislation. The bill before us states in the preamble, as indicated by the parliamentary secretary and the hon. member for Central Nova (Mr. MacKay), that in certain respects it fulfils an obligation undertaken by Canada regarding an international convention on the registration of aircraft. That is all very good, but I point out to hon. members some very grave doubts I entertain as to the constitutional ground on which part of this proposed act would rely. This measure not only sets out to do that but it refers to every aircraft in Canada. The international convention deals primarily with the regulation and control in Canada of seizures of aircraft of international airlines on scheduled passenger operations.

We all remember what gave rise to the international convention. Let me give an example. An aircraft of country "A" involved in international flights destined to one or more countries abroad was always subject to potential seizure by the owner of an accord obtained on behalf of country "B" where the aircraft had landed. We all know the legal complexities and disorganization which resulted. This bill purports to put into being an international accord which was signed many years ago. I fully agree with that, but I suggest that the bill goes much further. It sets up a central registry for obligations and interests in all aircraft in Canada. On what grounds? The Government of Canada has not one iota of jurisdiction over property and civil rights.

● (1520)

In reading through Bill S-9 I came across some rather interesting provisions about the registration of encumbrances against a particular aircraft, about the rights of