

*Aeronautics Act***GOVERNMENT ORDERS**

[English]

AERONAUTICS ACT**AMENDMENTS RESPECTING CHARGES FOR USE OF AIRPORTS,
ETC.**

The House resumed consideration of the motion of Mr. Lang that Bill C-40, to amend the Aeronautics Act, be read the second time and referred to the Standing Committee on Transport and Communications.

Mr. Bill Kempling (Halton-Wentworth): Mr. Speaker, when the House rose at one o'clock I had been quoting an excellent letter written by a constituent, an aviation consultant. So excellent was the letter and so much on point that I felt impelled to read it into the record. I shall continue reading, as follows:

Subsection 3 would provide that all charges imposed upon the owners or operators (pilots) of aircraft would constitute a lien upon the aircraft in respect of which charges have been incurred and may be collected by the seizure and sale of the aircraft under a warrant or order of the federal court.

I am pleased to see that the minister finally has realized that this country still has courts of law. Notwithstanding, legislation incorporating this proposed amendment would give Transport Canada horrendous power. During the past several years, the number of erroneously-charged landing fee charges which many pilots have received is appalling, many of which have been due to incorrect registrations being recorded. What protection does the owner/operator/pilot have in such cases? Absolutely none. There isn't even stipulated processes for appeal. No, you can just see it coming: an owner/operator/pilot fails to pay his \$1.50 landing fee, the RCMP seize the aircraft concerned and in the process damage it, an experience which many complain of today with the problems caused by legislated faulty ELT's, and place the aircraft up for auction. The owner attempts to rectify the situation when it turns out that the charge was wrongly made, but his only recourse at that point is through the courts, at his own expense. Our convicted criminals seem to enjoy more rights than that.

At the present time, there are due processes of law concerning the establishment of liens against chattels to which all Canadian citizens and corporations must adhere. I suggest that the government may not be allowed to set itself up as a law unto itself. Rather, this subsection 3 should not be permitted.

Subsection 4 would allow for the automatic attraction of interest at the rate of one and one-half per cent per month, calculated from the day that is one month after the date on which the charges were imposed.

Notwithstanding the automatic contractual obligations to which owners/operators/pilots would be subscribing to under this proposed legislation should they make use of any DOT facilities for which a user-charge is associated—the legality of which may have to be contested in the courts—what happens to all of the securities deposited with the minister as set out in subsection 2? Is the minister prepared to pay each owner/operator/pilot monthly interest at the same rate on the deposit? And what about the administrative requirements to handle these matters? What is the additional cost that will ultimately be passed along as another user-charge to establish offices across the country to keep track of every deposit, every user-charge, every lien, the cancellation of each lien as the accounts are settled, and the processing of seizure and sale of the hundreds of aircraft? One more excuse to further the government's self-indulgence and self-justification.

● (1520)

Next we come, on page 2, to section 5.2 which would permit the establishment of regulations that would require private aircraft owners and operators (pilots) [Mr. Speaker.]

to subscribe for and carry liability insurance. I certainly agree that third party liability insurance is a very important and common-sense thing for owners/operators/pilots to have, but I would be very interested in the numbers of such owners/operators/pilots who do not now have such coverage. I suggest that it would be an extremely small percentage of persons, and therefore, Transport Canada should be required, firstly, to substantiate this proposed legislation with factual evidence, including full details about accidents and insurance statistics that might support the minister's claim. And, what kind of level of insurance would we be talking about here? Enough to cover the claims if an accident occurred between a private aircraft and a 747?

You know, on our navigable waterways, lakes and rivers, you see kids and irresponsible adults—a vast majority of whom have never had any instruction in small boat handling—playing the fool with high-powered single and twin-engine inboards and outboards. Most of them do not even know and do not care about the rules of the road. What about their liability? Federal jurisdiction prevails there, too, but you do not have to bother answering that question because we all know what the answer would be. The small boat manufacturers and operators is such a large group of voters which the government doesn't want to lose, just like the case two years ago with the then new 10 per cent excise tax. Hit the aircraft owners, but exempt the boats because the latter's lobby is too strong. Heck, it's the private aircraft which can and is providing the alternative viable form of fast and economical transportation, not the small boats.

Further, on page 2, under paragraph 4, reference is made to the proposed licensing of persons engaged in the design of aircraft and the premises in which that design takes place. Every community college and university in this country with an approved engineering technology or undergraduate or graduate course might well be considered to come under such legislation. What about the innovative inventor? Before he even starts to "design" from his ideas, must he apply for a licence first? Of course not, but some over-reactive official is sure to come along one day and then what? Later in this section, you will also find reference to proposed licensing requirements for premises used in the maintenance of aeronautical products for the purpose of determining the airworthiness of such products. The law already prescribes for the licensing standards of maintenance/engineering personnel, but is it now going to be that a farmer must license his barn in which he hangars his Piper J-3 in order that routine maintenance work may be carried out on his aircraft on his premises by an already-licensed engineer? A little absurd, perhaps, but that is what might well take place under proposed amendment.

Despite the obvious new restrictions and legislative controls that these proposed amendments would put into effect, it is amazing that nowhere does the Bill C-40 provide for a route of appeal. If a citizen does not like a decision or action which may have been taken against him arbitrarily, to whom does he appeal? The current sad situation with respect to medicals is a prime example. Do we always have to resort to the Federal Court of Appeal Act under section 28 with all of its associated expense? If so, then rest assured, the aviation community is sick and tired of having new and more expensive legislations rammed down its throat, and the moment that we can find just cause under any implied contract which may be deemed to exist if this Bill goes through, we will consider every possible recourse of action, including the initiation of class action suits.

On pages 5 through 9, you will find amendments proposed in respect of the jurisdiction over protection of areas adjacent to airports. Some of these articles may be considered worthwhile, and although I have not sufficient background that allows me to comment vis-à-vis the provincial and municipal jurisdictions in these matters, this part should be examined carefully because finally, we may get some common sense zoning regulations for lands and buildings located around airports.

Following these matters, on page 9, we find the long-awaited reference to the board of inquiry! Regrettably, despite the grammatical change, there is really no change. When are we going to get an independent and proper board of inquiry for aircraft accidents that will not be tied to the apronstrings of the Ministry of Transport, oftentimes susceptible to Transport Canada influence? This is long overdue, and the proposed amendment here accomplishes nothing but a little housecleaning.

Mr. Kempling, this proposed legislation under Bill C-40 has too many items in it of contentious issue, items that would provide Transport Canada with increased, autonomous powers that may not be used to further and promote the growth of aviation in this country. I request that you, as my representative in Ottawa, do everything to see that it is defeated.

Thank you for consideration of these matters.