

Canadian Aviation Safety Board

other words, there are different degrees of privilege ranging from a degree that is nearly absolute in principle to one that is quite limited. Every situation is described in the Bill so as to avoid misunderstanding.

The third type of document is witnesses' statements, and those will not be allowed to be used against a witness in any legal or other proceeding except civil or perjury proceedings. All of this is defined in some detail in the Bill because the subject is obviously a very difficult one, and a ticklish one as well.

The privilege provisions in the Bill have been developed as a set of compromises after long consideration of the arguments on both sides, the individual and the public interest. I believe that they strike the balance required to provide adequate protection to ensure that evidence is forthcoming while, at the same time, respecting the general principle in favour of public disclosure and the over-all policy thrust of the Access to Information Act.

Again, I stress the fact that nothing in the Bill contradicts the Dubin Report. Some of the provisions go further than recommended, but nothing contradicts the recommendations of the distinguished Justice who gave his name to the report on air safety.

What about incident reporting? In 1981 a study of a comprehensive aviation incident reporting system was undertaken. That was after the Dubin Report. As a result of that study the Bill includes a Clause to enable the Board to set up mandatory and/or voluntary incident reporting systems. There is room for justification of a mandatory system for some big commercial transportation systems, and a voluntary system for smaller carriers, smaller planes, individual pilots et cetera. In the first case the situation is more or less institutionalized. There is a pattern of reporting. In the second, we want to entice people to come forward so it is done on a voluntary basis. All of this is debatable and those who prepared the Bill again attempted to do a balancing act, which is the only "Act" Parliament has never passed, but obviously is the most important of them all.

[Translation]

The Bill contains clauses obliging the Board to co-operate, as far as possible, with other federal and provincial government bodies such as provincial police forces and coroners. These clauses are there because of concerns expressed by the provincial Attorneys General in the course of discussions surrounding Bill C-40 in 1979. For example, Bill C-163 contains a special provision guaranteeing peace officers and coroners access to the information they need to carry out their own investigations, and requiring that if necessary the Board shall communicate its preliminary conclusions to the coroners.

The preparation for Bill C-163 began a long time ago. The government had the advantage of expert advice in all fields, and particularly from the conclusions of the Dubin Report as well as the many presentations that were made within the framework of the Dubin Commission enquiry. I believe that we took full advantage of all the advice we received and that

its high quality is reflected in that of the Bill we have before us at the present time. It only remains for me to express the hope that my fellow Members will consider that the Bill deserves their support. I would especially like to thank for their co-operation the Hon. Members for Prince Edward-Hastings (Mr. Ellis), Dartmouth-Halifax East (Mr. Forrestall) and Comox-Powell River (Mr. Skelly), who are, I believe, going to speak on the Bill. I want to thank them for their co-operation because it is thanks to them that the House will be able to pass this Bill fairly rapidly this morning, on second reading.

• (1130)

[English]

Mr. J. R. Ellis (Prince Edward-Hastings): Mr. Speaker, Bill C-163, an Act to establish the Canadian Aviation Safety Board, has finally made it to the floor of the House of Commons and frankly, Mr. Speaker, it is damn near time.

Before I deal with the substance of the Bill I intend to take a few moments to deal with the timing of this very important piece of legislation. It is intriguing that in introducing the Bill—and I have not discussed what was to be said—the cadence of the Minister's remarks ties in with mine so that I can discuss them as I speak.

The July issue of the Canadian version of the *Reader's Digest* has as its lead story and article entitled "Air Safety—The Shocking Record". In that article of five pages, condensed in the manner of *Reader's Digest*, are a number of statements guaranteed to give the millions of readers, and especially those who are regular fliers, a very real fear of flying in general, and of flying in Canada in particular. The article speaks of an accident in Vancouver Harbour in which 11 people were killed, stating that the investigation was confused and delayed. The last sentence of the paragraph is, "Still no preventive action was taken".

The article goes on to discuss the actions of Mr. Justice Dubin, stating:

He encountered a shocking record of neglect and cover-up in the Canadian Air Transport Administration, the very agency charged with air safety.

After a series of sensational statements such as this, the article concludes by saying that the Parliament of Canada must act in this matter.

The Parliament of Canada has been prepared to act for a long time, Mr. Speaker. The Minister mentioned the Aeronautics Act which will be put before us for changes in the fall. Recently, that Act has been universally condemned by many aviation authorities. The amendments are very necessary. I hope the second part of this dual set of legislation will not be so hard to get started through the House.

The Bill we are discussing today was ready in late 1982. The Transport Committee, through its Chairman, the Hon. Member for Northumberland-Miramichi (Mr. Dionne), and others, is more than willing and has been more than willing to deal with the matter on a priority basis.