

ington to interview officials of the United States National Transportation Safety Board. The official also interviewed representatives from the United States Department of Transportation so that he would have the benefit of representations from the department responsible for regulating the modes of transportation as well as from the members of the independent board.

As members may be aware, in the United States a reasonably independent board has been set up and has been functioning for some time somewhat along the lines of the commission of inquiry envisaged by Bill C-109. I can say quite frankly that there appears to be mixed views concerning the efficiency and usefulness of the board which is in operation in the United States as compared to the methods of accident investigation employed in that nation prior to the creation of the independent board, although the general opinion appears to be that the board is a moderate success. The officials also reviewed accident investigation procedures in the United Kingdom. I should like to emphasize that they went elsewhere.

I think it will be apparent to hon. members that the agencies responsible for the regulation of the various modes of transportation must have a continuously up-to-date knowledge of accidents which take place in the mode for which they are responsible. It is, therefore, not only desirable but also essential that each mode maintains some degree of accident investigation capability. At the present time the only qualified and trained air investigators are employed within the ministry of transport in the air administration. Similarly, the only trained and technically qualified railway accident investigators are in the employ of the Canadian Transport Commission. The marine administration has up to the present time maintained a three-man special accident investigation section with duties restricted to that particular activity.

The immediate creation of an independent federal transport commission of inquiry could very well result in the creation of a body which would be totally unable to obtain the necessary qualified staff to carry out its duties. One result of this possibility could be the retention of unqualified or incompetent persons to carry out a function on which the basic day-to-day safety of every member of the travelling public might depend. On the other hand, the newly created commission of inquiry might be able to attract the majority of the existing personnel from the various administrations. This could well result in at least temporary short-staffing, causing deficiencies in the continuation of the regulatory process. It therefore appears desirable, if not essential, that before proceeding with the creation of any independent accident investigation entity, a thorough review should be completed which would establish the optimum size of the commission and the level and number of supporting staff which would be required and the inter-relationship between the investigation entity and its staff on the one hand and the regulatory organizations on the other hand. If a good deal of care is not taken in this area, the government may well find itself faced with a situation in which there is a total duplication of personnel in the administrations and on the staff of the commission of inquiry.

Another interesting point which hon. members might wish to consider is the possibility that the independent

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accident investigation board might itself conceivably be in a position involving conflict of interest. It might be possible, for example, for the commission of inquiry to investigate an accident and through inadvertence or inexperience or incompetent staff overlook the actual cause of a number of fatalities in a particular mode of transportation. This failure on the part of the commission of inquiry could very well result in the commission being reluctant to divulge the real cause of the fatalities in due course because the revelation of the cause would at the same time demonstrate to the public the commission's earlier incompetence. The point I am trying to make is that it is very difficult, if not impossible, to remove every element of conflict of interest in every situation. The best that can be accomplished it seems to me is to keep conflict of interest situations to the minimum.

In making these remarks I have not referred to the situation in the case of surface transportation other than railways. This omission results, as hon. members well know, from the fact jurisdiction of this House over highway transportation is considerably limited by the constitution. We have adopted safety standards for automobiles and some components and there appears to be considerable federal jurisdiction to ensure that manufacturers provide reasonably safe vehicles for the public's use. There is considerable doubt, however, whether there is any federal jurisdiction to ensure that intervening agencies do not render unsafe the vehicle which was originally safe. Accident investigation in the highway field is usually done by provincial organizations and, in particular, by the police. The surface administration in the Department of Transport, and in particular the motor vehicle safety division is, however, taking an increasingly active role in this area. It is expected that the operations of the motor vehicle safety division will increase as time goes by as the investigation of individual highway accidents sometimes reveals design deficiencies which do not come to light in any other way.

I notice that Bill C-109 appears to obligate the proposed commission of inquiry to investigate all accidents in modes of transportation coming under the jurisdiction of Parliament where the public interest so requires.

● (1730)

I think there will always have to be some degree of selectivity in the investigation of accidents. As I pointed out earlier, railway accidents occur on an average of one a day and aircraft accidents occur with a regularity of almost two a day on the average. We are also painfully aware of the fact that accidents on the highways occur with even greater regularity. The creation of an organization and staff sufficient to investigate all of these accidents could be expected to bankrupt the public purse. I am advised that every air accident is investigated, at least to some degree, even if the investigation only involves the filing of a report by the person having knowledge of the incident. Perhaps consideration should be given to the setting up of some procedure or directing personnel to review reports of incidents and accidents which come to the knowledge of the regulatory officials or accident investigators, with a view to carrying out a more detailed investigation if anything appears to be amiss or if the public interest appears to make this desirable.