



House of Commons
CANADA

Standing Committee on Transport, Infrastructure and Communities

TRAN • NUMBER 033 • 2nd SESSION • 39th PARLIAMENT

EVIDENCE

Tuesday, June 17, 2008

—
Chair

Mr. Mervin Tweed

Also available on the Parliament of Canada Web Site at the following address:

<http://www.parl.gc.ca>

Standing Committee on Transport, Infrastructure and Communities

Tuesday, June 17, 2008

•(1105)

[English]

The Chair (Mr. Mervin Tweed (Brandon—Souris, CPC)): Good morning.

Welcome, everyone, to meeting 33 of the Standing Committee on Transport, Infrastructure and Communities. The orders of the day are committee business, a notice of motion by Mr. Masse.

I'm hoping everyone has received Mr. Masse's motion in French and English. Seeing that it looks like everyone has, I'll go to Mr. Masse.

Mr. Brian Masse (Windsor West, NDP): Thank you, Mr. Chair, and thank you, colleagues.

I just want to table this motion to build upon the process that has happened in the House of Commons, where Mr. Byrne's motion passed. I thought it was a good discussion. I've been talking with the different air carriers, even today, and there is an interest in examining what a potential bill could be and what set of rules there could be out there for customers and the industry. So there seems to be a high degree of interest.

This is straightforward. I'm hoping we can continue in that spirit and pass the motion, and then in the fall, when we sit down to do our legislative ordering and business and so forth, we can bring forth some witnesses and take advantage of that goodwill. Now, the industry is also concerned about some other issues, but this one has been very important to consumers.

I was pleased to see the government support this, because I think it leads to some issues that need to be clarified in the industry. Just last night we were getting testimony coming back that the re-routing of carriers into London, Ontario, had resulted in thousands of people being stranded for hours. I understand very little assistance was provided; there was no food, no water, and toilets were overflowing again. Mr. Watson may have more details. I know a couple of people who were there.

These are some of the issues that keep popping up, which aren't very productive, but very negative. So I'd like to build upon the cooperation that's been happening in the House with Mr. Byrne's motion and hopefully move this forward with some discussion in the committee in the fall.

The Chair: Comments?

Mr. Jean.

Mr. Brian Jean (Fort McMurray—Athabasca, CPC): Just from the government's perspective, obviously it was passed in the

House and we're in favour of it. Indeed, it's fortunate that we have a summertime break coming up soon, because the government is already working on it. In fact, I talked to one of the policy people today and they advised me that they would be coming out before the end of July with some current legislation clearly identifying what rights passengers have.

What I was going to recommend—and this, in essence, is a moot point, because we have all these other studies to do, and the government is already working on it and hopefully will have something back to us before the summer ends—is that all members look at the EU bill of rights, because it's the only one currently in legislation in the world, to my understanding. It is not even close to what our regulation and legislation involve at this time. Just be clear, when we're looking at the world stage at this point, we're already well above everyone else in the world as far as passengers' rights go.

I think the motion is fine. It goes along with what we said in the House, but the government is already working on it. So our expectation is that we will have something back well in advance of the summer...

The Chair: Any other comments?

Mr. Byrne.

Hon. Gerry Byrne (Humber—St. Barbe—Baie Verte, Lib.): Thank you very much, colleagues. I appreciate the opportunity to sit on the transport committee. It's not my first time on transport, but I appreciate the opportunity to add some perspective on this.

I would certainly support Mr. Masse's motion. It would build on the momentum that has been brought to the House through the unanimous passage of M-465. It's timely. I understand the minister has indicated that the first method of action on this would be to assemble existing regulation and legislation and publicize that.

In the course of debate in the House on M-465, it was made abundantly clear that there are concerns among members about the adequacy or inadequacy of existing regulations and legislation with regard to consumer protections within the airline industry. A glaring example of this was highlighted in the situation of Cubana airlines on March 10 at Ottawa International Airport.

I'll throw out a rhetorical question. Is it satisfactory that in Canada airline passengers can be held on an aircraft for 12 hours, with no tools available to them to let them off the aircraft after 12 hours? Let's be very clear about this. Is it our objective to simply mimic EU legislation, or is it to provide good, solid consumer protection to Canadians and those who travel within the Canadian airline industry? I think the latter is our objective. We can use the European Union as a model to establish what are currently some best practices internationally. We can also study the fact that Canadians are protected in international travel through both the Warsaw and Montreal conventions. But is that adequate?

On March 10 we were exposed to a very significant circumstance, where 305 passengers at a Canadian airport, after five hours in transit from Havana to Ottawa, were held for an additional 12 hours. One of the passengers had the foresight to dial 911 to contact the RCMP, and the RCMP began a negotiation with the airline and the aircraft's captain to allow those passengers to be released after 17 hours. That highlights an interesting circumstance, because in Canada those passengers had no regulatory or legislative tool or mechanism available to them to insist on their release from the aircraft. Obviously there's a hole there.

I will be the first to say to you that the European Union does not contemplate that circumstance in their legislation, but that does not preclude Canada from contemplating that circumstance. That is why I think it's very helpful to review current legislation and regulations to determine whether or not.... Let me be clear as well that this is not about sticker shock, price tags, or unfair involvement in market forces. This is about issues after you've already received your boarding pass and gone through security. I'm not going to sort of scope this out and nail it down, but this is about when you no longer have economic choices available to you.

If you're on board an aircraft for 17 hours, there's no economic choice available to you. You cannot go to another airline and say you're going to exercise your consumer right to affect your circumstance by buying a ticket on another airline. You're on that aircraft, you're stuck there, and the captain is the one who decides whether or not you get off, along with other elements of the airline industry such as the Ottawa Airport Authority. The bottom line here is that consumers really need protection, especially when there are no market tools available to them, because there is an element of control that is exercised over a passenger, especially after the boarding pass is issued.

• (1110)

That's why I think it would be very relevant and helpful for the committee. My motion was not meant to capture the issue and say this is the way it should be. It was really open-ended to allow a substantive discussion on where this really needs to be and where we need to go as a country.

Thank you, Mr. Chair.

The Chair: Monsieur Laframboise.

[Translation]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Thank you, Mr. Chair.

The motion that has been discussed and passed by the House of Commons had been tabled by you before the Cubana incident. Such an incident must never happen again. The people who had to go through this were Quebeckers. They had a horrific experience during long hours. I contacted directly the people from the airport authorities and they are not satisfied.

The problem with the motion that you tabled today, Mr. Masse, is that you are asking us to examine the legislation. In my view, it is too late to do that. The government must really deal with this issue. Mr. Jean told us that the department was prepared to table a bill. I believe that we are at that stage. If that is the case, I would be prepared to have the department appear before us to find out where we are going with this.

We just went through the same process in the issue of navigable waters. We just did a preliminary study before the tabling of a bill. If we proceed in the same way in this issue, we will miss next winter, it will be too late. By the time a bill is tabled, we will have missed another winter, which I find unacceptable. We must find a solution.

If you were prepared to amend your motion, I would be prepared to support it. We must really demand that the government table a bill. If we do a pre-study, before the bill is... The government knows where they are going. A motion as already been passed unanimously by the House of Commons. The government should be able to table something. I was not very satisfied with Mr. Jean's response. I don't know what the government wants to table.

[English]

The Chair: Mr. Jean.

Mr. Brian Jean: I'm glad you mentioned that, because I wanted to clarify it. There's no new legislation in the works, let's be clear.

I would just like to respond, if I may, to Mr. Byrne's comments. First of all, we're not using the EU as a model, because the EU is not a model to use for Canada. Clearly, Canada already has more established rights.

When we talked about this motion, and the first time I made a speech, I did some reconnoitering and research in relation to what the existing rights were in Canada. I did a comparison with the EU. Clearly, we have more rights, but the problem is they are in so many different regulations and legislation.

I asked the department for a 10-point plan on how we could communicate to Canadians what we currently have, and they could not do it in time simply because these rights are spread hither and thither in so many different pieces of legislation and regulation. So that's what they're working on. It's a communications plan to show consumers what rights we currently have.

If I may just speak quickly about the EU, the EU does not even deal with baggage. So let's be clear on that: the EU does not deal with baggage. They deal with some rights, but these are primarily exactly what Mr. Byrne said, for when there is a delay of a flight or when a passenger is denied boarding.

Currently, with the legislation in Canada, we clearly already have rights, including compensation for lost or delayed baggage, compensation for denied boarding, compensation for flight cancellations, and for lack of care during delays. There is care during delays.

But I agree, Mr. Byrne, that it is an unusual circumstance, and Mr. Watson has brought that to my attention as well. I have been three or four hours on a tarmac and it's not a comfortable situation. So maybe that's something we should deal with. I don't even know if there currently exists some regulation or legislation that does, but I don't think so.

So I agree with Mr. Laframboise on this, that the government is already doing something. We have three months. The committee can't do anything between now and October anyway, unless that's the will of the committee. So maybe what we should do is to defer this until then, because we don't want to interrupt the other legislation we have. We do have another piece of legislation that's before the committee now. We have the Navigable Waters Protection Act that we haven't finished up, and some other issues. The will of the committee, from the government's perspective, is fine, but we are working on this.

Other compensation that is not available anywhere else in the world is compensation for lost or delayed baggage, and it is actual compensation based upon real value.

So from the government's perspective at this stage, it's more of a communications plan than new legislation. And maybe at that stage, once we see the communications plan and how that's going to be addressed, we can then deal with the motion and the other things Mr. Byrne has suggested, such as delays on tarmacs and things like that. I think it's very relevant and consumers would be interested in it, but it's the exception rather than the rule that we need to deal with at that stage.

• (1115)

The Chair: I have Mr. Masse next, but just before I do that, for clarification, I'm going to read the motion on the record for people who are listening and don't have the paper.

The motion by Mr. Masse, MP for Windsor West, reads:

That the Standing Committee on Transport, Infrastructure and Communities, after the passage in the House of Commons of a motion calling for an airline passenger bill of rights, engage in a study of present legislation and regulation that could possibly be used to protect air travel consumers and report the study to the House of Commons.

That's just for the record.

Mr. Masse.

Mr. Brian Masse: Thank you, Mr. Chair.

I'm rather shocked by the Bloc's support for the government doing nothing, or basically putting their blind trust in the government doing something, and then also not even offering a suggestion of an amendment at the meeting. This has been out and posted before, and I'm open to amendments to the motion. But for the Bloc to trust the Conservatives basically to do this legislation is a disservice to those Quebeckers who were left on the tarmac in Ottawa. If we're just going to pretend that the government is going to come back with some changes in the form of a communications plan, we're not going to get into the issues that are necessary to really discuss at a sophisticated level to protect consumers. It's rather shocking to think that we would actually do that, given the fact that this House of Commons actually passed a motion that Mr. Byrne had put forward that actually started a debate that I think was very important.

So now it's up to the committee, I believe, to take up its responsibility and get some witnesses in here and look at the process. Yes, the government can propose legislation or regulatory changes at any point in time. We don't control that, though. And I'm not going to concede on that or on our responsibility and give that out in blind trust without having the opportunity to be able to actually get to the issues and actually have witnesses come forward, look at the issues that we have at hand, and develop some guiding principles.

If we don't do that and don't report back to the House, then we'll basically be assuming that the government is going to have something done. Maybe it will be a priority and maybe it won't be a priority, but we're going to cede that responsibility, and I'm not willing to do that.

Mr. Jean already said he would support this motion, but apparently now he might retract that because of the Bloc's statements. It would be a detraction from this committee. This is important. This is something we've heard a lot on from consumers, and Mr. Byrne's motion was one that was supported by all members of the House.

So I would say that we should get on with this, get this motion passed, and then in the fall we will come back. The government has a plan B and they might have something come forward. That will be in collaboration with the committee here, and the committee will look at that, and we'll also look at the opportunity to be able to have an influence on the actual legislation.

• (1120)

The Chair: I have Mr. Watson, Mr. Byrne, and Mr. Laframboise.

Go ahead, Mr. Watson.

Mr. Jeff Watson (Essex, CPC): Thank you, Mr. Chair.

I felt some necessity to respond, my colleague from Windsor West having sort of leveraged a couple of nods onto the record.

I was one of the folks diverted to London the other night because of the big lightning storm in Toronto. Notwithstanding having been involved in that, it's not always wise to get emotionally involved in an issue. We have to be able to think this through clearly. On balance, I think, prior to taking off, we were advised by the airline of the options we had. Those were to fly out the following morning, to fly out of Detroit, if necessary, or to take Via Rail, which would honour the ticket. So there were options available to consumers before the flight actually left. During the flight itself, I think the only frustration, really, was not having ample communication from the pilot as to what was happening. When we had those moments, I found that most folks sort of had an understanding of what was going on and were pretty good with it.

So we don't want to leap off the deep end on this one. What's important here is that a motion was passed by the House. Whether or not that's binding on the government, the government is taking it seriously in terms of response.

I think the first step is to know our existing rights. I was actually questioned on the airline as to some of those things. I'll concede my own shortcomings on this; I didn't know what all our rights were. So I think it's important that we bring Canadians up to speed on this, as well as the rest of us, as a first step. So in that sense, I'm comfortable with where the government is going on this particular issue.

The step after that is that if we have some gaps, let's look at them and address them. I don't think that's, in the words of our colleague across the way, somehow ceding this, hoping that something gets done. I just think it's a logical progression. The first thing we do is look at what those assembled rights are, at what exists currently. From there we begin to move on. The motion itself doesn't obligate this committee to take up the study of that at this particular point. I think it's too early for that type of step. Let's see how this unfolds.

I'm working with the parliamentary secretary on what some of my frustrations were in my personal experience with this. But let's just take it in logical steps. I think we should resist, only a couple of days after a frustrating situation, politicizing the event or the frustrations. Let's be deliberate about this. Let's have the committee continue to move on the things we're already undertaking. As Mr. Jean suggests, this can wait until the fall, I think. Let's see what our rights are, and let's move logically from there. Even I, having been in a situation recently, am satisfied that it's okay and will continue to work with the parliamentary secretary on it.

The Chair: We'll have Mr. Byrne.

Hon. Gerry Byrne: Thank you very much, Mr. Chair.

I think it is important that reason prevail over passion on all issues in a legislative format, so I will contest the factual assertion that baggage is not covered under the European guidelines. I think that was meant to capture.... Mr. Jean might want to pay....

Mr. Brian Jean: I'm listening.

Hon. Gerry Byrne: I'll also contest the assertion that Canada's consumer advocacy or protection is greater than the European Union's. My argument will be facts-based.

There are European Union regulations protecting consumers related to baggage. Specifically, it is EU regulation number (EC) 889/2002. It was enacted on May 13, 2002. It replaced EU regulation number (EC) 2027/97, which was enacted October 9, 1997. I'll cite directly the EU press release announcing this:

...EU legislation provides rights for passengers in the event of problems with baggage and in the event of injury or death following an accident. The passenger of an EU airline will be well protected whatever their destination and whatever their flight taken, whether it is an international or domestic flight.

In particular, in the event of damage or loss of baggage, the responsibility of an airline is limited

—this is as of September 30, 2004—
to €1,180.

Translated into Canadian dollars, that's about \$3,000.

There are also specific measures, and this is one of the key differences between the EU legislation and the current legislation in Canada. The EU legislation prescribes specific minimum standards for various circumstances, whether it be baggage loss or damage, or delay or cancellation of flights. In Canada, the entire airline industry

and consumer protections within the Canadian airline industry are governed strictly under the provisions of the required published tariffs of the airlines themselves.

Here's what that means exactly. A particular Canadian airline has an obligation to publish its tariffs—charges and rates and all the ensuing contractual obligations it has to its customer—in exchange for the fee for travel, the contract for the airline ticket. If an airline chooses to publish its tariffs that it will do nothing for you, it has met its tariff obligations.

For example, Air Canada employs a \$1,500 baggage liability maximum. WestJet has \$250 as a maximum for baggage loss.

• (1125)

Mr. Brian Jean: My understanding is that this is for international flights.

Hon. Gerry Byrne: No, it's on domestic, but that's a point of debate.

Mr. Brian Jean: Exactly, as is the EU case; that's my point.

The Chair: Order.

Hon. Gerry Byrne: The point here is that in Canada we have no regulated minimums related to compensation for delayed flights, we have none for cancelled flights, we have none for a variety of different circumstances. In the EU, they do. The only responsibility of the Canadian airline industry is to tell you what they will do up front. If they tell you up front that they will do nothing, they have met their obligation.

In fact, what many have argued during the course of this debate is that the contract between the airline and the passenger is about a four-page legal document, but the document is not about validating, enforcing, or creating consumer protections. It's about one thing and one thing only, some would argue: it's about limiting the liability of the airlines. There is very little in it that actually enhances consumer protection. That is the extent.

Mr. Watson, the bottom line here for the question you were asked—what the requirements under law are in Canada in this circumstance and others—is that there is next to nothing, except that the airline has the requirement to publish what they will do for you in a particular circumstance. If they publish that they will do nothing, then they have met the requirements.

That does not, in my opinion, provide better protections than those that currently exist in the EU, which give a substantial number of minimum compensatory requirements of airlines to their passengers. That's the EU model.

The Chair: Monsieur Laframboise.

[*Translation*]

Mr. Mario Laframboise: If Mr. Masse had heard the end of my questions, instead of talking at the same time as I was, he would have understood that I wanted to know what the government intends to do to solve this issue.

Following Mr. Jean's explanation, I understand that the government has absolutely nothing, except communicating the content of existing laws. So I will support Mr. Masse's motion. Thank you.

[English]

The Chair: Mr. Bell.

Mr. Don Bell (North Vancouver, Lib.): I just have a comment. Along with Mr. Watson, about a year and a half ago I had an experience where I spent three hours on the tarmac at Ottawa airport. We were diverted from Toronto. That was after the Air France plane ran off the runway. We ended up here. The problem in that case was that there were not enough customs people to handle the flights that had been diverted. We sat for three hours, and it was hot, and basically it was very frustrating to be within 100 or 200 feet of an airport where we quite often come in and out without any problem and to be stuck.

One of the problems was that there was no support from the airline, from Air Canada, in terms of those who had to stay overnight because it was late. I had to find accommodation here, believe it or not. My usual accommodation was not available. I got no compensation for that. Just a letter of apology from the airline was all that ultimately happened. Obviously, I was one of several hundred people on that flight.

I am concerned that we do something. I appreciate Mr. Jean saying that the existing set of regulations appears to be...I don't think he used the word "mishmash", but he was saying that they come from a variety of areas and they are difficult to collate. I think that is important to do, but it is important as well that we look at the issue and fully understand it.

Mr. Watson said he didn't understand it. He expressed his lack of understanding of it when asked by other passengers, and I would have to admit I'm in the same position. I think it is important for us to know what they are, but if there are these little stories that anecdotally come together, perhaps it is something that's worthwhile as a follow-up to Mr. Byrne's motion, which was passed, that we in fact do assess it and do study it.

• (1130)

The Chair: Mr. Jean.

Mr. Brian Jean: To be clear, as I said from the beginning, we were going to support the motion, and we're prepared to support it because we feel the committee is working with us.

The issue is that it is existing legislation. What I am hopeful of is that we will get an answer from the department and from the minister's office on how they're going to approach this and then deal with what the legislation lacks.

There is a sensitive balance here, and this government wants to make sure it does that properly. We have time to do so. We have time to organize over the summer, and the department has time to get back to us and get us a response. So if it's the will of the committee to move forward, let's move forward in a unanimous fashion and deal with it at the end of the day. Let's face it, we're all here to support and recognize who the most important people are here—Canadian consumers. Everybody consumes, and if indeed we find a lack in the current legislation, once we find out what it is and the clear path of what consumers' rights are, let's go forward.

Mr. Byrne, from my study, the EU does not include that. I don't know about a press release on baggage, etc., but the website itself is very clear, as far as I know. But once we find out we can deal with it. Maybe we can look at other jurisdictions. We know the U.S. doesn't have anything. They have an 11-point plan, or at least it has been proposed by a lady in the U.S. that they deal with an 11-point plan on delayed flights. Maybe we can even look at that, but until we have an opportunity to know what we have in this country and to know exactly how consumers are protected through different types of legislation, we're really debating something that is a moot point.

In the spirit of cooperation, let's move forward. Let's vote on this and see if it is unanimous or not. But we want to protect consumers, from this government's perspective.

The Chair: Mr. Jean, you mentioned in your comments that the department is preparing to publish the passenger rights Canadians now have. Could I ask the department, through a letter, to send me, say by mid-August, that compilation so I can share it with members of the committee?

Mr. Brian Jean: That would be helpful, certainly, but to be clear, what the department is doing is assembling all the current rights and organizing a communication plan to make sure.... For instance, one of my recommendations, which seemed to be welcome, was to have a 10-point plan and have stickers at every boarding gate, so consumers know what they can do and access a website to do so, absolutely.

The Chair: But just for our sakes, as Mr. Watson and others have said, we'd like to actually understand what we have now. It would enhance the discussion.

Mr. Brian Jean: Absolutely, yes.

The Chair: So I will do that.

Ms. Hall Findlay.

Ms. Martha Hall Findlay (Willowdale, Lib.): Thank you, Mr. Chairman.

You may have actually just addressed what I was wondering, which may have arisen from a lack of experience with process. Monsieur Laframboise had a valid concern. Based on this motion alone, if it's just the committee doing the work, we could be here until next year. There is a concern about timing.

I think I also heard from Mr. Masse a concern about it being entirely in the government's hands. Is there a value? Mr. Chairman, you might have addressed it, in a letter to you or from you. But it might make sense to have something more formal from the committee asking the department to start conducting this more thoroughly over the course of the summer. It might be even more than just an assembling of the legislation. We might start looking at what to do next.

• (1135)

Mr. Brian Jean: Mr. Laframboise was just out of the room. Maybe you could repeat that, Mr. Chair.

The Chair: I was suggesting that as the chair I would write the department and ask them to actually....

Mr. Brian Jean: Advise?

The Chair: Well, I think even define what our current travellers' rights are, so that at least we have a starting point. I think that would build on Mr. Masse's motion, in the sense that it could be used to protect the air travel of consumers. Once we know what our rights are now, we can plug in the shortcomings that we hear from people.

So if I have the will of the committee, I will write that letter. I'll say that they have to respond with the list by mid-August, and then I'll share that with the committee members. Reasonable?

Mr. Jean.

Mr. Brian Jean: I'm wondering if it would also be constructive to write to the CTA and ask for proposed or contemplated—

The Chair: Sure. I think we want to get as much information as possible.

Mr. Brian Jean: Exactly. The CTA deals with complaints, and maybe they would have some ideas on what proposed legislation—

The Chair: What we have and what might work.

Mr. Brian Jean: Yes. Does that sound reasonable?

The Chair: Is this okay with the committee?

Seeing no more debate at the table, I will call the question on the motion by Mr. Masse:

That the Standing Committee on Transport, Infrastructure and Communities, after the passage in the House of Commons of a motion calling for an airline passenger bill of rights, engage in a study of present legislation and regulation that could possibly be used to protect air travel consumers and report the study to the House of Commons.

(Motion agreed to)

The Chair: Mr. Jean.

Mr. Brian Jean: Mr. Chair, I have new business. It's a motion. We understand that we haven't given the 48 hours, but I'd like to give notice of this motion in relation to our next meeting. If you want me to introduce it now, I'd be prepared to do so. It deals with consumers' rights.

The Chair: The regular order or fashion is to submit the notice of motion in 48 hours, then present it to the committee. Now that we have it, at least we're aware that it's coming.

Mr. Brian Jean: Mr. Chair, I agree, but....

The Chair: It would be at the will of the committee.

Mr. Brian Jean: Absolutely.

The Chair: I would ask if it's the committee's will to allow Mr. Jean to introduce this notice of motion today.

Monsieur Laframboise.

[*Translation*]

Mr. Mario Laframboise: No, because it is a 48-hour notice. At first blush, I have no problem with it, except that I need to obtain an analysis by my leader's office.

[*English*]

The Chair: Okay.

Mr. Jean.

Mr. Brian Jean: I have no problem with that, Mr. Chair. It deals with the impact of a carbon tax upon commercial transportation in Canada, so it's quite important, especially with the motion by the Liberal leader.

Will 48 hours' notice be enough time to deal with it on Thursday?

The Chair: I don't think the 48 hours would be the—

Mr. Brian Jean: Thursday would be sufficient?

The Chair: Yes.

Mr. Masse.

Mr. Brian Masse: I've just become aware that a similar motion has been tabled by the Conservatives in Finance and Natural Resources, so I'd ask to find out whether or not there's similar legislation or notices being filed from other departments, so that we know what duplication may be presented in front of our committee.

The Chair: I think that will be the 48-hour timeframe we'll need to rectify that.

Mr. Brian Masse: Right.

Thank you.

The Chair: Any other further business?

Mr. Bell.

Mr. Don Bell: On the motion that Mr. Volpe put forward with respect to the advertising for airlines, Mr. Volpe is unable to be here today, but we received a copy of a letter that was sent from the minister to you, Mr. Chairman, in response to your June 3 letter on the status and extent of consultations.

Where this committee has gone pretty well in the past—up until perhaps the last motion—with non-partisanship and a fairly low partisan way of dealing with things, unfortunately this letter from the minister, in my opinion, takes several partisan jabs that I think are unnecessary. I say so, again, in the context of the way this committee has worked.

We know the industry is on board, and we'd like to know the status of the consultation with those provinces. There has been about a year's time spent on this, and I would like to request, again, that we find out what the minister is going to be doing on this issue. Unfortunately, I don't think that is addressed in this letter.

Whether this is an item that should be added to Thursday's agenda, when Mr. Volpe can be here to have this discussion....

● (1140)

The Chair: Comments?

Mr. Jean.

Mr. Brian Jean: The committee asked for a response; it's a four-page response. I think it was done in seven days, over a weekend. That's the response. I don't understand what else Mr. Bell is seeking, or Mr. Volpe. Maybe we should leave this for Mr. Volpe, because he's been dealing with it.

A response was asked for as to the present condition of the situation. It's very clear that there's a conflict of laws; there are two different jurisdictions that regulate it. If the federal government regulated it at this stage without the provinces on board, it would create an uneven playing field. That's the difficulty.

The Chair: Actually, it's a six-page response.

Mr. Brian Jean: Six pages. Look at the response—

The Chair: Monsieur Laframboise.

[*Translation*]

Mr. Mario Laframboise: We are satisfied with the answer to the letter. I had agreed to have the officials appear because we had not had an answer. But this letter is quite detailed and covers all the matter. In Quebec, given that there is a law, we are satisfied, but there is a problem concerning the rest of Canada.

[*English*]

The Chair: Mr. Masse.

Mr. Brian Masse: It's clear that the six-page letter was as much a political response as it was a factual response related to the process. It's clear that the government doesn't intend to move on this and that other means will be necessary to move them on it. That's where we see it standing, and we have suspected that from day one. It's very clear from that letter that it's just as much political as it is process.

The Chair: Mr. Bell.

Mr. Don Bell: Can I ask that you add it to Thursday's agenda so that Mr. Volpe will be in a position to respond to this?

The Chair: I'll see that it's added to the agenda.

Mr. Jean.

Mr. Brian Jean: I have a copy of the European parliament and the council regulations, dealing with Mr. Byrne's motion. I would be prepared to table that for ease of reference by the committee members.

The Chair: I think that would be wonderful. If you do that, I will see that the clerk distributes it to every member.

Mr. Byrne.

Hon. Gerry Byrne: Thank you very much, Mr. Chair.

That would indeed be helpful, as would European Union regulation 889/2002, which was proclaimed on May 13, 2002. Just to be clear about this, the reason, Mr. Jean, you may be unaware of the inclusion of baggage in the European Union air passenger bill of rights was because it was not included in the February 2005 proclamation; it was an existing measure that had already passed in 2002.

In other words, it was one of the very first reforms within the European Union related to consumer protections in the airline industry. Being passed in 2002, it was not included in the legislative reform package of 2004-05 because it was already in existence. That's why you're maybe not drawing a direct reference to it being part of the airline passenger bill of rights. You would be correct in that it was not part of that particular legislative package; it already existed, providing those very, very substantial protections to consumers related to their baggage and airlines.

Mr. Brian Jean: Mr. Chair, if I may respond, that's what the difficulty is. I think you've made my point in relation to why the department needs some time to assemble our own rights; it's because there are different pieces of legislation that deal with the same issue. Indeed if it's that case and I did miss that, I certainly apologize to the committee for misrepresenting the facts.

At this stage I still haven't seen that regulation. As you said, it was proclaimed before. That's the difficulty with Canadian legislation; we have it in different places. That's why we need to develop a communications plan, so consumers know what their rights are.

As you know, we have the safest, most secure airline in the world, and we have the best rights in the world as well. We want to make sure we continue that for consumers.

The Chair: Are there any other comments?

If not, the meeting is adjourned.

Thank you.

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

**Also available on the Parliament of Canada Web Site at the following address:
Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante :
<http://www.parl.gc.ca>**

The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.

Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.