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## **Standing Committee on Transport, Infrastructure and Communities**

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**EVIDENCE**

**Monday, November 23, 2009**

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**Chair**

**Mr. Merv Tweed**



## Standing Committee on Transport, Infrastructure and Communities

Monday, November 23, 2009

• (1535)

[*English*]

**The Chair (Mr. Merv Tweed (Brandon—Souris, CPC)):** Order, please.

Thank you, and welcome to meeting number 38 of the Standing Committee on Transport, Infrastructure and Communities.

Pursuant to the order of reference of Wednesday, May 13, 2009, we continue our study of Bill C-310, an act to provide certain rights to air passengers.

**Hon. Joseph Volpe (Eglinton—Lawrence, Lib.):** I have a point of order, Mr. Chairman.

**The Chair:** Go ahead, Mr. Volpe, on a point of order.

**Hon. Joseph Volpe:** Before you proceed, you know I've had a motion before this committee for quite some time on the procurement practices of VIA Rail. I'm wondering whether you are planning to make some time before the end of the meeting for that motion. Did you want to go right after the meeting, or would you like to do it at the beginning?

**The Chair:** It is on the agenda as the second part of the business, but I take direction from the committee.

Go ahead, Mr. Jean.

**Mr. Brian Jean (Fort McMurray—Athabasca, CPC):** The government side would prefer setting aside time to deal with that at the end of the committee meeting.

**The Chair:** Are there any other comments?

Okay. Well, then, we'll proceed.

I have to advise the committee that as we have been faced with this deadline, it is now upon us at today's meeting, before the day is out, to decide on one of the four options as to what we will do with Bill C-310. I think I've made the committee aware of the options, but I will go through them once more just for the record.

Option number one is that we can report the bill with or without amendments by November 25. Option number two is that we can do no report, and then the bill is deemed reported without amendment on November 25. Option number three is that we can report requesting a 30-day extension, with reasons. Option number four is that we can report that the bill will be not further proceeded with, with reasons.

I put that out there because we do have to make these decisions as to how we proceed.

Go ahead, Monsieur Laframboise.

[*Translation*]

**Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ):** Mr. Chair, the important thing to me is that you have received the amendments from the Bloc Québécois and all the parties. I would like you to confirm that the amendments are in order. It is important that I know before making a decision and making a choice, whether my amendments are in order or not. We could take the opportunity to let the other parties know whether their amendments are in order.

[*English*]

**The Chair:** I just wanted to verify the rules, and I cannot give you that information until we move with the amendments, simply because it has to be moved before it can be decided.

Go ahead, Mr. Volpe.

**Hon. Joseph Volpe:** Mr. Chairman, I suspect that we may use up a lot of time in making these determinations one after another after another, so I'm going to propose something that might make things go a little bit more quickly. If it's possible, we could move all of the amendments at once, and then see if you can make a decision on that basis. Then we can proceed with them one at a time, or not, as the case may be.

Since we are going to await your decision anyway, if it's procedurally correct, then I'd be prepared to make such a motion. If it is not, then I think I'd like to have a supplementary view on what we should do.

**The Chair:** I have been advised that if Mr. Laframboise chooses to hear the decision as to his amendments, with the will of the committee I can actually provide that information. I'm sorry for making a wrong statement at the beginning. If the committee is okay with that, I can—

**Mr. Brian Jean:** Absolutely.

**The Chair:** Mr. Laframboise, you have submitted three amendments. The first amendment, BQ-1, has been ruled out of order, and BQ-2, the second amendment, is also out of order. BQ-3 is deemed also out of order.

**Hon. Joseph Volpe:** That information having been provided, Mr. Chairman, we have provided a couple of amendments as well. I'd be interested in the rationale—in a moment, though. I'm wondering whether you can provide us with the same views with respect to the admissibility of the Liberal amendments proposed. Since there are only two, that should be pretty quick.

•(1540)

**The Chair:** Thank you, and I will advise that the Liberal amendments are in order and acceptable, but they are in conflict with some of the NDP motions, which would either rule them in conflict or not applicable if the preceding amendments from the NDP were acceptable. An example I'll give you is that NDP-7 and L-2 are basically identical. The NDP presents first, which would deem the Liberal one redundant. And amendment L-1 is in conflict with two of the NDP amendments, so it wouldn't be proceeded with if those previous amendments were accepted.

**Hon. Joseph Volpe:** Which one will be addressed first?

**The Chair:** In this case, the NDP amendment would pre-empt L-1. Amendment L-2 would be identical to NDP-7, so it would be again redundant. There are only two.

**Hon. Joseph Volpe:** Well, NDP-2 and L-1 are not identical. I beg to differ. I think they address two different issues.

**The Chair:** We're talking about L-2 and NDP-7.

**Hon. Joseph Volpe:** No, L-1 and NDP-2.

**The Chair:** That's the one that we wouldn't be able to proceed with if NDP-2 and NDP-3 were accepted, because there would be a line conflict. That's what I'm saying.

**Hon. Joseph Volpe:** I think we can address that quickly enough. But I have one question, and I'm sure Mr. Laframboise would probably ask the question himself, about why some of the Bloc amendments are unacceptable.

**The Chair:** Basically, the answer to all three is the same. It's the opinion of the chair that by mandating Transport Canada to determine the responsibility and obligations of certain organizations, it's a completely new concept that's beyond the scope of the original bill, and therefore inadmissible.

**Hon. Joseph Volpe:** But the scope of the bill is to try to get the regulator to address the issues associated with passenger rights. So they still address the role of the regulator in legislation. It's only for us.

**The Chair:** The challenge I have is we're now getting into debate on something the committee has asked me is admissible or not. If we want to go to amendments, we would have to introduce it, and I could.... Basically, by giving a new mandate to Transport Canada, it takes away the scope of the bill as it was originally presented. We're actually delegating another authority to make that decision, and that wasn't the original scope of the bill.

Mr. Laframboise.

[*Translation*]

**Mr. Mario Laframboise:** I am not questioning the decision that has been made, Mr. Chair, it is simply that it is important for my consideration of Bill C-310. I have always said that in a bill that is a passengers' bill of rights, in my opinion, I think all the players who are responsible should be the ones who pay damages when they have caused a problem. I have always given the example of the Air Cubana case. The bill I have in front of me has merit, the idea is good, but in my opinion the result is not satisfactory.

When you stated the options at the beginning, Mr. Chair, I had already analyzed all my options. I am prepared to move that we

report to the House, and I would make the following motion, which I will read:

That, pursuant to Standing Order 97.1, and, after concluding hearings on Bill C-310 (Air Passengers' Bill of Rights), the Committee report that it recommends that the House do not proceed further with Bill C-310 because it makes air carriers responsible for passenger inconveniences and excludes the responsibility of other parties such as an airport authority, NAV CANADA, Canadian Air Transport Security Authority (CATSA), and the Canada Border Services Agency.

That is the sense of my amendments, that is what I have always said, and this bill does not make airlines responsible. I know there will be a slew of amendments introduced by the NDP, I know there is goodwill on the part of the Liberals, the idea is to exclude a lot of things or not make them responsible.

But we are not doing passengers any favour if, when we enact this bill, we solve all the problems of delays and incorporate exclusions and ways of doing things that mean that airlines are not held responsible. We are not doing passengers any favour.

There should have been a major joint effort, is what the witnesses have told us. Everyone should have sat down at the same table: NAV CANADA, the airport authorities, CATSA, the Canada Border Services Agency, and they should have worked out a policy on this, unless the government introduces a new bill. The bill that we have before us doesn't do passengers any favour. This is the report I am proposing, and if I have a seconder, I would be prepared to speak to it.

•(1545)

[*English*]

**The Chair:** Before I go to comments, I guess I'm asking whether you're putting that forward as a motion, option number four, which would report that the bill be not further proceeded with, and the reasons given.

I have Mr. Mayes and Mr. Volpe.

**Mr. Colin Mayes (Okanagan—Shuswap, CPC):** First of all, Mr. Chair, I'll second that motion. That's all I wanted to do, clarify if it was a motion, and if so, I was willing to second it.

**The Chair:** Thank you.

Debate, Mr. Volpe.

**Hon. Joseph Volpe:** Mr. Chairman, I'm a little disappointed that if we were to choose that option.... I'll tell you that we presented a couple of amendments for the purposes of clarifying what we think is the intent of the bill. They go to some of the concerns that have been expressed by members, by stakeholders, and others.

It is our view that the legislation already addresses something in the legal environment with which we are seized as a country. We operate in the same airspace and in the same markets as the European Union and North America. It is clear that there is already a body of law that addresses the issues we are asked to address in this legislation. Those laws are ones that our carriers must abide by when they travel beyond our own domestic market.

It seems rather strange to us that we would hold the carriers to a standard that is clearly higher than the one they have to follow in the domestic environment. Nonetheless, to address some of the concerns—because we did not receive any specific documentation from the carriers in respect of this law—we proposed amendments that, in our estimation, are not inconsistent with some of the others that are put forward.

They go as follows, Mr. Chairman. They go to define a little more clearly and more specifically the extraordinary circumstances. In fact, they go so far as to replicate the language preferred by KLM and Delta Air Lines when they went to courts to present what they meant by extraordinary circumstances. Second, they address the issues of the amount of liability, in order to get away from the red herring of suggesting that people can actually turn this into a business enterprise by booking a \$99 ticket and then reaping \$500 in benefits, hoping that some things will go wrong. It's an interesting kind of focus on how to buy lottery tickets.

Our amendments address those two issues: to put fines into a particular context of reasonableness, and to place Bill C-310 in a jurisprudence that is already existent.

For us to consider that we not report this to the House or even allow the House to reflect on this once more would seem a bit excessive. So we wouldn't support that motion.

● (1550)

**The Chair:** Mr. Bevington.

**Mr. Brian Jean:** I have a point of order in relation to—

**The Chair:** I'll hear Mr. Jean on a point of order.

**Mr. Brian Jean:** Mr. Volpe.... Even following Mr. Laframboise's motion, the House still gets an opportunity to speak about this issue. It still goes back to the House for a continued one-hour debate.

**Hon. Joseph Volpe:** No, I thought his motion really was that the House not consider this further.

**Mr. Brian Jean:** It still goes back for a one-hour debate.

**Hon. Joseph Volpe:** It goes back as a concurrence motion; that's all.

**Mr. Brian Jean:** It still goes back to the House for consideration.

**Hon. Joseph Volpe:** But it tells the House not to consider it.

**The Chair:** It does go back as a concurrence motion for debate in the House and it's placed on the Order Paper by the clerk after agreement with the parties. So it does go back.

Mr. Bevington.

**Mr. Dennis Bevington (Western Arctic, NDP):** Mr. Chair, I'm not in support of this motion.

I think the motion is premature. We haven't had a debate over the amendments. In some respects this bill matches up to what is the practice in Europe. It gives airlines, under the extraordinary circumstances clause, all the leeway they require. What many of our amendments are doing is simply clarifying the extraordinary circumstances.

There are amendments that would provide some reduced rates; there are things that can make this bill more understandable. Nonetheless, the bill is about the relationship between the air carrier

and the general public. The bill was designed not to put a burden on Transport Canada or on Nav Canada; it was to define the relationship between the air carrier and the passenger. That's what the bill's intent was, and that's still how the bill is laid out.

If there are extraordinary circumstances, the penalties don't apply. That's pretty straightforward. We are not with this bill putting a burden on Transport Canada, on Nav Canada, or on any of the other agencies that this government uses to oversee air traffic. That's not what's happening here. This bill is about the relationship between the carrier—the business—and the passenger. As such, it can stand by itself. There's no necessity to put blame or put costs on the other organizations. The penalties only exist between the air carrier and the passengers when a commercial operation does not meet the conditions of this bill. That's it.

If Nav Canada makes a ruling that changes the nature of the flight, passengers will not have the opportunity to seek reimbursement from Transport Canada or from Nav Canada; that was not the intent of this bill. If the person who put the bill forward had wanted to include all those agencies in it, that's what would have perhaps happened, but this is not the practice across the world in the aviation business.

So I think this motion is not doing the job. I would much prefer to see a motion that would provide us with some more time to consider this. I know the committee has made choices about the timing of the bill, after a clear vote of approval in principle by the House of Commons on second reading. To my mind, the committee has failed in its obligation to the House of Commons in dealing with this bill. These measures will be viewed in that light not only by me, but I'm certain by many other parties to this issue.

Thank you.

● (1555)

**The Chair:** Mr. Watson.

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

I appreciate Mr. Volpe's intervention today. I'm going to presume that his position is the same as that of Mr. Kennedy, who is not here today.

I think this is more than just an issue of clarifying the intent of the bill. If I understand Mr. Laframboise's intervention appropriately—and he can correct me, if I'm putting words in his mouth—this goes beyond simply clarifying the intent of a bill. That's not the same as creating a piece of legislation that is structurally sound in all its components. I think that was actually the position of Mr. Byrne, who for the Liberals substituted for Mr. Kennedy a few times at this committee and who envisioned an adjudicating role for the CTA, for example.

The New Democrats' proposing of a whole slew of amendments, although they're cosmetic in nature, is really a candid admission that the bill is fatally flawed, structurally speaking. I think that was more the nature of the intervention, not simply what Mr. Volpe said about clarifying the intent of the bill.

I'll be supporting the motion.

**The Chair:** Mr. Laframboise.

[Translation]

**Mr. Mario Laframboise:** To answer Mr. Bevington, I will repeat that if we are adopting a bill of rights but we add a list of exceptions, so that only one segment of passengers are compensated, that is a very bad message.

I understand what he said because the more he analyzes his bill in depth, the more he will reach the same conclusion as I have: that we must not lead passengers to believe that we are going to solve their problems. This is not the way to solve them. The more witnesses who appeared, the more convinced I became of this. Even if we add 30 more days of debate and call witnesses pro and con the idea, my position will not change.

Certainly it will be possible to introduce other bills, private members' bills, and adjust them accordingly. I have no problem with that, but this one, the way it is drafted... Mr. Maloway's contribution has merit, but we have to examine the problem in depth and take into account how the air transportation system works in Canada. There are independent airport authorities. NAV CANADA is completely independent of the government. These players have to be at the table, if we ever want to discuss passengers' rights.

In my opinion, the best solution is to report to the House of Commons. What we must not do is send a false message. If we do not adopt what I have proposed, we will be giving people the impression that airlines are the only "bad guys". We have to make them understand that the airlines are not the only players in this industry. They should not be the only ones who have to contribute to the solution, some day, when the time comes.

I think this bill does not propose the solution we would like to adopt. When the time comes, all these players have to sit down at the same table to work it out. I made this addition so that people would not think, once again, that the airlines are lobbying us. As I said last time, I didn't need lobbying to understand that the objective of the bill had merit, but when we got to the bottom of things it became clear that the result was not what was expected.

I urge you to support this motion.

• (1600)

[English]

**The Chair:** Mr. Jean.

**Mr. Brian Jean:** I'm wondering if Mr. Bevington, with your consent, would be able to.... He raised his hand. I wanted to hear what he had to say in response to Mr. Laframboise. I'd still like my time, but is that possible, just to switch with mine?

**The Chair:** I'll move you back down on the list.

Mr. Bevington.

**Mr. Dennis Bevington:** I want to thank Mr. Jean for his generosity in allowing me to speak first.

Quite clearly, to bring the other agencies into a discussion of airline passenger rights is a very risky proposition. It's one thing to set up the relationship between an air carrier and its passengers. It's another thing to set up the relationship between Nav Canada, airport managers, airport authorities, and the Department of Transport, with obligations to maintain safety away from the carriers. The thought of

a situation where the regulators would be responsible for the cost to the consumer over the decisions they were making about whether a plane would fly or not, whether the conditions on an airport were safe or not, whether any other thing came into it, seems to me almost.... It's a dangerous situation not to have authorities at airports in charge of aviation, authorities who can make a final and definitive decision about whether a plane will fly or not, with no concern about whether they're going to be held responsible in court to uphold that decision.

That's where I would differentiate from the Bloc's position. I don't want regulators to have any doubt about their ability to make decisions for aircraft based on anything other than safety, not on any apprehension that they may be held liable for cost. That is not the way you want to run an aviation system.

Now, the air carriers are responsible to their passengers in a different fashion. They may make decisions to cancel planes more for monetary purposes than for safety purposes, or anything else. I gave evidence of one that occurred to me not a month ago. Those are the types of things people are most concerned about.

To suggest that we're going to enter into a system where the authorities that define the safety and safe flying of aircraft would be in any way responsible for damages because of interrupted flights I think is where you do not want to go.

**The Chair:** Mr. Volpe.

**Hon. Joseph Volpe:** Mr. Chairman, I see that the committee is going to be stuck on this decision about whether the amendments are sufficiently comprehensive to address the intent of the bill, and whether in fact all of the intentions that we attribute to the bill have actually been raised.

The problem I have with this line of thought is that the motion, with all due respect to Monsieur Laframboise, really says that we have all of these concerns, but we haven't been able to address them and therefore we should abandon the bill.

I'm going to accept the first part of his premise, and therefore move an amendment to his motion. That amendment you have before you. The language can be changed a little bit, but essentially, because people will agree that the—

**The Chair:** If I may, in order for you to propose this I believe Monsieur Laframboise has to remove his motion.

**Hon. Joseph Volpe:** I'm presenting it as an amendment to his motion.

**The Chair:** It's not seen as an amendment. It's seen as one of the options that are presented.

**Hon. Joseph Volpe:** No, not necessarily. Mr. Laframboise can view it as a friendly amendment, or he can view as an inimical amendment. Quite frankly, I think it can be an amendment to the motion. His thought process hasn't been completed. I don't know why you should interrupt his thought process from reaching its own maturity.

•(1605)

**The Chair:** The motion that we're debating is the motion from Monsieur Laframboise. Whether you call it an amendment or not, this would actually be a motion to support one of the options that were presented.

**Hon. Joseph Volpe:** Would you at least allow me to say it so that everybody knows what it is you are deliberating on?

**The Chair:** By rule, I believe we have to debate the motion that's on the floor.

**Hon. Joseph Volpe:** That's what I'm doing. I'm debating his motion.

Monsieur Laframboise has asked the committee to report back to the House and say that this legislation does not merit any further discussion. What I would propose in amendment to that is given that he has found that there are sufficient drawbacks, which he has attempted to address with amendments, as have others, what we do is advise the government that we would like a 30-day extension while they prepare legislation to address all of those drawbacks.

**Mr. Brian Jean:** You were the transport minister once, right, and you didn't—

**The Chair:** I would have to go back to my original comment. It's not an amendment. It's a new motion with a different concept. We have to stay on the motion that's been presented.

Mr. Jean, you're up.

**Mr. Brian Jean:** Thank you, Mr. Chair.

**Hon. Joseph Volpe:** Just for clarification, just so we can address it, I note for Mr. Jean and others that all Italians look the same, but no, I was not the Minister of Transport. It was another Italian guy.

**Mr. Brian Jean:** The member from six feet under, yes.

**The Chair:** Mr. Jean, please.

**Mr. Brian Jean:** Mr. Chair, with respect, we do see that there are many issues and have been many issues in relation to this bill. It has been the government's position all along that there are fundamental flaws with this particular proposed piece of legislation. As Mr. Laframboise said, he tried to find an opportunity to make the bill acceptable by the amendments, which were then again ruled out of order because they are out of order.

The most important thing to recognize is that this particular piece of legislation, in my mind and I think in Monsieur Laframboise's mind and many others', blames the airlines for all steps in the chain of supply of passengers, even if it is not truly their fault. That's the fundamental flaw with this, and that is what Monsieur Laframboise has dealt with.

I think there are more fundamental flaws, but notwithstanding that, Mr. Chair, clearly we have all had an opportunity to speak here today many times about this. I'm going to call for the question. I would ask for the vote.

**The Chair:** Mr. Volpe.

**Hon. Joseph Volpe:** I can appreciate that the parliamentary secretary would like to rush this motion forward, but the fact that you, as chairman, ruled that the amendments by the Liberal Party and indeed the amendments by the NDP, save for two minor

exceptions, were in order is clear evidence for everybody who is listening or following the debate of this committee that the bill can be improved, as is normally done by committees when there are items of legislation before them. The fact that committees would propose amendments does not necessarily mean the legislation is wrong. It simply means that part of the parliamentary debate process and the decision-making process receives the fine tuning that committees were structured to provide. So I reject completely out of hand the observation that the bill is so flawed that it requires amendments.

The reason that amendments were proposed was to address some of the concerns by the same carriers who said the bill is so flawed they didn't want to have anything to do with it. Our amendments, and I don't want to judge the NDP's amendments, go to the issue of who is responsible under law, the law that the carriers themselves observe when they fly into Europe. Our amendments go into trying to give a reasonable understanding of how the penalties will be addressed, even though in Europe there is no such exception.

**The Chair:** We have a vote that's being called right now. I need the permission of the committee either to continue—

•(1610)

**Hon. Joseph Volpe:** To either do what, I'm sorry...?

**The Chair:** It's a 30-minute vote. With the will of the committee, we're able to extend this debate now or we can suspend and come back after the vote until 5:30, or we can adjourn now.

I have Mr. Bevington on my list, but I have to know what the will of the committee is on that.

Mr. Jean.

**Mr. Brian Jean:** It's a 30-minute bell. I was going to suggest that we deal with it for 15 minutes and at that time the chair suspends. All it takes is six minutes to get from here to the House.

**Hon. Joseph Volpe:** My understanding of the way the clock works, Mr. Chairman—and you're of course going to make a decision—is that if we interrupt this hearing at this time, which is 40 minutes into the discussion, it would mean that when we restart the hearings we will complete the remainder of the two-hour time period.

**The Chair:** That is subject to the will of the committee. Normally it would end at 5:30.

Any other comments?

Is it the will of the committee to continue for another 15 minutes? Agreed? Okay.

**Hon. Joseph Volpe:** I think I had the floor.

**The Chair:** Mr. Bevington.

**Mr. Dennis Bevington:** No, I don't really see that we should continue when we have a vote coming on.

**The Chair:** I would say that the vote is in a half hour, which would put us at about twenty minutes to five. We would resume immediately after that and we would continue until 5:30, subject to the will of the committee. If there's an extension requested, it would have to be agreed to. Okay?

We are suspended. Immediately following the vote, we'll return.

- \_\_\_\_\_ (Pause) \_\_\_\_\_
- 
- (1700)

**The Chair:** Welcome back.

When we left, the discussion had stopped and I had Mr. Bevington on my list.

Mr. Bevington.

**Mr. Dennis Bevington:** I'd like to recap some of what has happened here.

I think it's clear that the Bloc has forwarded a series of amendments that don't fit with the rules of this House, and they are going to put forward this motion to conclude the work on this bill.

This doesn't speak to the spirit of most of the MPs when they passed this bill. They expected us to come forward with a reasonable case. When you put forward amendments that don't have any chance of standing up to our procedures, you're not doing anything to forward the bill. You are simply providing some kind of cover for yourself when it comes to the actual debate and vote that will take place in the House.

I'm not happy with it. This whole procedure has been handled very badly. We are in the position where we aren't able to reasonably consider the bill. We haven't seen many witnesses for a controversial bill like this, and now we have a motion that will end the discussion completely. I can't see this being helpful, and as such I won't support the bill.

**The Chair:** Monsieur Laframboise.

[*Translation*]

**Mr. Mario Laframboise:** I am going to try to be respectful to my colleagues in the NDP. I have introduced amendments that express the intention we have of providing complete protection for passengers by legislation. The aim was not to try to introduce a bill and avoid it by adding interminable amendments. Trying to please will not make it better.

A little earlier I said that the longer the debate went on the more likely we would reach the foreseeable outcome. To produce a bill that protects passengers' rights we have to have all the players at the table, and that was not done in the case of the bill introduced by the NDP, with all due respect to Mr. Maloway.

This is fine. A member decided to introduce a bill. He probably wanted to make some political hay. But we can't do that on the backs of the airlines and at the expense of passengers. Ultimately, maybe 15% of events will be covered, the rest won't be, and there will be no one held responsible.

I think that when we do have to tackle this issue, all the players will have to be at the table. Obviously, it changed the meaning, and I am sorry about that. I would have liked to be able to do it, and we worked to accomplish that. The evidence is that if you read the amendments, you will see that they have tried to hold the airline company responsible and it could have got reimbursed, but that is not easy.

From the outset, the sponsor of this bill should have understood that it was doomed to fail. I'm sorry that he has had a wake-up call today, that he finds this hard and that he is not happy. That will pass, is all.

- (1705)

[*English*]

**The Chair:** Mr. Volpe.

**Hon. Joseph Volpe:** It's disappointing for us personally not to be able to address the amendments we wanted to address, but we're dealing with this motion. I guess some of this will be raised in the House.

There is some difference in the translation of the French and English motions. There is a suggestion inherent in the English translation that the hearings were complete and conclusive. I recommend that the English reflect the French,

[*Translation*]

because in French we see "... après avoir tenu des audiences...".

[*English*]

That means "after having had some consultation or hearings", and not that the hearings were concluded.

I realize this is an issue where one is hanging one's hat on precision, but precision does count on occasion. This may not be one of them, but it certainly still is for me.

**The Chair:** Would it be reasonable to remove the word "concluding", so it would read "after hearings"?

**Hon. Joseph Volpe:** Yes, but it would be acceptable to have "after some hearings". That would be more accurate and would better reflect the French.

**The Chair:** Is that the will of the committee?

Are you okay with that, Monsieur Laframboise?

**Mr. Mario Laframboise:** That's okay.

**The Chair:** We will take the word "concluding" out of the English text and insert the word "some".

Is everybody ready for the question?

**Hon. Joseph Volpe:** Can we have a recorded vote?

**The Chair:** It will be a recorded vote, requested by Mr. Volpe. The motion by Mr. Laframboise now reads:

That, pursuant to Standing Order 97.1, and, after some hearings on Bill C-310 (Air Passengers' Bill of Rights), the Committee report that it recommends that the House do not proceed further with Bill C-310 because it makes air carriers responsible for passenger inconveniences and excludes the responsibility of other parties such as an airport authority

(Motion agreed to: yeas 7; nays 4)

**The Chair:** There are two things I would ask of the committee. I need authorization for a budget that includes the meetings that took place last week. Because the report wasn't accepted as presented by the subcommittee it left a void, so I need a motion. It's going to be distributed to you.

- (1710)

**Mr. Brian Jean:** I move that motion, Mr. Chair.



**The Chair:** It's in the amount of \$9,900.

**Mr. Brian Jean:** On second thought....

**Some hon. members:** Oh, oh!

**The Chair:** That is the cost of witnesses for the last meeting.

(Motion agreed to) [See *Minutes of Proceedings*]

**The Chair:** Thank you.

We'll now move on to the second part of the meeting. Mr. Volpe has a motion on the floor. I will turn the floor over to Mr. Volpe.

**Hon. Joseph Volpe:** Thank you, Mr. Chairman.

Colleagues will recall that several weeks ago an issue surfaced about moneys spent or allocated by VIA Rail to a company in Wisconsin to provide services that had until then been provided by Canadian companies resident in Montreal and New Brunswick. I would like the committee to take a look at how the procurement practices of VIA Rail come to play in an issue where infrastructure dollars are involved. These moneys were allocated to VIA Rail to upgrade the system or the service, and to do it in the context of the intention for which the moneys had been allocated.

We don't know exactly how the process developed. We don't know how the decision was made. We don't know whether in fact the Wisconsin company was sufficiently well equipped to provide the service that had been provided by Canadian companies to that stage. I'd like us to hold at least a couple of hearings where we can bring in VIA Rail officials to explain how that's done, and maybe those Canadian companies, if not the Wisconsin company, to see why they weren't able to compete and why the other ones provide so-called "better service".

**The Chair:** Are there any comments?

Mr. Jean.

**Mr. Brian Jean:** From the government's position it's an excellent proposal. We'd like to see it go forward as well.

**Mr. Mario Laframboise:** That's okay with us.

(Motion agreed to) [See *Minutes of Proceedings*]

**The Chair:** The motion is carried, so we will move this to the subcommittee to plan the scheduling.

Seeing no other business, I'll call a meeting of the subcommittee for Wednesday. We can take a lot of the information we have and develop the plan to come back the following Monday for early approval, and then move forward.

Mr. Volpe.

**Hon. Joseph Volpe:** On a point of clarification, the minister had asked this committee to defer further discussions on Bill C-37 until such time as he and his department had compiled an acceptable list of amendments for the committee's deliberation and consideration.

Would you be so good as to write back to the minister on behalf of the committee and say we appear to have already accorded you this request, but we assume this means the rest of the committee can also submit amendments?

I don't see any objection by the government side, so I'm assuming that everybody is in agreement.

• (1715)

**The Chair:** Mr. Jean.

**Mr. Brian Jean:** If Mr. Volpe wanted to bring this matter forward next week we'd have a much better idea of what's going on. We could have an answer for him.

**Hon. Joseph Volpe:** Who's we?

**Mr. Brian Jean:** The government.

**Hon. Joseph Volpe:** Don't tell me it's flying by the seat of....

**The Chair:** I'll ask Mr. Volpe to maybe bring that forward to Wednesday's subcommittee meeting.

**Hon. Joseph Volpe:** You're asking me to agree with the parliamentary secretary. He and I always see eye to eye when we're sitting down.

**The Chair:** Wonderful.

As there's no other business, the meeting is adjourned.





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