



Helicopter Association of Canada

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Sandra Miller
Chief, Regulatory Planning & Services
Aviation Security Directorate
Transport Canada
330 Sparks Street
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Ottawa, Ontario
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September 21 2009

Via Email

Dear Ms. Miller:

The members of the Helicopter Association of Canada collectively account for 80% of the civil helicopters in Canada today. Roughly 90% of British Columbia's civilian helicopters and 82% of Alberta's helicopters are operated by HAC members.

Please accept the following comments from the Helicopter Association of Canada on the proposed 2010 Olympic Security Regulations published in Canada Gazette I on August 15 2009.

Generally, the proposed regulations will impose the heaviest burden on helicopter operators who plan to conduct casual charter operations in the OCA during the Olympic period. Particularly at Class 'Other' airports and at heliports where sterile areas simply do not exist, and where there is minimal security and airside/groundside infrastructure (i.e. perimeter security fencing, security personnel, secure transportation, etc.) the proposed rules will impose burdensome new responsibilities on individual helicopter operators. In many cases, our members have little or *no control* over essential elements of the security infrastructure. We hope that these new responsibilities will be enforced as *strict liability offences* where due diligence can be used as a defence, rather than as *absolute liability offences*.

Our members will have to ensure that they have pre-arranged for services to be provided (i.e. preventing unauthorized access to passengers and bags post-screening, finding and qualifying 'aircraft screeners'), either through existing FBOs, their own personnel, or through other third-party contractors. We see no reason why the Federal government should not be paying for these essential services.

We have identified the following specific concerns with the draft regulations:

- The regulations do not address procedures and responsibilities as they relate to 'essential service providers'.
- An exception to the requirement for 'aircraft screeners' to be RAIC-qualified or on an RCMP-approved list should be made for flight crews operating aircraft in the OCA. The ability of pilots to screen their own aircraft should be articulated in the regulations. This was raised by HAC's representatives during the consultation process leading up to the regulations, and we were assured that this would be the case. It strikes this association as odd that a commercial pilot would be authorized to operate a helicopter in to Whistler for example, but would not be authorized to screen it on the ground before departing.
- The draft regulations should make it clear that screened pilots and passengers that are transiting through a *Screening Location* should not have to be re-screened if they are enplaning screened passengers. Section 6 (2) (b) should be modified to reflect that 'No *unscreened persons, baggage or cargo* are loaded on the aircraft...'. That is, aircraft should be able to off-load passengers and add screened passengers without having to completely re-screen.
- The proposed regulations set out an in-force date, but do not reference a date when the temporary restrictions will come to an end.
- For those personnel that are the holders of a RAIC, we see no reason that they should have submit to screening in the OCA, since they currently enter secured areas at airports without screening.

Finally, a number of our members have indicated that the temporary restrictions to the airspace, the attendant delays and lost business may be quite costly to affected operators while the restrictions are in place. HAC's efforts have been focused on mitigating these losses, and maximizing the potential opportunities that the Olympics present however, we have advised our members to carefully track and calculate their lost business with a view to claiming against the Federal government during the post-Olympic period for the losses that occurred which were beyond their control.

Sincerely,



Fred L. Jones BA LLB
President & CEO

Cc HAC Board of Directors
Kevin McGarr, CATSA
Sgt. Kowalski, Integrated Security Unit