



Civil Aviation Tribunal of Canada

Performance Report

For the period ending
March 31, 2000

Canada

Improved Reporting to Parliament Pilot Document

The Estimates of the Government of Canada are structured in several parts. Beginning with an overview of total government spending in Part I, the documents become increasingly more specific. Part II outlines spending according to departments, agencies and programs and contains the proposed wording of the conditions governing spending which Parliament will be asked to approve.

The *Report on Plans and Priorities* provides additional detail on each department and its programs primarily in terms of more strategically oriented planning and results information with a focus on outcomes.

The *Departmental Performance Report* provides a focus on results-based accountability by reporting on accomplishments achieved against the performance expectations and results commitments as set out in the spring *Report on Plans and Priorities*.

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Foreword

On April 24, 1997, the House of Commons passed a motion dividing on a pilot basis the *Part III of the Estimates* document for each department or agency into two separate documents: a *Report on Plans and Priorities* tabled in the spring and a *Departmental Performance Report* tabled in the fall.

This initiative is intended to fulfil the government's commitments to improve the expenditure management information provided to Parliament. This involves sharpening the focus on results, increasing the transparency of information and modernizing its preparation.

The Fall Performance Package is comprised of 83 Departmental Performance Reports and the President's annual report, *Managing for Results 2000*.

This *Departmental Performance Report*, covering the period ending March 31, 2000 provides a focus on results-based accountability by reporting on accomplishments achieved against the performance expectations and results commitments as set out in the department's *Report on Plans and Priorities* for 1999-00 tabled in Parliament in the spring of 1999.

Results-based management emphasizes specifying expected program results, developing meaningful indicators to demonstrate performance, perfecting the capacity to generate information and reporting on achievements in a balanced manner. Accounting and managing for results involve sustained work across government.

The government continues to refine its management systems and performance framework. The refinement comes from acquired experience as users make their information needs more precisely known. The performance reports and their use will continue to be monitored to make sure that they respond to Parliament's ongoing and evolving needs.

This report is accessible electronically from the Treasury Board Secretariat Internet site: <http://www.tbs-sct.gc.ca/rma/dpr/dpre.asp>

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Civil Aviation Tribunal

Departmental Performance Report **For the period ending March 31, 2000**

The Honourable David M. Collenette, P.C., M.P.

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SECTION I: MESSAGE

The Civil Aviation Tribunal, an independent quasi-judicial body possessing aeronautics expertise, is integral to the enforcement of aviation safety, airworthiness, and aviation security measures in Canada. It fulfils the essential role of providing an independent review of ministerial enforcement and licensing actions taken against holders of Canadian aviation documents under the *Aeronautics Act*.

The Tribunal conducts itself in an open, impartial manner consistent with procedural fairness and the rules of natural justice. It adjudicates matters that have a serious impact on the livelihood and operations of the aviation community. Given its structure and process for conducting hearings, the Tribunal is readily accessible to that community.

The knowledge and experience in aeronautics possessed by Tribunal members enhances their independence by equipping them to understand and assess the validity of the reasons for enforcement and licensing actions. It also increases the confidence which Transport Canada and Canadian aviation document holders place in the decisions of the Tribunal.

It is important to take into account the gains in efficiency that have been achieved simply as a result of the Tribunal and the parties appearing before it adjusting to the aviation safety enforcement and licensing regime implemented in the 1986 *Aeronautics Act* amendments. Parties appearing before it, including Transport Canada and organizations representing Canadian aviation document holders, have now acquired levels of experience and judgment which contribute greatly to achieving efficiencies in the hearing process, procedurally fair results and legitimacy for the overall enforcement process. This applies to all types of hearings.

Future Plans

The *Canadian Transportation Agency Designated Provisions Regulations* came into force on June 11, 1999. As well, the mandate of the Civil Aviation Tribunal will be expanded to act as a multi-modal review body for administrative and enforcement actions taken under various federal transportation acts. Therefore, the Tribunal's mandate will enlarge considerably over the next few years.

Faye Smith
Chairperson

SECTION II: DEPARTMENTAL PERFORMANCE

Societal Context

Objectives

The objective of the program is to provide Canadian aviation document holders with the opportunity to have enforcement and licensing decisions of the Minister of Transport reviewed by an independent body.

Strategic Priorities

To process requests from Canadian aviation document holders and hold review and appeal hearings by an independent body. All hearings are to be held expeditiously and informally, in accordance with the rules of fairness and natural justice. The Tribunal offers its services in both official languages of Canada. It is also itinerant, in the sense that its hearings take place throughout Canada, at the convenience of the parties to extent possible.

Key Co-delivery Partners

The Civil Aviation Tribunal reports to Parliament through the Minister of Transport. Its clients are the aviation community and Transport Canada. The Tribunal serves the Canadian flying public by contributing to a safe and efficient aviation enforcement and licensing system.

Social and Economic Factors

The Civil Aviation Tribunal represents the only forum for ensuring that Canadian aviation document holders have access to an independent assessment governed by considerations of natural justice. Its role does not overlap with, nor is it duplicated by, any other agency, board or commission. It is unique in the transportation sector in that its function is entirely adjudicative. There are approximately 73,000 licensed aviation personnel in Canada and approximately 30,000 registered aircraft. Because of this volume, the number of infractions under the *Aeronautics Act* should rise slightly or at least remain unchanged. The Enforcement and Licensing personnel at Transport Canada can, under the *Aeronautics Act*, suspend, cancel or refuse to renew a Canadian aviation document or impose a monetary penalty. The level of enforcement is entirely controlled by Transport Canada but impacts on the program. The program is also affected by the department's rewrite of its aviation regulations including the designation of a large number of offences under the *Designated Provisions Regulations* which were formerly adjudicated in the court system.

Performance Results Expectations and Chart of Key Results Commitments

To provide Canadians with:	To be demonstrated by:	Reported in:
independent review of enforcement and licensing decisions taken by the Minister of Transport under the <i>Aeronautics Act</i>	<ul style="list-style-type: none"> hearings that are held expeditiously, fairly and informally 	DPR Sec II P.8.
	<ul style="list-style-type: none"> timely disposition of review and appeal hearings within service standards 	DPR Sec II P.8. Annual Report P.15 Civil Aviation Tribunal Rules
	<ul style="list-style-type: none"> hearings conducted in accordance with the rules of fairness and natural justice 	DPR Sec II P.8.
	<ul style="list-style-type: none"> the use of pre-hearing conferences to streamline and expedite the hearing process 	DPR Sec II P.8.
	<ul style="list-style-type: none"> quality and consistency of decision making 	DPR Sec II P.8.
	<ul style="list-style-type: none"> a level of satisfaction by the aviation community 	DPR Sec II Per. Accomplishments Web Site: www.cat-tac.gc.ca Guide to Tribunal Hearings

Performance Accomplishments

In conducting its reviews of enforcement and licensing decisions of the Minister of Transport, the Civil Aviation Tribunal provides a public interest program that is unique to civil aviation in Canada. The Tribunal's efficiencies provide visible validation and confirmation of Canada's civil aviation safety system. Moreover, the Civil Aviation Tribunal process is able to quickly identify aviation concerns of a technical or legislative nature that will necessitate amendment to aviation regulations to benefit all Canadians through the enhancement and maintenance of aviation safety in Canada. For 1999–2000 the Tribunal forecasted work on approximately 317 case files with planned spending of **\$972,000** and eight FTEs. That forecast represented the same level over the 1997–1998

forecast. The actual case files worked on were **325**. A breakdown of cases by categories and regions as well as reviews and appeals held over the past five years are in Figures 1 to 3 on pages 7 and 8.

In the 12-month reporting period, the Civil Aviation Tribunal registered **237** new requests for reviews and **13** requests for appeals from the aviation community. This represents an increase of **43** new case files registered over fiscal year 1998–1999.

In addition to the new cases registered in this reporting period, **75** cases were carried over from the previous reporting period, bringing the total caseload to **325**. This represents an increase of **31** cases over 1998–1999.

A breakdown of the **325** cases handled by the Tribunal reveals that **8** cases awaiting a decision were carried over from the fiscal year 1998–1999. In the current reporting period, **158** cases were concluded without a hearing and **69** cases were concluded with a hearing, of which **16** are still awaiting decisions. At the end of 1999–2000, **59** cases were pending further action and **31** have been scheduled for the 2000–2001 fiscal year.

It should be noted that many of the **158** cases concluded without a hearing were requests registered with the Tribunal and concluded shortly before the hearing was to take place, which means that all registry work that leads up to the hearing was completed. In many cases an agreement was reached between the parties. In other cases Transport Canada or the document holder withdrew their applications. Of the **158** cases that were concluded without a hearing, **26** cases had been previously scheduled and cancelled.

Of the **69** cases concluded with a hearing, **61** were 1st level reviews, and **8** were 2nd level appeals.

Figure 1: Total Cases by Category

*Category	Pac.	West.	Cent.	Ont.	Que.	Atl.	Hq.	Total	%
Medicals	11	11	8	20	24	11	0	85	26
Suspensions	8	3	6	16	17	3	1	54	17
Fines**	12	40	41	28	50	7	1	179	55
Cancellations	0	0	0	2	5	0	0	7	2
Totals	31	54	55	66	96	21	2	325	100
%	10	17	17	20	30	6	0	100	

* See Annex A for more information on Category

** Also includes a case received from the Canadian Transportation Agency

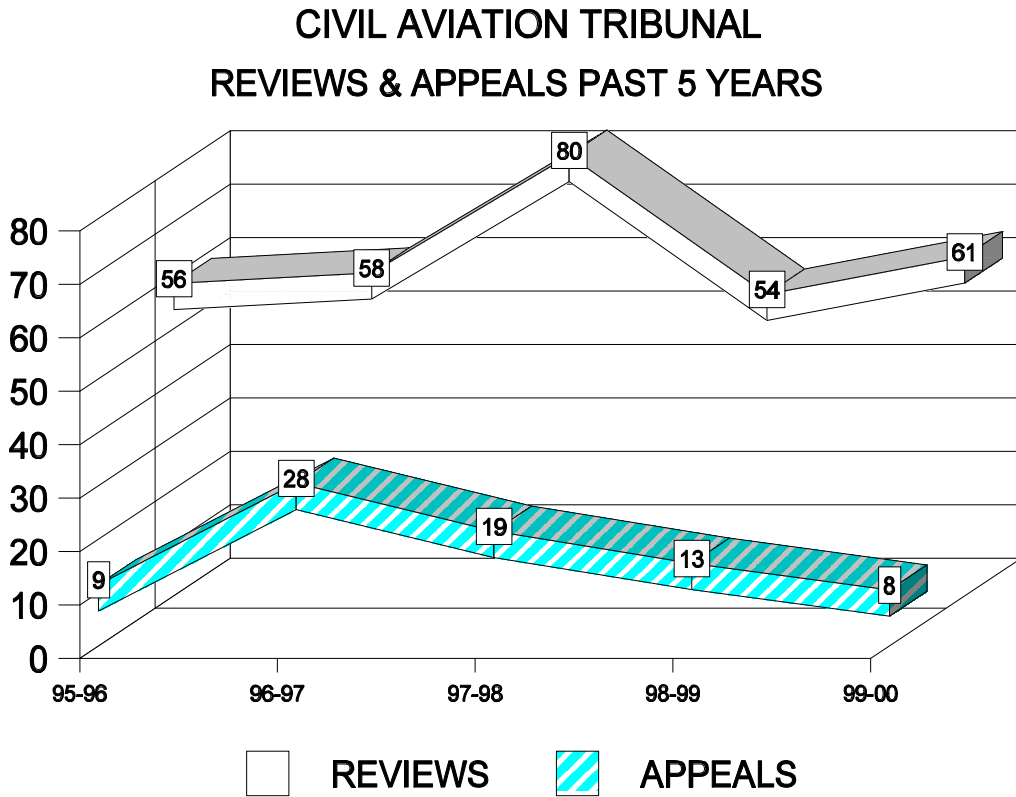
Note: Central and Western Regions reflect Prairie & Northern Region

Indicators in Figures 1 and 2 are actual numbers of cases. Total cases by category are not sufficient to determine all financial implications by simply forecasting the number of applications received by type of infraction and the manner in which they are resolved. However, an estimated cost average for review and appeal hearings for the past three fiscal years is presented in Figure 5 page 10.

Figure 2: Reviews and Appeals Concluded with a Hearing

Hearing Level	Pac.	West.	Cent.	Ont.	Que.	Atl.	Hq.	Total	%
Reviews	7	9	12	11	17	4	1	61	88
Appeals	1	1	1	1	3	1	0	8	12
Totals	8	10	13	12	20	5	1	69	100

Figure 3: Reviews and Appeals over the past 5 Years



The program's effectiveness can be measured by its ability to provide the aviation community with the opportunity to have Ministerial decisions reviewed fairly, equitably and within a reasonable period of time. Tribunal hearings are readily accessible to the lay person without the attendant legal complexities and case backlogs which were visited upon the court system that prevailed prior to the creation of the Civil Aviation Tribunal.

The Tribunal strongly encourages its members to provide their determinations quickly. Although there is no statutory requirement for it to do so, the Tribunal issues written reasons for all its determinations. This allows Transport Canada and Canadian aviation document holders to better understand the outcome of the matter and, where applicable, to make a more enlightened decision as to the exercise of their right of appeal. The average lapsed time between the conclusion of a review hearing and the issuance of a determination is 46 days and 50 days for an appeal. This represents an improvement in efficiency from 1992–1993 as the average lapsed time between the conclusion of a review hearing and the issuance of a determination was 120 days and 90 days for an appeal. This brings the hearing process to a timely conclusion for both parties appearing before the Tribunal.

The Tribunals's mission is to do justice and be seen to do justice in all reviews and appeals and to resolve disputes according to the *Rules Governing the Practice and Procedure in Connection with Matters Dealt with by the Civil Aviation Tribunal* in all cases in a fair independent and timely manner.

The Tribunal encourages the use of pre-hearing conferences to assist the parties appearing before it, to identify the issues for determination by the Tribunal and to disclose and exchange documents. This reduces the length of hearings and avoids last-minute adjournments necessitated by late disclosure. Such conferences have also been particularly effective in settling licence suspensions and cancellations on medical grounds without the necessity of a hearing. The Tribunal staff contacts the parties to schedule mutually agreed hearing dates to the extent possible to avoid unnecessary adjournments.

The success of the Tribunal over the past 14 years can be attributed to the importance placed on the training and development of its part-time members and staff. A significant portion of the Tribunal's budget is expended on training. The skilfully developed training programs and seminars are reflected in the quality of hearings that are held across the country and the decisions rendered by Tribunal members.

Presentation of financial Information

Planned spending for the Tribunal was \$972,000. During the year, supplementary estimates increased the total authorities to \$1,039,527. The actual expenditures were \$992,001. The personnel costs accounted for 60% of actual expenditures and 40% for goods and services.

Figure 4: Financial Information

Civil Aviation Tribunal	
Planned Spending	\$972,000
Total Authorities	\$1,039,527
Actuals	\$992,001

The variance between total authorities and actuals for 1999–2000 is due to an increase of hearings in the last quarter of the fiscal year. The average is 5.5 hearings per month. In the last quarter, the average was 8 hearings per month. In the last month, the Tribunal heard nine reviews and one appeal. Two of the review hearings lasted more than one day. The cost of rendering 16 of these determinations will be carried over in the next fiscal year.

Figure 5: Average Costs for Reviews and Appeals

<i>(Dollars)</i>	1999–2000	1998–1999	1997–1998
Reviews	\$2,977.37	\$2,588.00	\$2,843.00
Appeals	\$7,114.77	\$5,740.00	\$6,064.00
Reviews and Appeals Held	69	67	99

When comparing the types of hearing actions, there are significant variances in resources spent due to uncontrollable factors such as location, travel, time spent on hearings, remuneration, interpreters, preparation, decision writing, costs for court reporting, transcripts, translations and other support personnel. The average costs fluctuate each fiscal year as they are determined by the number of reviews and the complexity of cases.

Other Performance Issues to Note

Government-wide Priorities

The Civil Aviation Tribunal reports to Parliament through the Minister of Transport. Its clients are the aviation community and Transport Canada. The Tribunal serves the Canadian flying public by contributing to a safe and efficient aviation enforcement and licensing system.

Service Improvement Initiative

The Civil Aviation Tribunal seminar was held in Ottawa, Ontario, November 4th and 5th, 1999. The two-day seminar was held to exchange ideas, information and experiences relating to Tribunal matters. A panel discussion took place with representatives from Canadian Owners and Pilots Association, Airline Pilots Association, Air Transport Association of Canada, Association québécoise des transporteurs aériens, Canadian Air Traffic Control Association, Air Canada Pilots Association and Transport Canada. Any recommendation brought to the attention of the Chairperson is submitted to the Canadian Aviation Regulation Advisory Council (CARAC) for consideration of regulations changes.

SECTION III: CONSOLIDATING REPORTING

Statutory Annual Reports

The Tribunal will submit for discussion to the Canadian Aviation Regulation Advisory Council the repeal of section 35 of the *Aeronautics Act*. It is our understanding that the legislation has been drafted for the expansion of the Civil Aviation Tribunal to a multi-modal tribunal. Should the decision be made to eliminate the annual report, it would likely be more expedient to make the change at that time. Consequently, it is likely that Canadian Aviation Regulation Advisory Council will defer the amendment proposal of section 35 to that time.

SECTION IV: FINANCIAL PERFORMANCE

The following tables are applicable to the Civil Aviation Tribunal

1. Summary of Voted Appropriations	Required
2. Comparison of Total Planned to Actual Spending	Required
3. Historical Comparison of Total Planned Spending to Actual Spending	Required

Table 1 – Summary of Voted Appropriations

Financial Requirements by Authority (thousands of dollars)				
Vote		Planned Spending	1999–2000 Total Authorities	Actual
Civil Aviation Tribunal				
40	Operating expenditures	874.0	941.5	894.0
(S)	Contributions to employee benefit plans	98.0	98.0	98.0
Total Program		972.0	1,039.5	992.0

Table 2 – Comparison of Total Planned to Actual Spending

Departmental Planned versus Actual Spending (thousands of dollars)			
Business Line	1999–2000		
	Planned	Total Authorities	Actual
FTEs	8	8	9
Operating	972.0	1,039.5	992.0
Grants and Contributions	—	—	—
Total Gross Expenditures	972.0	1,039.5	992.0
Less:			
Respendable Revenues*	—	—	—
Total Net Expenditures	972.0	1,039.5	992.0
Other Revenues and Expenditures	—	—	—
Non-respendable Revenues**	—	—	—
Cost of services provided by other departments	158.2	158.2	158.2

Table 3 – Historical Comparison of Total Planned Spending to Actual Spending

Historical Comparison of Departmental Planned versus Actual Spending (\$ thousands)					
Business Line	Actual 1997–1998	Actual 1998–1999	1999–2000		
			Planned Spending	Total Authorities	Actual
Civil Aviation Tribunal	900.2	913.1	972.0	1,039.5	992.0
Total	900.2	913.2	972.0	1,039.5	992.0

SECTION V: DEPARTMENTAL OVERVIEW

Mandate, Vision and Mission

The mandate of the Civil Aviation Tribunal is provided for by Part IV of the *Aeronautics Act*. The Tribunal's principal mandate is to hold review and appeal hearings at the request of interested parties with respect to certain administrative actions taken by the Minister of Transport.

The objective of the program is to provide the aviation community with the opportunity to have enforcement and licensing decisions of the Minister of Transport reviewed by an independent body.

The Minister's enforcement and licensing decisions may include the imposition of monetary penalties or the suspension, cancellation, or refusal to renew a Canadian aviation document on medical or other grounds. The person or corporation affected is referred to as the document holder.

These decisions are reviewed through a two-level hearing process: review and appeal. All hearings are to be held expeditiously and informally, in accordance with the rules of fairness and natural justice.

At the conclusion of a hearing, the Tribunal may confirm the Minister's decision, substitute its own decision, or refer the matter back to the Minister for reconsideration.

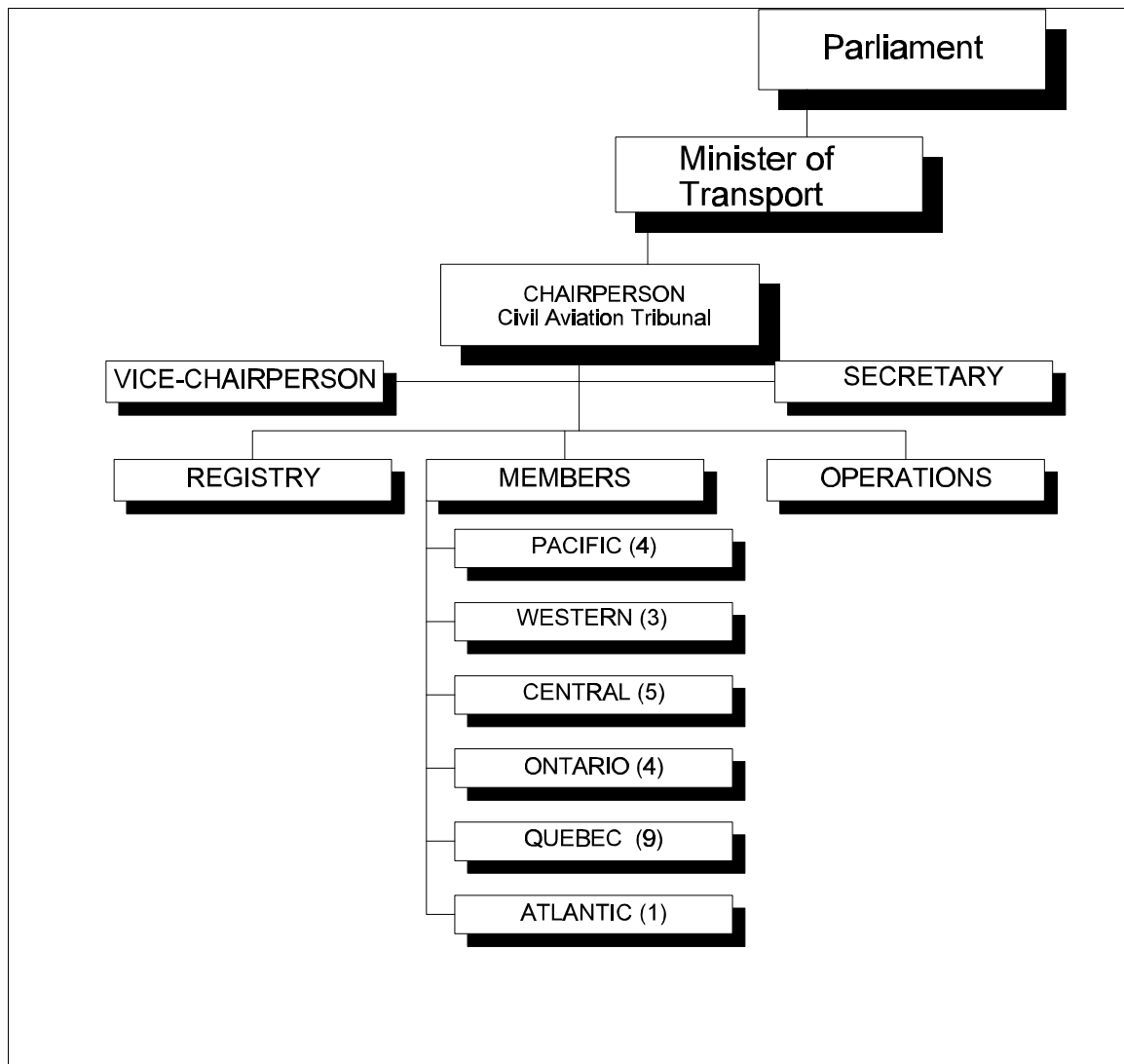
Departmental Organization

The Civil Aviation Tribunal's only business line is to hold review and appeal hearings. The Tribunal represents the only forum for ensuring that Canadian aviation document holders have access to an independent assessment governed by considerations of natural justice.

The office of the Tribunal is located in the National Capital Region. The Civil Aviation Tribunal's Chairperson is also its Chief Executive Officer. The Chairperson, Vice-Chairperson and immediate staff account for eight full-time equivalents. Twenty-six part-time members were in office during 1999–2000. Members are drawn from across Canada and are appointed by Order in Council on the basis of their knowledge and expertise in aeronautics, including aviation medicine.

All members report to the Chairperson. The part-time members are remunerated for the days they serve. They utilize an equivalent of two full-time equivalents.

Figure 6: Organization Chart



- ! The lower half of the organization chart displays the distribution of part-time members by region. All members report to the Chairperson.
- ! Eight full-time equivalents are utilized by the continuing full-time employees including the Chairperson and Vice-Chairperson. The twenty-six part-time members utilize the equivalent of two full-time equivalents.

SECTION VI: OTHER INFORMATION

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Allister Ogilvie – Vice-Chairperson
Marie Desjardins – Acting Executive Services Manager
Mary Cannon – Acting Registrar (Ontario, Prairie & Northern and Pacific Regions)
Susanne Forgues – Acting Registrar (Headquarters, Quebec and Atlantic Regions)

Legislation Administered and Associated Regulations

Legislation Administered and Associated Regulations by the Civil Aviation Tribunal	
The Minister of Transport has sole responsibility to Parliament for the following Acts and Associated Regulations	
<i>Aeronautics Act</i>	R.S., c. A-2, as amended
<i>Canadian Transportation Agency Designated Provisions Regulations</i>	SOR/99-244, June 11, 1999
<i>Civil Aviation Tribunal Rules</i>	SOR/93-346, as amended

Statutory Annual Reports and Other Departmental Reports

Report on Plans and Priorities 2000–2001
Annual Report 1999–2000
Guide to Tribunal Hearings

Annex A

The tables are presented under four categories

Medicals	Suspensions	Fines	Cancellations
<ul style="list-style-type: none">- ATC*- Pilot	<ul style="list-style-type: none">- AME**- Approved maintenance organization- Operating certificate- Operator security- Personnel security- Pilot competence- Pilot enforcement- Pilot instrument rating- Pilot proficiency check	<ul style="list-style-type: none">- AME** unpaid fine- ATC* unpaid fine- Aircraft owner unpaid fine- Operator security unpaid fine- Operator unpaid fine- Pilot unpaid fine	<ul style="list-style-type: none">- AME**- Certificate of airworthiness- Personnel security- Pilot

* Air Traffic controller

** Aircraft maintenance engineer

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