

# **Civil Aviation Tribunal**

## **2003–2004 Estimates**

**A Report on Plans and Priorities**

**Approved**

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



## Table of Contents

Section I: Chairperson's Message .....	1
Section II: Raison d'être .....	3
Planning Overview (Strategic Plan) .....	3
Section III: Plans and Priorities by Strategic Outcome .....	4
Modern Comptrollership .....	4
Government On-Line .....	4
Social Union Framework Agreement (SUFA) .....	5
Section IV: Organization .....	7
4.1 Mandate, Role and Responsibility .....	7
4.2 Accountability .....	8
4.3 Business Line Details .....	8
4.4 Agency Planned Spending .....	9
Section V: Annexes .....	11
Table 5.1: Net Cost of Program for the Estimates Year .....	11
Section VI: Other Information .....	13



## Section I: Chairperson's Message

I am pleased to present the Report on Plans and Priorities of the Civil Aviation Tribunal. This report reflects the experience gained by the Tribunal over a period of more than fifteen years of operation.

The Civil Aviation Tribunal, an independent quasi-judicial body possessing aeronautics expertise, is integral to the enforcement of aviation safety including 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 enhance their independence by enabling 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.

Great gains in efficiency 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.

In the light of the continuing challenge to manage its increasing workload, the direction of the Tribunal for the years ahead will be its continued focus on the fulfilment of its current mandate and its proposed expansion. Having recognized the commitment of members and staff to its mandate, I am confident that the Tribunal will successfully meet its challenges.

Faye Smith  
Chairperson

## MANAGEMENT REPRESENTATION STATEMENT

I submit, for tabling in Parliament, the 2003–2004 Report on Plans and Priorities (RPP) for the Civil Aviation Tribunal.

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This document has been prepared based on the reporting principles and disclosure requirements contained in the *Guide to the preparation of the 2003–2004 Report on Plans and Priorities*:

- It accurately portrays the organisation's plans and priorities.
- The planned spending information in this document is consistent with the directions provided in the Minister of Finance's Budget and by TBS.
- Is comprehensive and accurate.
- Is based on sound underlying departmental information and management systems.

The reporting structure on which this document is based has been approved by Treasury Board Ministers and is the basis for accountability for the results achieved with the resources and authorities provided.

Name: \_\_\_\_\_

Date: \_\_\_\_\_

## **Section II: Raison d'être**

The mission of the Civil Aviation Tribunal is to review the Minister of Transport's enforcement and licensing decisions through a two-level hearing process. With additional modes of transportation, the mission will remain the same.

### **Planning Overview (Strategic Plan)**

Our organisation is funded through operating expenditures. On the assumption of an increased caseload of as much as 40%, the Tribunal will need additional funding to sustain its multi-modal mandate. The most significant upcoming challenge for the Tribunal will be its conversion to a multi-modal transportation tribunal. The reorganization of the Tribunal will increase the overall workload and require expansion of capacity in new areas of expertise: more members will have to be appointed, and more staff will have to be hired. Existing employees will likely require additional training.

### **Section III: Plans and Priorities by Strategic Outcome**

The *Transportation Appeal Tribunal of Canada Act* (Bill C-34) received Royal Assent on December 18, 2001. This creates the Transportation Appeal Tribunal of Canada which will replace and expand on the existing Civil Aviation Tribunal by extending its jurisdiction to cover rail and marine. It is anticipated that this legislation will come into force on a day or days to be fixed by order of the Governor in Council in 2003. The mandate of the 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 caseload will enlarge considerably over the next few years, but the business line will not be amended. The office of the Tribunal will remain at the same location in the National Capital Region.

The Tribunal's yearly seminars ensure a trained membership through updates and discussions of legislative changes. The interaction of members and role play scenarios assist the membership in achieving quality and consistency in making and in writing its decisions. A panel discussion takes place with representatives from the aviation community.

The Tribunal will continue to provide determinations quickly, allowing 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 to appeal. In 2001–2002 the average lapsed time between the conclusion of a review hearing and the issuance of a determination was forty-nine days for a review and sixty-eight days for an appeal. The greater number of hearings and the increasing case complexity provide justification for the additional time needed by members.

#### **Modern Comptrollership**

The Tribunal joined a cluster group which included the Competition Tribunal, the Copyright Board and the Canadian Artists and Producers Professional Relations Tribunal. The goal of the initiative is to achieve sound management of resources and effective decision making. The four partners in the cluster group will conduct the Modern Comptrollership Action Plan on a collaborative basis, but some elements are specific to the Tribunal. The first evaluation of modern comptrollership advancements will be carried out in September 2003.

#### **Government On-Line**

The Tribunal will seek to improve the delivery of its key services to the public for greater efficiencies and increased client satisfaction and to improve access and service performance by making major modifications to its Web site and by providing Internet links.



## **Social Union Framework Agreement (SUFA)**

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. There are approximately 68,000 licensed aviation personnel in Canada and approximately 35,000 registered aircraft. Because of this volume, the number of infractions under the *Aeronautics Act* should rise slightly or at least remain unchanged. The level of enforcement is entirely controlled by Transport Canada but impacts on the Tribunal. The Tribunal 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 set out in the *Canadian Aviation Regulations*.



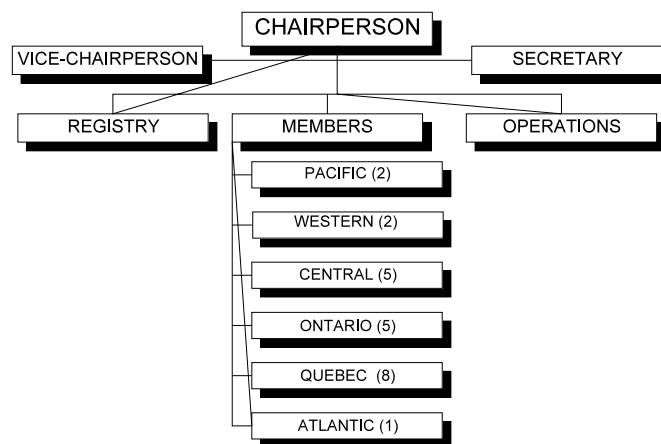
## Section IV: Organization

### 4.1 Mandate, Role and Responsibility

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 Tribunal 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 Canadian aviation document holder.

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.



*Note: Central and Western Regions reflect Prairie and Northern Region*

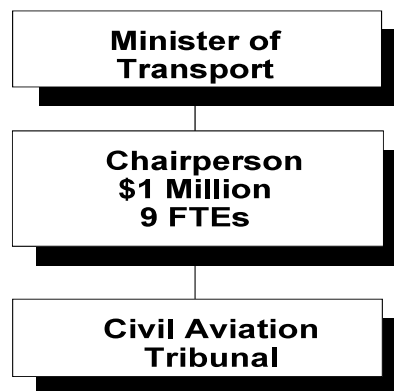
The lower half of the organization chart displays the distribution of part-time members by region. All members report to the Chairperson.

The Chairperson, Vice-Chairperson and immediate staff account for nine full-time equivalents. Twenty-three part-time members were in office at the end of 2001–2002. 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.

## **4.2 Accountability**

The Civil Aviation Tribunal reports to Parliament through the Minister of Transport. The Chairperson is the Chief Executive Officer of the Tribunal and has supervision over and direction of the work and staff of the Tribunal including:

- the apportionment of work among its members
- the assignment of members to hear matters brought before the Tribunal
- the assignment of members to preside over panels
- the conduct of the work of the Tribunal
- the management of its internal affairs



## **4.3 Business Line Details**

The objective of the Civil Aviation Tribunal is to review enforcement and licensing decisions of the Minister of Transport through a two-level hearing process: review and appeal.

### **Business Line Description**

The Civil Aviation Tribunal's only business line is the provision of an independent aviation tribunal by providing Canadian aviation document holders with the opportunity to have a hearing. The Tribunal represents the only forum for ensuring that 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.

#### 4.4 Agency Planned Spending

In 2001–2002, planned spending for the Tribunal was \$1,014,000 for fiscal year 2002–2003. Treasury Board approved an additional \$244,000 in the current and future fiscal years for pressures related to workloads, the need for additional administrative personnel and increased administrative costs. The supplementary estimates increased the total authorities to \$1,333,500. With the additional funding, the average lapsed time between the date of the application and the date of a review hearing will be less than six months.

There has been a marked increase in the general demand for the Tribunal's services. The growth in applications concluding with the more costly formal hearings has been particularly noticeable over the last year. There has been an increase in case complexity and accompanying escalation of price for travel and professional assistance. The first two rows of the following table reflect the average cost of the review and appeal hearings for the period under review.

	<b>Forecast*</b> <b>2003–2004</b>	<b>Forecast*</b> <b>2002–2003</b>	<b>Actual</b> <b>2001–2002</b>	<b>Actual</b> <b>2000–2001</b>	<b>Actual</b> <b>1999–2000</b>
Reviews	\$3,227.04	\$3,227.04	\$4,168.34	\$2,535.41	\$2,977.37
Appeals	\$5,754.42	\$5,754.42	\$5,234.98	\$4,913.51	\$7,114.77
Reviews and Appeals Held	<b>75</b>	<b>75</b>	<b>67</b>	<b>91</b>	<b>69</b>
Caseload	<b>335</b>	<b>335</b>	<b>330</b>	<b>350</b>	<b>325</b>

\* The first two columns of the table reflect the average of the last three fiscal years.

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 and translations. Cases are heard together to reduce costs. The average costs fluctuate each fiscal year as they are determined by the number of reviews and the complexity of cases.

## Agency Planned Spending

	Forecast Spending	<b>Planned Spending</b>	Planned Spending	Planned Spending
(\$ thousands)	2002–2003	<b>2003–2004</b>	2004–2005	2005–2006
<b>Civil Aviation Tribunal</b>				
Budgetary Main Estimates	1,014.0	<b>1,289.0</b>	1,289.0	1,289.0
<b>Total Main Estimates</b>	1,014.0	<b>1,289.0</b>	1,289.0	1,289.0
Adjustments*	319.5	—	—	—
<b>Net Planned Spending</b>	1,333.5**	<b>1,289.0</b>	1,289.0	1,289.0
Plus: Cost of services received without charge	156.5	<b>157.5</b>	158.5	159.5
<b>Net Cost of the Agency</b>	1,490.0	<b>1,446.5</b>	1,447.5	1,448.5
<b>Full-time Equivalents</b>	9	<b>9</b>	9	9

\* Adjustments are to accommodate approvals obtained since the Main Estimates and are to include Budget initiatives, Supplementary Estimates, carry-forward, etc.

\*\* Reflects the best forecast of total net planned spending to the end of this fiscal year.

## Section V: Annexes

The following planning table is applicable to the Civil Aviation Tribunal:

**Table 5.1: Net Cost of Program for the Estimates Year**

(\$ thousands)	<b>Total</b>
Net Planned Spending (Total Main Estimates plus Adjustments as per the Planned Spending Table)	<b>1,289.0</b>
<i>Plus: Services Received without Charge</i>	
Accommodation provided by Public Works and Government Services Canada (PWGSC)	<b>157.5</b>
Contributions covering employers' share of employees' insurance premiums and expenditures paid by TBS (excluding revolving funds)*	<b>48.4</b>
Worker's compensation coverage provided by Human Resources Canada	—
Salary and associated expenditures of legal services provided by Justice Canada	—
	<b>205.9</b>
<i>Less: Non-respendable Revenue</i>	—
2003–2004 Net cost of Program	<b>1,494.9</b>

\* The difference between the total in the agency planned spending table at page 10 and the total in the above table is the contributions covering employers' share of employees' insurance premiums and expenditures paid by TBS in the amount of \$48,400.





## Section VI: Other Information

### References

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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)

Performance Report March 31, 2002  
Annual Report 2001–2002  
Guide to Tribunal Hearings

## Index

Accountability .....	8
Agency Planned Spending .....	9
Annexes .....	11
Business Line Description .....	8
Business Line Details .....	8
Chairperson's Message .....	1
Government On-Line .....	4
Management Representation Statement .....	2
Mandate, Role and Responsibility .....	7
Modern Comptrollership .....	4
Net Cost of Program for the Estimates Year .....	11
Organization .....	7
Other Information .....	13
Planning Overview (Strategic Plan) .....	3
Plans and Priorities by Strategic Outcome .....	4
Raison d'être .....	3
References .....	13
Social Union Framework Agreement (SUFA) .....	5