



Transportation Appeal
Tribunal of Canada

Tribunal d'appel des
transports du Canada

ANNUAL REPORT

2017-2018



AVIATION



VEHICLES



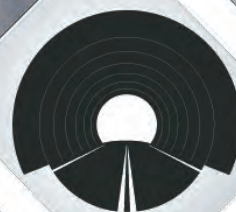
MARINE



BRIDGES



RAIL



TUNNELS

Canada

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May 25, 2018

The Honourable Marc Garneau, P.C., M.P.
Minister of Transport
Transport Canada

Place de Ville, Tower "C"
330 Sparks Street, 29th Floor
Ottawa, Ontario K1A 0N5

Dear Honourable Minister:

RE: ANNUAL REPORT 2017-2018

In reference to the above and pursuant to section 22 of the *Transportation Appeal Tribunal of Canada Act*, I am very pleased to submit to Parliament, through your intermediary, the Annual Report of the Transportation Appeal Tribunal of Canada for the fiscal year 2017-2018.

It is an honour and a privilege to continue to serve Canadians in the national transportation sector.

Respectfully,

Charles S. Sullivan

Vice-Chairperson and Acting Chairperson

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Canada



Transportation Appeal Tribunal of Canada

ANNUAL REPORT 2017-2018



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MESSAGE FROM THE CHAIRPERSON

It is my pleasure to present the 2017-2018 Annual Report of the Transportation Appeal Tribunal of Canada, in this our 32nd year.

The Tribunal, or TATC, is an independent and transparent avenue of adjudication that serves Canadians by conducting review and appeal hearings across the country in the aviation, marine, rail, international bridges and tunnels, and motor vehicle sectors. Through an adjudicative process of reviews and appeals, we play a unique and active role in the relationship between the federal government and the transportation community.



Over the past year, the Tribunal experienced a steady intake of review, appeal, and *ex-parte* requests. The Tribunal's mandate expanded in fiscal year 2017-2018 as a result of new and amended Acts and Regulations in the federal transportation sector. Consequently, the TATC is in the process of training our decision-makers to meet the Tribunal's expanded mandate. It is our expectation that enforcement actions under new and amended provisions will produce an increased and ever-changing workload for the Tribunal going forward.

The Tribunal carried out a total of 41 review and appeal hearings in 2017-2018, which was a significant undertaking as the total number of part-time members plummeted to 13.

During the first six months of 2018, the TATC will see an increase in the number of part-time members, from 13 to 43, which the Tribunal anticipates will allow it to greatly increase the number of hearings in 2018-2019. The Tribunal will also be able to address the significant backlog of cases, which totaled 101 as of March 2018. With the addition of new members and full-time staff appointments, the Tribunal will be well positioned to meet its mandate in the coming months.

Notable initiatives of the Tribunal in 2017-2018 include the completion of a new business plan, the training of 24 new part-time members, the inclusion of new legislation from across Canada's transportation sectors, the establishment of a new protocol to support classified hearings, the introduction of modern technologies and capabilities to support the Tribunal's mandate, and the finalization of plans for the relocation of the Tribunal's office and staff to a new headquarters facility.

In closing, I would like to add that it is an honour and a privilege to work with such a dedicated group of members and public servants, and to serve Canada in this vital role.

Charles S. Sullivan

Vice-Chairperson and Acting Chairperson

OVERVIEW

Introduction

The Transportation Appeal Tribunal of Canada replaced the Civil Aviation Tribunal in 2003, originally established under Part IV of the *Aeronautics Act* in 1986. On the recommendation of the Minister of Transport, pursuant to section 73 of the *Transportation Appeal Tribunal of Canada Act*, assented to on December 18, 2001, being chapter 29 of the Statutes of Canada, 2001, the Act officially came into force on June 30, 2003.

The Tribunal is available to hear review and appeal hearings originating from the aviation, marine, rail, motor vehicle safety, and international bridges and tunnels sectors. The Tribunal provides an independent review process for anyone who has been given notice of an administrative or enforcement action taken by the Minister of Transport or the Canadian Transportation Agency (CTA), under various federal transportation Acts.

Section 2 of the *Transportation Appeal Tribunal of Canada Act* establishes the Tribunal and sets out its jurisdiction and decision-making authorities as provided by a variety of federal transportation legislation, including the *Aeronautics Act*, the *Canada Shipping Act, 2001*, the *Marine Transportation Security Act*, the *Railway Safety Act*, the *Canada Transportation Act*, the *International Bridges and Tunnels Act*, the *Canada Marine Act*, the *Motor Vehicle Safety Act*, and the *Navigation Protection Act*.

MANDATE

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 under various federal transportation Acts.

Objective and Description

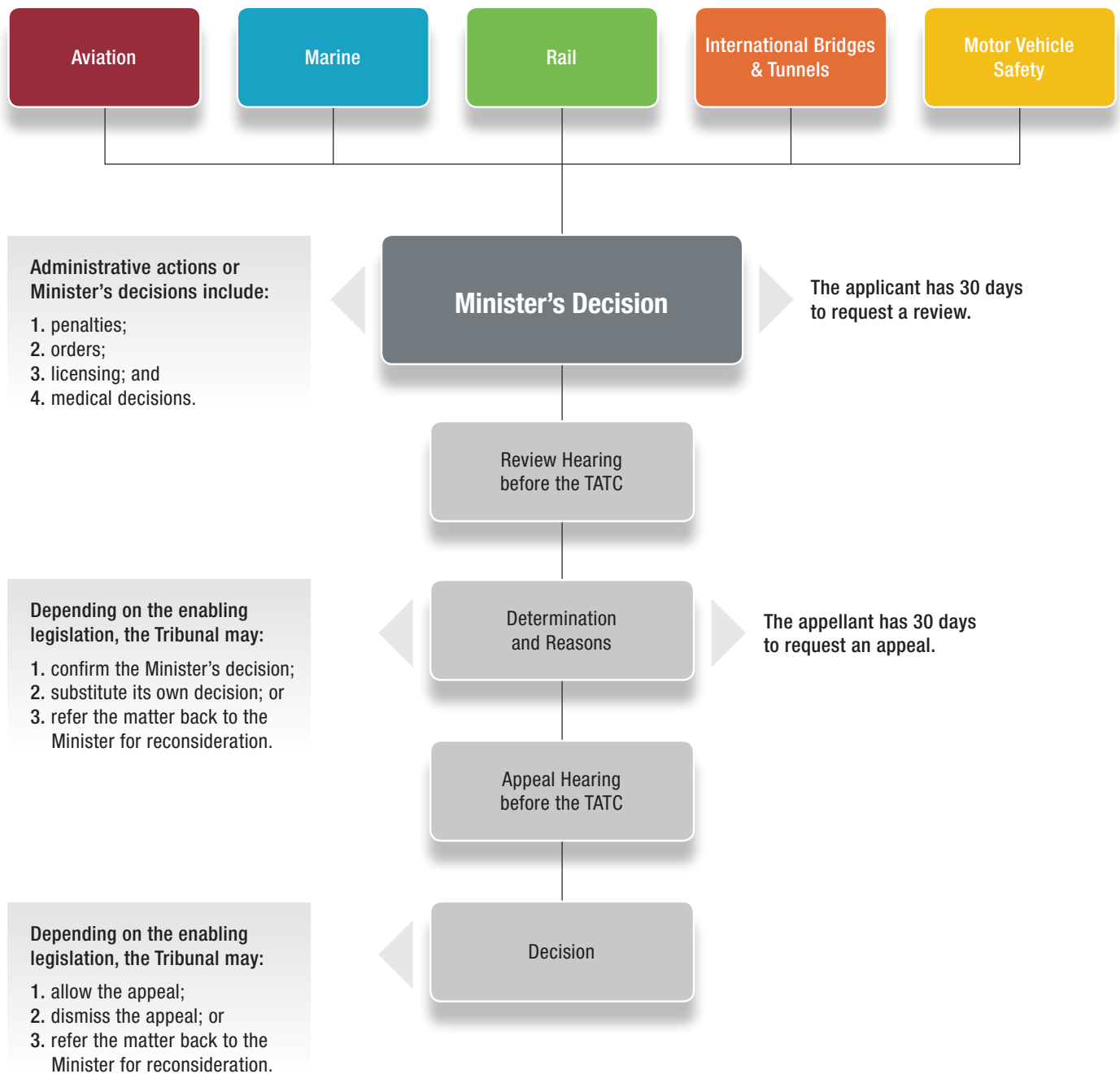
The Tribunal's objective is to provide the multimodal transportation community with the opportunity to have enforcement and licensing decisions of the Minister of Transport reviewed by an independent, quasi-judicial body specialized in transportation law.

The Minister's decisions may include the issuance of orders, the imposition of monetary penalties or the suspension, cancellation or refusal to renew, issue or amend documents of entitlement on medical or other grounds. The person or corporation requesting a review before the Tribunal is referred to as the applicant or document holder.

These decisions are reviewed through an adjudicative process that includes review hearings and appeal hearings. All hearings are held expeditiously, informally, and in accordance with the rules of natural justice.

At the conclusion of a hearing and depending on the type of disposition included in the enabling legislation, the Tribunal may confirm the Minister's decision, substitute its own decision, or refer the matter back to the Minister for reconsideration. This decision or determination is not done orally and, according to the *Transportation Appeal Tribunal of Canada Act*, must be rendered in writing by the members who are assigned to adjudicate hearings.

OVERVIEW



Basic Principles

The basic principles governing the Tribunal are those of independence and transportation expertise. The sound, competent, and comprehensive execution of the Tribunal's mandate determines its effectiveness in dealing with the national transportation community.

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 the extent possible.

In matters concerning administrative monetary penalties and orders, the hearing generally takes place where the alleged infraction occurred, or the nearest practical alternative, so that witnesses for the parties may present themselves with minimum displacement costs.

In medical and licensing cases, hearings are held at a location nearest to the residence of the document holder that is accessible by commercial transportation.

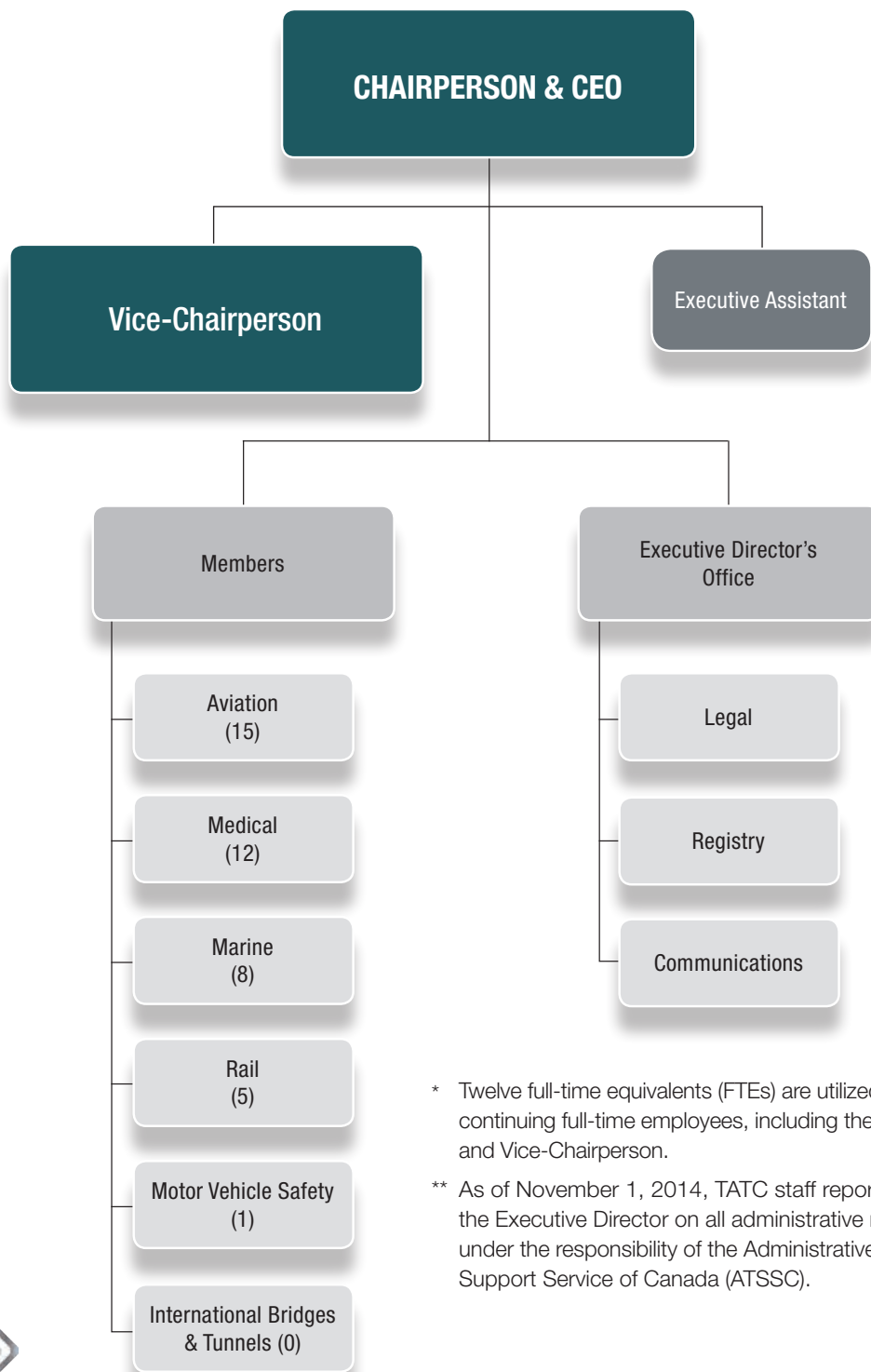
Organizational Structure

The Tribunal's Chairperson and Chief Executive Officer is also its accountable executive and is responsible for directing and supervising the work of members and staff to accomplish the Tribunal's operational mandate. The Chairperson, Vice-Chairperson and immediate staff account for 12 full-time equivalents.

During fiscal year 2017-2018, the number of part-time members decreased from 27 to 13, mainly due to members retiring or not seeking re-appointment. However, 24 new members were appointed during the year. Members are drawn from across Canada and are appointed by Governor in Council on the basis of their transportation knowledge and expertise.



ORGANIZATION CHART



* Twelve full-time equivalents (FTEs) are utilized by the continuing full-time employees, including the Chairperson and Vice-Chairperson.

** As of November 1, 2014, TATC staff report to the Executive Director on all administrative matters under the responsibility of the Administrative Tribunals Support Service of Canada (ATSSC).



2017-2018 IN REVIEW

Effectiveness

The Tribunal's effectiveness can be measured by its ability to provide the Canadian transportation community with the opportunity to have Ministerial decisions reviewed fairly, equitably and within a reasonable period of time.

In 2017-2018, there was a slight decrease in the number of hearings, 41 compared to 46 the previous year. This result, however, must be viewed against the decreased availability of members due to term expirations throughout the year, which resulted in an increased caseload for those members remaining. This factor also limited the Tribunal's capability to schedule hearings, and there were fewer requests for hearings this year.

The average lapsed time in 2017-2018 between the conclusion of a review hearing and the issuance of a determination is **115** days (an increase of **22** per cent from last year). This increase is also due in part to staff and member turnaround at the Tribunal, and the resulting increase in workload carried by remaining members and staff.

The Tribunal encourages communication and the exchange of documents by the parties to assist in identifying the issues that can be resolved between them before coming to the Tribunal. This approach reduces the length of hearings and avoids last-minute adjournments necessitated by late disclosure of information.

In the 2017-2018 reporting period, 97 cases were concluded without a hearing

In the 2017-2018 reporting period, **97** cases were concluded without a hearing. It should be noted that of these cases, many were requests filed 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.

The cases concluded without a hearing were resolved in a number of ways: the document holder paid the fine before the hearing commenced, the document holder's licence was reinstated before the hearing, the request for hearing was withdrawn by the document holder, the notice was withdrawn by the Minister, or an agreement was reached between the parties.

In 2016-2017, the Tribunal had referred **6** cases back to the Minister of Transport for reconsideration (**2** aviation, **1** marine, and **3** rail). The Minister upheld the review determination on **2** cases and confirmed its original decision in **1** case. We are still awaiting the outcome in the other **3** cases.

In 2017-2018, the Tribunal referred **5** cases (**1** aviation, **3** marine, and **1** rail) back to the Minister for reconsideration. We are awaiting the outcome in all of these cases.

TATC Case Law

Case law, consisting of previous decisions, is important because it impacts future decisions. The following cases show some of the variety in both the topics and outcomes of cases heard by the TATC. These cases also show why the Tribunal needs specialized members who understand the technical complexities in their fields of expertise.

AVIATION

Foxair Hélicservice v. Canada (Minister of Transport), 2016 TATCE 25 (Review)

By Notice of Assessment of Monetary Penalty dated May 20, 2015, the Minister of Transport alleged that the applicant's aircraft, a helicopter, flew above an open-air assembly of persons attending the Formula 1 Grand Prix auto race in Montreal at an altitude of less than 1,000 feet above the highest obstacle within a horizontal distance of 500 feet from the aircraft, contrary to the *Canadian Aviation Regulations (CARs)*. The Minister assessed a monetary penalty of \$3,750.

The Tribunal, on a balance of probabilities, and in light of the eye-witness testimony of the Transport Canada employees, as well as the testimony of an air traffic controller at the Montreal-Trudeau airport tower, concluded that the aircraft flew at an altitude of between 400 and 600 feet. In addition to the witness testimony, radar screenshots confirmed that the aircraft not only flew within a horizontal distance of 500 feet from the assembly of persons but also flew directly over the assembly of persons.

Foxair advanced the defence of all due diligence available to it as the registered owner of the helicopter in order to avoid the penalty in a charge involving vicarious liability. The Tribunal concluded that the testimony of Foxair's operations manager that the pilot had been properly instructed on the flight to be performed was insufficient (particularly in the absence of the testimony of the pilot) to discharge Foxair's burden of proof, on a balance of probabilities, of establishing the due diligence defence. The monetary penalty of \$3,750 was maintained.

MARINE

M/V JOE CASEY v. Canada (Minister of Transport), 2017 TATCE 16 (Review)

The Minister of Transport alleged that on January 18, 2016, the passenger ferry M/V JOE CASEY engaged in a voyage without holding an inspection certificate, contrary to subsection 10(1) of the *Vessel Certificates Regulations*. The Minister assessed a penalty of \$6,000 pursuant to the *Administrative Monetary Penalties and Notices (CSA 2001) Regulations*.

The Tribunal concluded that the personnel responsible for the vessel, including the shore captain and the captain, should have looked at the inspection certificate posted in a conspicuous place on the ferry. They should have realized, during the six months that the vessel was invalidly operating, that the certificate had expired. As a result, the defence of due diligence that the applicant raised was not established on a balance of probabilities. The Minister's case was established on a balance of probabilities, and the Tribunal had no discretion to reduce the amount of the monetary penalty of \$6,000 (the minimum penalty according to the *Canada Shipping Act, 2001*).

RAIL

Canadian Pacific Railway v. Canada (Minister of Transport), 2016 TATCE 05 (Review)

The Minister of Transport alleged that Canadian Pacific Railway (CP) did not move at least 536,250 tonnes of grain during the week of September 7 to 13, 2014, thereby contravening subsection 116.2(4) of the *Canada Transportation Act*. The Minister imposed an administrative monetary penalty of \$50,000.

The Tribunal concluded that, while CP did not transport the required tonnage that week, the Minister did not prove the remaining two elements required to establish the violation, namely that the violation was not due to volume demand or corridor capacity. The Minister did not produce evidence that there was demand for shippable grain to be moved during that week; CP had surpassed their targets in other weeks and Transport Canada did not take into account the Labour Day shutdown of the Port of Vancouver or the reduced capacity of the Port during weekends. Moreover, CP made every effort to mitigate the Port of Vancouver shutdown, but it was out of its control. The Tribunal dismissed the monetary penalty of \$50,000.



Training and Development

When new members are appointed, they receive in-house training in all aspects of administrative law, adjudication, transport law, and decision writing. Serving members receive monthly professional development, including webinars and case law updates. Legal Counsel is available to assist with pre-hearing, hearing, and post-hearing matters. Members and staff are encouraged to undergo annual professional education. This combined approach helps members to maximize their effectiveness in the adjudicative process, to keep abreast of developments in administrative law and the federal transportation sector, and to render decisions according to the values and expected outcomes mandated to the Tribunal. The Tribunal's policies are routinely reviewed and updated as required on the TATC website, with the full suite of policies, including those pertaining to internal administration, provided to all members in the form of a policy manual.

Training resources for members and staff are available in various formats, including online, electronic, and traditional published formats. Communication with members is continuous and there are also monthly communications from the Chairperson regarding the Tribunal's business and legal updates. In 2017-2018, the Tribunal continued to hold monthly professional development webinars for members on a variety of topics, including statutory interpretation, writing reasons, and updates in administrative law and transport law.

The Tribunal is in the process of implementing a new issue-based decision format. The purpose of this change is to make decisions more clear and concise, and to achieve greater efficiency and time savings in the writing process. Current and new members are attending a day and a half of training, introducing them to the new format and giving them the opportunity to practise using it.

The Tribunal's ongoing success can be attributed to the importance placed on the training and development of its members and staff.

Public Outreach

The TATC Acting Chairperson, Mr. Sullivan, attended several conferences this year to exchange lessons learned and best practices with his Canadian and international counterparts, and to increase awareness of TATC's mandate. He was a guest speaker at the annual Unmanned Canada conference, and an active participant at the Air Line Pilots Association (ALPA) annual safety conference and the Air Transport Association of Canada (ATAC) conference this year. He was invited to make a presentation to Transport Canada during their national symposium for case presenting officers. He also participates in the Council of Federal Tribunal Chairs (formerly the Heads of Federal Administrative Tribunals Forum) and the Heads of Federal Agencies.

Mrs. Jacqueline Corado, Senior Legal Counsel to the Tribunal, is actively involved with the Council of Canadian Administrative Tribunals on two committees: the Professional Development Committee and the Access to Justice and Adjudicative Excellence Committee. She was a guest speaker at the Advanced Administrative Law Conference and continues her outreach activities with other associations representing the TATC. Through this involvement, the Tribunal has been able to participate in the creation of excellence standards and surveys for Canadian tribunals, as well as provide input and assistance for courses given to federal and provincial tribunal members.



As well this year, the Tribunal produced a set of infographics to assist self-represented applicants by guiding them through the process of having their case reviewed by the Tribunal. One infographic pertains to the application itself, while the other deals with the hearing day and how to present their case, evidence and arguments to a member for review.

Results and Future Plans

Quality and constant professional development for members and employees will remain important aspects of the Tribunal's operations. In order to deliver on its mandate and objective, the Tribunal needs to have an adequate number of members with the right mix of skills and talents in various modes of the transportation sector, as well as legal and medical expertise.

Towards the end of the fiscal year, a total of 24 new members were appointed. Members in the medical, marine and rail sectors were trained and can now preside over hearings. Members in the aviation sector are receiving their training as of the start of the new fiscal year and will be able to preside over hearings once their training is complete.

The Tribunal is continuing to work on recommendations to amend its legislative authority in order to better meet the needs of the parties, in particular holding one-person appeal panel hearings as needed and revised authority for members in licensing and medical cases. This past year, the Tribunal Rules were revised, and changes have been implemented to reflect recent amendments to the Tribunal's enabling legislation.

The Tribunal has established a new protocol to support classified hearings and has completed the planning phase for its anticipated office relocation later this year.

In addition, the Tribunal remains committed to prompt scheduling of hearings to further help reduce case delays, and has developed a new format and writing approach to its decisions. The Tribunal will begin to take steps to modernize its operations and explore the possibilities of filing documents electronically and holding some hearings through videoconferencing. The goal of these initiatives is to improve the Tribunal's operational efficiency.

TRIBUNAL MEMBER – FULL-TIME



CHARLES S. SULLIVAN

Kanata, Ontario

Mr. Charles S. Sullivan was appointed to the Tribunal as Vice-Chairperson and Acting Chairperson on October 27, 2017. Prior to this appointment, he served the Tribunal as a part-time member for three years.

Mr. Sullivan was previously an independent business strategist advising on aviation, aerospace and security. He joined the private sector in 2009 as Chief of Operational Safety Oversight for Canada's air navigation service provider, following a distinguished 31-year career in the Royal Canadian Air Force. This included, prior to his retirement, a 12-month tour of duty in Afghanistan at the rank of Major-General in key leadership positions as Commander of NATO's Air Component and as Deputy Chief of Joint Operations. Previously, Mr. Sullivan held senior executive positions, such as Director-General of Capability Development at the Department of National Defence Headquarters in Ottawa and Director of International Security and Senior Defence Advisor in the Prime Minister of Canada's Privy Council Office. In addition, Mr. Sullivan has substantial operational experience in aviation. As a fighter pilot, he accumulated over 3500 flight hours flying jet aircraft and flew operational missions over Europe, the Persian Gulf, Bosnia, Croatia, Kosovo, Canada's high Arctic and the North Atlantic.



TRIBUNAL MEMBERS – PART-TIME

The following is a complete list of part-time members who served on the Tribunal in fiscal year 2017-2018.

George Ashley

Ottawa, Ontario



Appointed to a part-time term of four years on November 29, 2017

Mr. George “Ron” Ashley is retired from the Canadian Pacific Railway, where he was senior legal counsel. He previously worked as senior counsel at the Canadian Transportation Agency. His area of focus in both positions was the monitoring of, and need for, compliance with the laws of economic regulation affecting railway companies operating in Canada and the United States. In 2008, for a one-year period and as part of his transitioning from the public to the private sector, he was appointed as a member of the Immigration and Refugee Board of Canada, where he conducted quasi-judicial hearings on immigration appeals. His early career was at the Competition Bureau during a period marked by an evolution toward de-regulation in Canada’s air and rail modes. Mr. Ashley has extensive experience in regulatory hearings and in writing quasi-judicial decisions, as well as in litigating appeals. He has degrees in business and law from Queen’s University.

Sandra Attersley

Dartmouth, Nova Scotia



Appointed to a part-time term of four years on November 29, 2017.

Ms. Attersley graduated from the Canadian Coast Guard College in 1981, the Marine Institute in 1986, and Dalhousie Law School in 1996. Ms. Attersley’s professional career has encompassed many aspects of the marine industry, including ship operations with the Canadian Coast Guard, ship design and shipbuilding, and maritime law. She has also lectured on maritime transportation administration and policy in the Masters of Marine Management program at Dalhousie University. As a marine lawyer, her practice included assessment of marine casualties on behalf of insurance companies and ship owners to determine causation and liability. Ms. Attersley serves on the Board of Directors of the Mission to Seafarers, Halifax, and Techsploration Inc. She is a member of the Canadian Maritime Law Association and the Canadian Institute of Marine Engineering.

Dr. Christopher J. Brooks

Kanata, Ontario



Reappointed to a part-time term of three years on January 4, 2018.

Dr. Brooks is a physician, scientist and inventor. Dr. Brooks has 50 years of experience as a physician in the navy, in industry and in private practice. He holds a Fellowship in Occupational Medicine from the Royal College of Physicians in London and a Diploma in Aviation Medicine from Farnborough, UK. His background includes a wide range of positions such as medical officer onboard a nuclear submarine, flight surgeon, commanding officer for the Royal Canadian Navy at Stadacona Hospital in Halifax, and command surgeon for both the Canadian Air Command and the Canadian Maritime Command. For 11 years, he was the Director of R&D at Survival Systems Ltd., Dartmouth, N.S., where he introduced emergency breathing systems into helicopters for the Canadian offshore oil industry. Currently, he is a consultant in occupational medicine for the Transportation Safety Board of Canada and the Department of National Defence. Among the awards Dr. Brooks has received are the Order of Military Merit, the Queen’s Jubilee Medal and the Canadian General Standards Board’s highest achievement award for his work on survival suits and life jackets. In addition, he has published over 70 books, reports and papers on occupational health and safety issues.

TRIBUNAL MEMBERS – PART-TIME

Brad M. Caldwell

Vancouver, British Columbia



Reappointed to a part-time term of three years on January 4, 2018.

Mr. Caldwell holds a Bachelor of Laws degree from the University of Victoria Law School and an advanced mediation certificate. He has practised law since his admission to the British Columbia Bar in 1986, with an emphasis on maritime and fisheries litigation, general commercial litigation, and administrative law. Prior to his legal career, Mr. Caldwell gained practical experience in the marine industry as a fisherman, deckhand, commercial diver, and longshoreman. His professional associations include the Canadian Maritime Law Association, the Law Society of British Columbia, and the Marine Insurance Association of British Columbia.

Mark S. Conrad

Winnipeg, Manitoba



Appointed to a part-time term of four years on November 29, 2017.

Mr. Conrad is retired from a 30-year career with Transport Canada. In the Airports group, he served in both Airport Commercial Development and Airport Operations. He also held positions related to policy and human resources before advancing to executive director responsible for railway safety and the transportation of dangerous goods in the department's Prairie and Northern Region. Mr. Conrad is a strong proponent for the use of analytics in all safety-focused business, and championed the enhanced use of safety data within his region to guide rail inspection programs. His educational background includes a Master of Business Administration from the University of Manitoba and a Certificate in Strategic Management of Regulatory Agencies from Harvard University.

Dr. Robert Cronin

Courtenay, British Columbia



Appointed to a part-time term of four years on November 29, 2017.

Dr. Cronin obtained a medical degree from Queen's University in 1970 and a family practice certification from McMaster University in 1973. He is a retired family physician who has practised in various settings, including Flin Flon and Winnipeg, Manitoba; and Yellowknife, Northwest Territories. He also worked for five years with the Northern Medical Unit at the University of Manitoba as a fly-in physician in isolated First Nations communities in Northern Manitoba. His aviation experience includes many years as a Civil Aviation Medical Examiner, three years as an Aviation Medical Officer with Transport Canada, and 12 years as an Air Reserve Medical Officer with 17 Wing in Winnipeg. During this time, he flew as a flight surgeon with 435 Squadron in Hercules aircraft on search and rescue missions and training flights, medevac and transport missions, and air-to-air refuelling missions. He also flew regularly with 402 City of Winnipeg Squadron on Dash 8 navigation school training flights. Dr. Cronin has a private pilot's licence and approximately 850 hours of pilot-in-command time, most of which was accumulated in the Northwest Territories while flying into native communities to conduct medical clinics.

Dr. Vern Davis

Victoria, British Columbia



Appointed to a part-time term of four years on November 29, 2017.

Dr. Davis received his Doctor of Medicine from the University of Calgary in 1981. Prior to medical school, he graduated from Royal Military College and served four years at sea with the Royal Canadian Navy as a bridge watchkeeper, navigator and destroyer communications / electronic warfare officer. After an internship and a year of general surgery residency, Dr. Davis served as a flight surgeon in the Royal Canadian Air Force at CFB Cold Lake. He subsequently practised family medicine in Victoria, B.C. Following seven years in private practice, Dr. Davis joined the federal government as a civil aviation medical officer in Toronto. At this time, he assisted the Transportation Safety Board in the investigation of over 25 fatal aircraft accidents, including the Swiss Air Flight 111 accident, and earned a diploma in aviation medicine from the University of Otago in New Zealand. In 2002, Dr. Davis obtained a Master of Science (Applied) degree in occupational health from McGill University. He then worked in occupational medicine as a plant physician, health manager and chief medical officer for Alcan and Rio Tinto Alcan. Most recently, Dr. Davis worked as a medical consultant to the B.C. Ministry of Health, providing medical expertise to the Audit and Investigation branch.

Caroline Desbiens

Sainte-Foy, Quebec



Reappointed to a part-time term of three years on June 18, 2015.

Ms. Desbiens has been a lawyer since 1988, and she works principally in the areas of aviation and maritime law. Ms. Desbiens received a law degree from the University of Laval in 1987, and a diploma in International Law and Comparative Law from the University of San Diego in 1988. Ms. Desbiens received a Master's degree in Air and Space Law from McGill University in 1993. A member of the Barreau du Québec, Ms. Desbiens is also a member of the Canadian Bar Association, the Association québécoise des transporteurs aériens, the Institute of Air and Space Law Association, the Canadian Maritime Law Association, and the Chambre de commerce de Québec.



TRIBUNAL MEMBERS – PART-TIME

Gary Drouin

Chelsea, Quebec



Reappointed to a term of three years on November 22, 2017.

Mr. Drouin has over 30 years of experience in management and administration, including 25 years in the rail portfolio at Transport Canada. He was also a consultant on air cargo security matters for the department. Mr. Drouin has actively promoted level crossing safety and trespass prevention through the former outreach and education program, Direction 2006. Through his skills in facilitating partnership building, sharing knowledge, and fostering collaboration on projects, he has contributed to Canada being recognized as a world leader in railway safety. Mr. Drouin has received several awards for excellence, including from the Association du transport écolier du Québec for his work on school transport safety, an Award of Excellence and Achievement in the Canadian Public Service (2003), a Presidential Award USA (1998), and many more. He has been a member of a number of organizations, including the Federation of Canadian Municipalities and the Canadian Association of Police Chiefs.

Capt. James R. Ewart

Gabriola, British Columbia



Appointed to a part-time term of four years on November 29, 2017.

Capt. Ewart is the Senior Marine Consultant at SILA Management Services Inc., a Nunavut-headquartered company, and has held this position since 2014. He is responsible for providing port infrastructure maritime support, ice navigation expertise, technical writing, and seafaring advice to northern clients. Prior to joining SILA, he held command on icebreakers, enforcement patrol, search and rescue, and science vessels over a 38-year career with the Canadian Coast Guard. Capt. Ewart is a Master Mariner and an active National Board member of the Master Mariners of Canada. He possesses significant and broad experience in program evaluation, legislative review, maritime curriculum development and classroom course delivery. He is a graduate of the Canadian Coast Guard College and was previously a part-time lecturer at the Centre for Marine Training and Research (Georgian College).

Mark A.M. Gauthier

Gatineau, Quebec



Reappointed to a part-time term of three years on February 15, 2018.

Mr. Gauthier received a Bachelor of Laws Degree from the University of Ottawa, Faculty of Common Law, in 1972 and was called to the Bar of the Law Society of Upper Canada in 1974. He was engaged in the general practice of law from his call to the Bar until he joined Justice Canada in 1982. Mr. Gauthier practised maritime law in the Legal Services Unit of Transport Canada as Counsel and as Senior Counsel from 1982 until 2005 and

thereafter as the General Counsel of the Maritime Law Secretariat until he retired in June 2011. During his career, he provided general legal services to the marine sector of Transport Canada and, in particular, was responsible for the development of major marine legislative and regulatory initiatives such as the *Canada Shipping Act*, 2001, and the *Marine Liability Act*. Mr. Gauthier also represented Canada for many years as Head of Delegation to the Legal Committee of the International Maritime Organization and as Alternate Head of Delegation to the International Oil Pollution Compensation Funds. While acting in those positions, he was involved in the negotiation and adoption of several international shipping treaties, many of which were implemented subsequently into Canadian law. Mr. Gauthier is a member of the Law Society of Upper Canada, an Honorary Life Member of the Canadian Maritime Law Association, and a Titulary Member of the Comité Maritime International.

Dr. Trevor Allan Gillmore

Kleinburg, Ontario



Reappointed to a part-time term of eight months on June 14, 2017.

Dr. Gillmore holds a Doctor of Medicine Degree from McMaster University. In 2008, he received his Fellowship in Occupational Medicine and completed a Master's Degree in Aviation Medicine through Otago University in New Zealand. He currently serves as a Provincial Coroner for Ontario. He is also a Flight Surgeon and Pilot for Air Canada and a Medical Support Specialist for the Transportation Safety Board of Canada. He was previously an Emergency Room Physician at three Greater Toronto Area hospitals. He has worked and trained extensively in the forensic sciences field and is a member of a number of committees and associations, including the College of Physicians and Surgeons of Ontario and the Canadian Aerospace Medical Association.

David G. Henley

Halifax, Nova Scotia



Reappointed to a part-time term of three years on October 30, 2014.

Mr. Henley is vice-president and general counsel at Irving Shipbuilding Inc. Prior to joining Irving Shipbuilding, he was a partner in the Halifax office of the law firm of Stewart McKelvey for 14 years. He is a graduate of the University of New Brunswick (Bachelor of Business Administration in 1989 and Bachelor of Laws in 2000) and Dalhousie University (Master of Laws in Marine and Environmental Law in 2003). After a career in the army as an artillery officer, Mr. Henley was admitted to the Nova Scotia Bar in 2001. He retired from the Canadian Army Reserve as a Brigadier-General in 2015 with 30 years of service. After returning from a tour in Afghanistan in 2010, he was awarded the Bronze Star Medal by the United States and invested as a Member of the Order of Military Merit by the Governor General. Mr. Henley is a past chair of the Marine Practice Group of Stewart McKelvey and of the Canadian Bar Association Environmental Law Subsection, Nova Scotia. He has written, presented and published papers on a variety of marine- and environment-related subjects. Mr. Henley is an Associate of the Marine and Environmental Law Institute and a member of the part-time faculty at the Schulich School of Law, where he taught Fisheries Law from 2004 to 2015.

TRIBUNAL MEMBERS – PART-TIME

Raymon J. Kaduck

Ottawa, Ontario



Appointed to a part-time term of four years on November 29, 2017.

Mr. Kaduck is the president of Aeronavigatsia Consulting Inc., a firm specializing in transportation economics, regulatory policy and international trade. From 2007 to 2016, he was a member of the Canadian Transportation Agency and adjudicated economic disputes in the air, rail and marine sectors. He also has a decade of experience in northern air operations with Transport Canada and the government of the Northwest Territories. Mr. Kaduck is a member of the advisory boards for the Centre for Air Transport in Remoter Regions at Cranfield University and the Hellenic Aviation Society's Journal of Air Transport Studies. He is also an honorary member of the Brazilian Institute of Strategic Studies and Public Policies in Air Transport. Mr. Kaduck earned a Master of Business Administration degree from the Richard Ivey School of Business and a Master of Arts in International Political Economy from the Norman Paterson School of International Affairs.

Sarah M. Kirby

Halifax, Nova Scotia



Reappointed to a part-time term of three years on February 15, 2018.

A part-time Member of the Transportation Appeal Tribunal of Canada since 2012, Sarah Kirby was admitted to the Nova Scotia Barristers' Society as Barrister and Solicitor in 2000. From 2000 until 2011, she practised law as a civil litigator in private practice in Nova Scotia with a focus on the marine transportation sector and made appearances in the Federal Court of Canada, the Nova Scotia Supreme Court and the Nova Scotia Provincial Court. From 2011 to 2015, she was an Assistant Dean at the Schulich School of Law at Dalhousie University, and since 2012 has served as a part-time Adjudicator for the Small Claims Court of Nova Scotia. Ms. Kirby is now a Crown Prosecutor with the Public Prosecution Service of Nova Scotia. Ms. Kirby has served as an active member of the Canadian Maritime Law Association, the Women's International Shipping and Trading Association, and the Eastern Admiralty Law Association. She is currently a member of the Nova Scotia Barristers' Society's Credentials Committee and Internal Review Sub-committee as well as a member of The Advocates' Society Nova Scotia Regional Advisory Committee.



Herbert Lee

Richmond, British Columbia



Reappointed to a part-time term of three years on October 30, 2014.

Mr. Lee is the managing director of LTA Holidays (Canada) Ltd., a Vancouver-based IATA travel agency. He is also a private pilot and a certified travel manager. Mr. Lee is a member of the Richmond Chamber of Commerce, the Hong Kong Aviation Club, the Royal Canadian Mounted Police Advisory Committee for Multiculturalism in Richmond, and the Consumer Protection of British Columbia Advisory Committee. Mr. Lee is a former Air Crew member (volunteer) for the Royal Hong Kong Auxiliary Air Force and a former Assistant Superintendent of Hong Kong Air Terminal Services Ltd. for Hong Kong Kai Tak Airport. He has studied at Simon Fraser University, the Hong Kong Polytechnic University, and the Royal Navy School in the United Kingdom.

J. Ed Macdonald

New Glasgow, Nova Scotia



Reappointed to a part-time term of three years on February 21, 2018.

Mr. Macdonald is a retired commercial aviation pilot whose 31 years of employment with several major airlines reflects an outstanding record of performance, reliability and commitment. He retired as a captain from Air Canada after flying on domestic and international routes on various passenger aircraft. During his career, Mr. Macdonald amassed 18,000 flight hours, an achievement that required both a high level of technical skill and strong team-building and leadership abilities. A graduate of Rothesay Collegiate in New Brunswick, Mr. Macdonald was born in New Glasgow, Nova Scotia, and lives in Pictou County, where he is active in the community as a volunteer.

TRIBUNAL MEMBERS – PART-TIME

Tracy Medve

Kelowna, British Columbia



Reappointed to a part-time term of three years on February 6, 2018.

Ms. Medve has been President of KF Aerospace since 2013 and prior to this was President of Canadian North Airlines. Since 1985, she has held various senior airline management positions at Norcanair, Time Air, and Canadian Regional Airlines. Prior to joining Canadian North in 2007, Ms. Medve was the co-founder of C.T. AeroProjects, a Calgary-based consultancy focused on air transport resource management. A lawyer by training, she also graduated from the John Molson School of Business Global Aviation MBA program at Concordia University in 2009. Ms. Medve is the former Chair of the Air Transport Association of Canada (ATAC) and the first woman in Canada to be inducted as an Honorary Life Member. She sits as a member of the Board for the Canadian Association of Defence and Security Industries, and is a member of the University of British Columbia—Okanagan External Community Advisory Council. She is also a past member of the Transportation Appeal Tribunal of Canada, having served from 2003 to 2006.

Arnold Marvin Olson

Langley, British Columbia



Reappointed to a part-time term of three years on February 15, 2018.

Mr. Olson, Captain (ret.), recently completed a 32-year flying career, retiring as an approved check pilot—Boeing 767, based in Vancouver and flying international routes. His previous assignments have included a management position as senior check pilot—Embraer 170/190, a training captain—Airbus 320, and a crew resource management facilitator conducting courses dealing with issues of pilot judgment. A graduate of Simon Fraser University (B.Sc.), Mr. Olson has attended various industry courses, such as Human Factors in Aviation, Aviation Safety Program Management, and Conflict Resolution in the Workplace. He has served as Director, Trinity Western University Institute of Aviation. He is the founder of the Air Canada Pilots Bone Marrow Registry Program. He has received the Honouring Our Lifeblood Award from Canadian Blood Services and the Award of Excellence from Air Canada. He founded and chaired the Canadian Cancer Society Langley Relay for Life, was Chair of the 2013 Special Olympics BC Summer Games Organizing Committee, and has served as the treasurer of Hope International Development Agency.



James R. Parsons

St. John's, Newfoundland and Labrador



Reappointed to a part-time term of three years on November 9, 2017.

Mr. Parsons is a director, coordinator, and lecturer at the Fisheries and Marine Institute of Memorial University, and he has held these positions since 1997. He has been responsible for the development and delivery of oil tanker, floating production storage and offloading, mobile offshore drilling unit, and marine regulatory awareness training programs for clients working with the Hibernia and Terra Nova projects. Previously, Mr. Parsons was a marine consultant at Bateman Chapman (Canada) Ltd., and he owned OTI Canada Group, a company involved in marine surveying, cargo inspections and safety, and pollution control. Currently he owns a marine consultancy called Global Marine Solutions. He is a Master Mariner with significant experience in Canadian Arctic waters and, among his many degrees, he has a PhD in marine transportation and economics from the University of Plymouth in England and a bachelor of maritime studies from Memorial University.

Jacqueline Penney

St. John's, Newfoundland and Labrador



Appointed to a part-time term of four years on November 29, 2017.

Ms. Penney graduated from Dalhousie Law School in 1993 with a Bachelor of Laws. She is a practising member of the Law Society of Newfoundland and Labrador and the Nova Scotia Barristers' Society. Ms. Penney has extensive legal experience in the marine transportation industry. Since June 2009, she has been Corporate Counsel for Marine Atlantic Inc., practising primarily maritime law, corporate and commercial law, labour law, and insurance law. She has significant experience appearing before courts, tribunals and boards, and acting in a quasi-judicial capacity as a member of federal and provincial tribunals, boards and commissions. Prior to May 2009, Ms. Penney was a partner with McInnes Cooper in St. John's, NL. In 2013, she was appointed to the Newfoundland and Labrador Labour Relations Board as an employer representative and continues to serve on this board. From January 2015 to December 2017, Ms. Penney acted as Chair of the Newfoundland and Labrador Legal Aid Commission.

Dr Robert Perlman

Montreal, Quebec



Reappointed to a part-time term of three years on January 4, 2018.

Dr. Perlman holds degrees in psychology and medicine from McGill University. He is certified in family medicine, is a fellow of the College of Family Physicians of Canada (CFPC) and is certified in aviation medicine from King's College, London, United Kingdom, and from France to perform European Aviation Safety Agency (EASA) medicals for pilots, crew and air traffic controllers. He is currently the chief executive officer and director of Mediservice, a medical clinic he founded in 1984 that provides commercial pilot and air traffic controller licensing exams for Canada, the United States, the United Kingdom and Europe. Dr. Perlman is also an attending physician and an associate professor of family medicine at the Jewish General Hospital in Montreal.

TRIBUNAL MEMBERS – PART-TIME

Alex Phillips

Edmonton, Alberta



Reappointed to a part-time term of eight months on June 21, 2017.

Mr. Phillips is a lawyer based in Edmonton, Alberta, with over 25 years of experience providing legal counsel and policy advice on transportation network matters, including deregulation, aviation licensing, export trade competitiveness, and transport safety regulation. He is also a former Director of Regulatory Strategy at ATCO Electric, where he provided legal and strategic policy advice on the activities of Alberta's regulatory agencies and their governing legislation to help develop Alberta's electricity transmission network in a safe and efficient manner. Among Mr. Phillip's qualifications are a bachelor of laws from the University of Manitoba, master of laws in international air law and deregulation from the London School of Economics, and a doctorate of juridical science in competitive network access rights from Bond University, Australia.

Franco Pietracupa

Dollard-des-Ormeaux, Quebec



Reappointed to a part-time term of three years on February 6, 2018.

Mr. Pietracupa received his College Diploma in Aeronautical Pilot Instruction in 1997. He has worked for various companies in aviation, including CESPA Flight College, and held the position of Class 1 instructor/ chief flight instructor from 1997 to 2000 in different flight training organizations. With his extensive experience as a flight instructor and operator, he was designated as a flight test examiner with Transport Canada. Since April 2011, Mr. Pietracupa has held the position of Chief Pilot, Business Customer Liaison Pilots at Bombardier Aerospace in Montreal.



Dr. George E. Pugh

Vancouver, British Columbia



Reappointed to a part-time term of three years on November 28, 2017.

Dr. Pugh is a Consultant in Emergency Medicine and has been an Emergency Physician at Providence Healthcare Society in Vancouver since 1994. He has worked at Mount St. Joseph Hospital in Vancouver, where he has filled various positions, including director of Emergency, head of the Department of Family Practice and emergency physician. Dr. Pugh is a member of the Royal College of Physicians and Surgeons of Canada, the Canadian Medical Association, the British Columbia Medical Association, the Canadian Association of Emergency Physicians and the College of Family Physicians of Canada. His areas of special interest and accomplishment include aviation (commercial fixed and rotary wing pilot), maritime transportation (cruise ship medicine) and road transportation.

Suzanne Racine

Kirkland, Quebec



Reappointed to a part-time term of one year on December 13, 2016.

Ms. Racine, a lawyer since 1980, holds a Licence in Civil Law from the University of Ottawa (1979), Mediator training (1992), and a Master's Degree from the Institute of Air and Space Law, McGill University (1987). She was a director of Regulatory and Government Affairs at Air Transat and has acted as a consultant in the areas of travel and air transport. Ms. Racine is a Member of the Barreau du Québec and the Institute of Air and Space Law Association.

Michael J. Regimbal

Beaconsfield, Quebec



Appointed to a part-time term of four years on November 29, 2017.

Mr. Regimbal is a transportation consultant with expertise in strategic, regulatory, operational and investigative fields. He has worked in the public and private sectors and has international experience. He recently concluded his term as the national director of Operation Lifesaver Canada, and was awarded the Chief's Certificate of Commendation in 2016. He is a graduate of McGill University and HEC Paris' Executive and Strategic Leadership programs. Mr. Regimbal is a past chair of Transport Canada's Railway Research Advisory Board and industry chair of the Railway Safety Act Working Group on Proximity and Operations.

TRIBUNAL MEMBERS – PART-TIME

Stephen Rogers

Vancouver, British Columbia



Reappointed to a part-time term of one year on January 30, 2017.

Mr. Rogers was a Member of the British Columbia Legislative Assembly for 16 years. He served as a cabinet minister in several portfolios, including Minister of Transportation and Highways, and as Speaker and Deputy Speaker of the House. He began his career as a pilot with the Royal Canadian Air Force and flew commercial aircraft with Air Canada prior to and after his career in politics.

Laura Safran

Calgary, Alberta



Reappointed to a part-time term of three years on March 12, 2018.

Ms. Safran, Q.C., is a senior partner at the law firm Davis LLP in Calgary specializing in corporate and commercial, intellectual property, and technology law. She is also the head of Davis LLP's national aviation law practice, and co-head of their education law practice. Prior to that, she was a partner at Fraser Milner Casgrain LLP from 1996 to 2010. She has held other executive positions as vice-president, law, and corporate secretary of Canadian Airlines International from 1989 to 1995. Ms. Safran is a member of the law societies of Alberta and British Columbia. She holds an L.L.M. (doctorate of jurisprudence program) from Columbia University, an L.L.M. from the London School of Economics, an L.L.B. from Osgoode Hall, York University, and a bachelor of arts with distinction from the University of Alberta. She was named one of Canada's Most Powerful Women by *The Globe and Mail* in 2004, as well as one of the leading women lawyers in Canada in 2009 by the *Canadian Legal Lexpert Directory*.

Dr. John M. Sehmer

Vancouver, British Columbia



Reappointed to a part-time term of eight months on May 4, 2017.

Dr. Sehmer is a Clinical Assistant Professor at the University of British Columbia Medical School in the Department of Family Practice, runs his own general practice specializing in industrial medicine, and is a staff member at Vancouver General Hospital. He has extensive experience as a certified medical examiner for the marine and air sectors (pilots). In addition, Dr. Sehmer is a medical advisor for Great West Life and Desjardins, an occupational medicine consultant for corporations such as the Canadian Imperial Bank of Commerce, Petro-Can/Suncor, and Chevron, and is co-chair of the British Columbia Medical Association's WorkSafeBC Liaison Committee. Dr. Sehmer has published numerous articles in the Canadian Medical Association Journal and other journals and is a fellow of the Canadian Board of Occupational Medicine.



Dr. Peter Seviour

St. John's, Newfoundland and Labrador



Appointed to a part-time term of four years on November 29, 2017.

Dr. Seviour graduated as a Doctor of Medicine from Memorial University of Newfoundland in 1992 and completed his family practice residency at McGill University from 1992 to 1994. He received his board certification from the American College of Family Practice in 2001. Dr. Seviour has been practising family medicine since 1994 with a special interest in occupational medicine. He has also been a Transport Canada examiner performing marine medical examinations and commercial diving medicals, and has been involved in driver's medicals and independent reviews for patients injured in auto accidents. Other professional activities include RCMP Designate Physician, Diving Medicine Physician, Insurance Examiner, Medical Director for Caregivers, and Fit to Work medicals (mining and offshore). Dr. Seviour has also served as a board member of the College of Physicians and Surgeons of Newfoundland and Labrador.

Dr. Abdo Shabah

Montreal, Quebec



Reappointed to a part-time term of eight months on March 28, 2017.

Dr. Shabah received a Doctorate in Medicine in 2002 from the University of Montréal, as well as a diploma in General Medicine from the same institution in 2005. From 2005 until 2008, Dr. Shabah practised in Kuujuaq, Quebec, while also undertaking an MA in Public Health. He also completed a PhD in Public Health and Preventative Medicine in 2010 from the University of Montréal, and he successfully completed an MBA from McGill and HEC Montreal. In addition, he was awarded the Governor General of Canada Medal of Excellence in 1995. Dr. Shabah currently works at Hôpital Enfant-Jésus in Emergency Medicine—Aeromedical Evacuation. He also practises Emergency Medicine at CSSS du Cœur de l'Île, and he works as director of Professional Services and Medical Affairs at CSSS de la Pointe-de-l'Île in Montréal. Dr. Shabah continues to participate regularly in humanitarian missions, and he has been deployed on numerous occasions for humanitarian efforts in Haiti.

Yves Villemaire

Stittsville, Ontario



Reappointed to a part-time term of three years on January 14, 2018.

Mr. Villemaire is a graduate of the Canadian Coast Guard College. He started his career as a ship's officer and served in various parts of the country in a number of shipboard and shore positions. He holds a Canadian Coast Guard Command Certificate and an MBA from Queen's University. He retired from the Canadian Coast Guard in 2007, after holding a number of executive positions including Director General, Fleet; Director General, Maritime Services; and Executive Director of the Canadian Coast Guard College in Sydney, Nova Scotia. Prior to holding these positions, he was Director General, Human Resources, for two years with the Department of Fisheries and Oceans. This followed a three-year appointment as Director, Early Conflict Resolution Office, a service he established for the Deputy Minister. Mr. Villemaire is currently a management consultant on a part-time basis.

TRIBUNAL MEMBERS – PART-TIME

Dr. Brian Wagg

Tiny, Ontario



Appointed to a part-time term of four years on November 29, 2017.

Dr. Wagg graduated as a Doctor of Medicine from the University of Ottawa in 1976 and took up general practice, including office practice, obstetrical and emergency care at the Brockville General Hospital in 1978. He was active in administration at the hospital, holding Chairs in various departments and a term as President of Medical Staff. He was active in the establishment of a regional palliative care program in 1989 and was the Medical Director of the Brockville and District Hospice and Palliative Care Program from 2005 to retirement in 2012. Dr. Wagg holds a certificate from the College of Family Physicians of Canada (1983) and was nominated to be a Fellow of the College in 2003. He was a Civil Aviation Medical Examiner for the Eastern Ontario region from 1983 to 2012. He subsequently worked as a locum physician in various parts of Ontario and Nunavut, and is currently doing part-time work as a hospitalist at Georgian Bay General Hospital. Dr. Wagg has held a private pilot's licence since 1997 and has accumulated over 500 hours as a pilot-in-command.

Dr. Richard Zabrodski

Calgary, Alberta



Appointed to a part-time term of four years on November 29, 2017.

Dr. Zabrodski has over 35 years' experience in various aspects of medicine, including the assessment of occupational fitness, impairment and disability. He is a clinical assistant professor in the departments of community health sciences and family medicine at the University of Calgary's Cummings School of Medicine. He is a member of the Occupational and Environmental Association of Canada and the Canadian Board of Occupational Medicine. Dr. Zabrodski provided consulting services to corporate aviation and law enforcement for 25 years and was a certified Civil Aviation Medical Examiner for over 30 years. In 1982, he obtained his certification in family medicine, and the following year received a certificate of special competence in emergency medicine, both from the Canadian College of Family Physicians. He received his certification in occupational medicine from the Canadian Board of Occupational Medicine in 1997. In 2014, he completed the Insurance Medicine and Medical Legal Expertise program through the Université de Montréal. Dr. Zabrodski is a Fellow of the International Academy of Independent Medical Evaluators. He has acted as a complaint reviewer and tribunal chairman for the College of Physicians and Surgeons of Alberta. He has held IFR (Instrument Flight Rules) and instructor ratings, acted as a CFI (Chief Flying Instructor) and as a sailplane pilot, and completed the FAI (Fédération Aéronautique Internationale) gold badge with two diamonds. His marine sector experience includes work on board research vessels on the Great Lakes while obtaining his biology degree. Dr. Zabrodski continues to practise part-time in Alberta as a specialist in family medicine, with a special interest in occupational medicine.



NEW TRIBUNAL MEMBERS – PART-TIME

The following is a list of part-time members who were appointed at the end of 2017-2018 and are being trained to serve in 2018-2019:

Blaine Beaven

Saskatoon, Saskatchewan

Appointed to a part-time term of four years on March 26, 2018.

Fazal Bhimji

Delta, British Columbia

Appointed to a part-time term of four years on March 26, 2018.

Bill Cottick

Victoria, British Columbia

Appointed to a part-time term of four years on February 21, 2018.

Yves Duguay

Montreal, Quebec

Appointed to a part-time term of four years on March 12, 2018.

John Gradek

Montreal, Quebec

Appointed to a part-time term of four years on March 12, 2018.

Elizabeth Hak

Calgary, Alberta

Appointed to a part-time term of four years on February 21, 2018.

C. Michael Keefe

Mount Pearl, Newfoundland and Labrador

Reappointed to a part-time term of three years on March 26, 2018.

David Merrigan

Hammonds Plains, Nova Scotia

Appointed to a part-time term of four years on March 26, 2018.

Terry Robbins

Bedford, Nova Scotia

Appointed to a part-time term of four years on March 12, 2018.

Patrick Vermette

Kingston, Ontario

Appointed to a part-time term of four years on March 12, 2018.

Deborah Warren

Surrey, British Columbia

Appointed to a part-time term of four years on February 6, 2018.

Andy Wilson

Ottawa, Ontario

Appointed to a part-time term of four years on March 12, 2018.

RESOURCES

2017-2018 DETAILS OF FINANCIAL RESULTS BY OBJECT (thousands of dollars)		
	Actual Expenses 2016-2017	Actual Expenses 2017-2018
GOODS AND SERVICES		
Transport-Communications (02)	77.78	111.60
Information (03)	10.11	17.42
Professional Services (04)	139.90	153.95
Rentals (05)	22.17	22.38
Repair and Maintenance (06)	0.36	0.23
Materials and Supplies (07)	12.38	11.86
Machinery and Equipment (09)	2.24	1.68
Total Goods and Services	264.94	319.13
PERSONNEL		
Salaries and Wages	1,102.48	1,384.27
Contributions to Employee Benefit Plans	189.63	201.00
Total for Personnel	1,292.11	1,585.27
GRAND TOTAL	1,557.05	1,904.40



STATISTICAL DATA

The following pages contain data tables based on the Tribunal's new requests received during 2017-2018 and files carried over from 2016-2017.

The tables are presented according to various interests and categories:

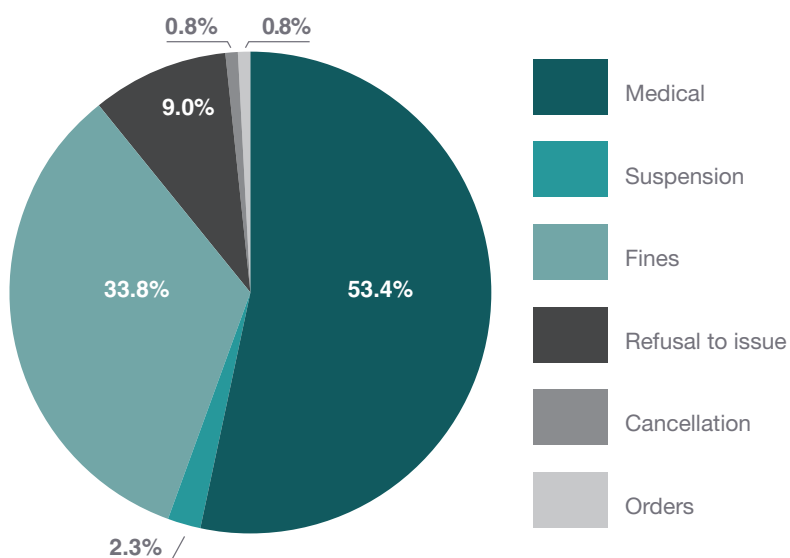
- Total cases by category and sector
- Total cases by region
- Hearings by category and sector
- Hearings by region
- Historical caseload
- Medicals
- Suspensions
- Fines
- Cancellations
- Refusals to issue
- Orders

STATISTICAL DATA

TOTAL CASES BY CATEGORY AND SECTOR								
CATEGORY SECTOR	Medical	Suspension	Fines	Refusal to issue	Cancellation	Orders	TOTALS	%
Aviation	78	6	60	24	2	0	170	63.9
Marine	64	0	17	0	0	0	81	30.5
Rail	0	0	10	0	0	2	12	4.5
CTA*	0	0	3	0	0	0	3	1.1
TOTALS	142	6	90	24	2	2	266	100

* CTA = Canadian Transportation Agency

Case distribution by category



This annual report covers the twelve months between April 1, 2017, and March 31, 2018. In this reporting period, the Tribunal registered **141** new requests for review and appeal.

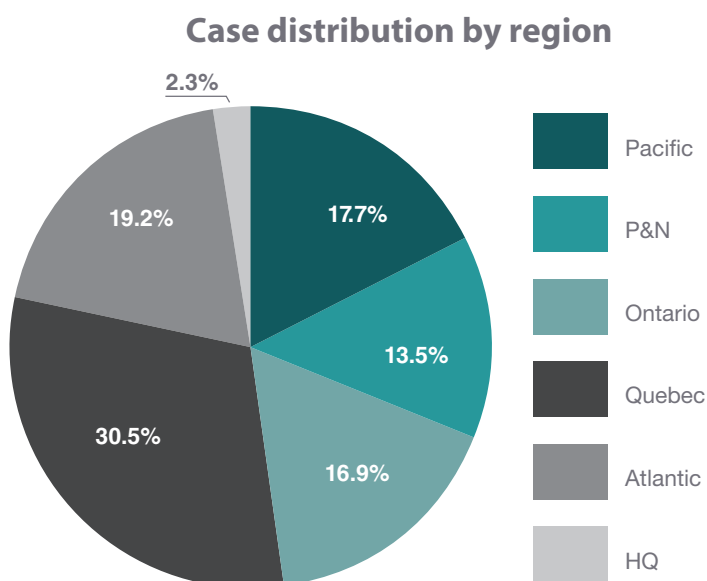
There were **132** new requests for review (**85** aviation, **39** marine, **5** rail, **3** CTA), and **9** requests for appeal (**6** aviation and **3** rail).

In addition to the new cases registered in this reporting period, **125** cases were carried over from the previous reporting period, bringing the total caseload to **266**. This represents a decrease of **7** cases over the fiscal year 2016-2017.

Additionally, **32** requests for certificates were received from the Minister, pursuant to section 7.92 of the *Aeronautics Act*.

TOTAL CASES BY REGION								
CATEGORY SECTOR	Pacific	P&N*	Ontario	Quebec	Atlantic	HQ	TOTALS	%
Aviation	38	27	35	48	18	4	170	63.9
Marine	9	3	6	29	33	1	81	30.5
Rail	0	6	2	4	0	0	12	4.5
CTA	0	0	2	0	0	1	3	1.1
TOTALS	47	36	45	81	51	6	266	100

* P&N = Prairie and Northern

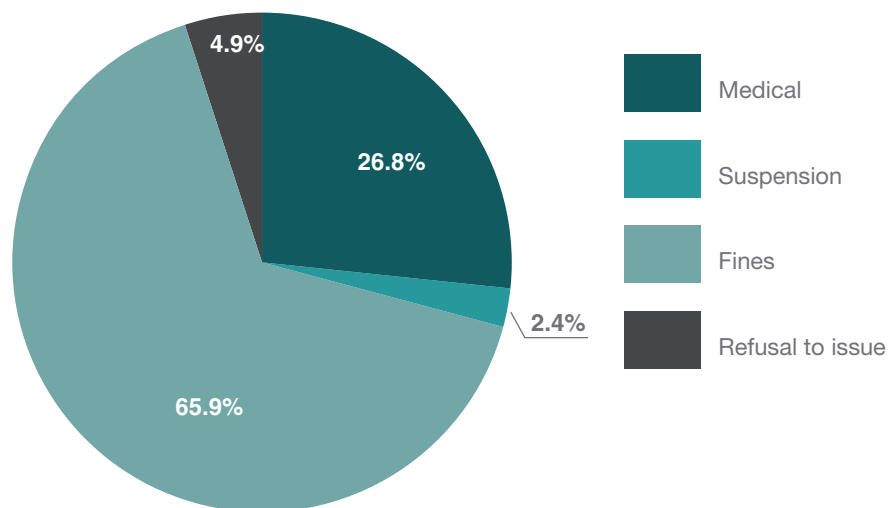


In each region, the majority of cases are from the aviation sector, followed by the marine sector, with one exception: the majority of cases in the Atlantic region are from the marine sector, followed by the aviation sector. Rail cases represent a small proportion of the Tribunal's caseload; however, a much higher proportion of these cases result in a review hearing.

STATISTICAL DATA

HEARINGS BY CATEGORY AND SECTOR							
	CATEGORY SECTOR	Medical	Suspension	Fines	Refusal to issue	TOTALS	%
Review Hearings	Aviation	4	1	16	2	23	56.1
	Marine	7	0	4	0	11	26.8
	Rail	0	0	6	0	6	14.6
	Review Sub-Total	11	1	26	2	40	97.6
Appeal Hearings	Aviation	0	0	1	0	1	2.4
	Marine	0	0	0	0	0	0.0
	Appeal Sub-total	0	0	1	0	1	2.4
GRAND TOTALS		11	1	27	2	41	100

Hearing distribution by category

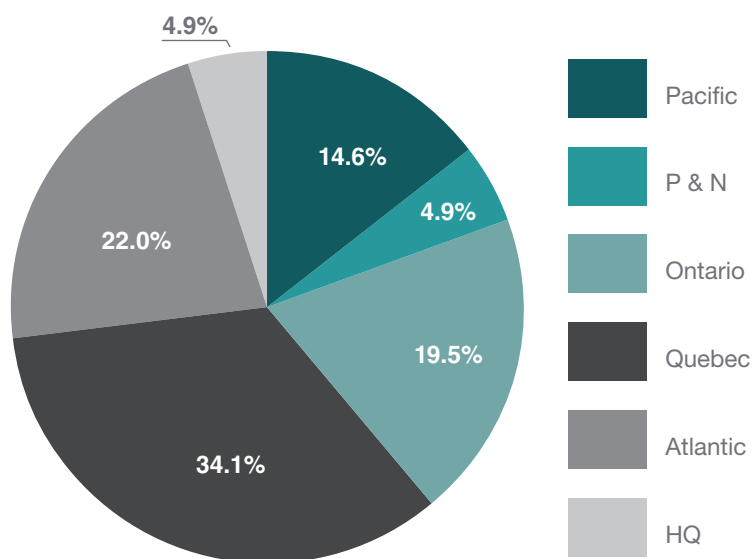


The Tribunal heard **40** reviews (**23** aviation, **11** marine, and **6** rail) and **1** appeal in the aviation sector for a total of **56** hearing days. There was a decrease of **8** hearing days in comparison to the previous fiscal year. At the end of 2017-2018, **100** cases were pending further action, **15** were awaiting decisions, and **21** had been scheduled for the 2018-2019 fiscal year.



HEARINGS BY REGION									
	REGION SECTOR	Pacific	P & N	Ontario	Quebec	Atlantic	HQ	TOTALS	%
Review Hearings	Aviation	6	1	3	7	5	1	23	56.1
	Marine	0	0	2	4	4	1	11	26.8
	Rail	0	1	3	2	0	0	6	14.6
	Review Sub-Total	6	2	8	13	9	2	40	97.6
Appeal Hearings	Aviation	0	0	0	1	0	0	1	2.4
	Marine	0	0	0	0	0	0	0	0.0
	Appeal Sub-total	0	0	0	1	0	0	1	2.4
	GRAND TOTALS	6	2	8	14	9	2	41	100

Hearing distribution by region



The majority of review hearings in each region dealt with matters from the aviation sector. Although the majority of cases in the Atlantic region were from the marine sector, the majority of its review hearings pertained to the aviation sector. Half of all rail cases resulted in a review hearing, which is substantially higher than the 14 per cent of aviation and marine cases that resulted in a review hearing.

HISTORICAL DATA

COMPARISON OF CASES WORKED ON IN THE PAST FIVE YEARS

Fiscal Year	Pacific	P&N	Ontario	Quebec	Atlantic	HQ*	Totals
2017-2018	47	36	45	81	51	6	266
2016-2017	59	26	49	82	51	6	273
2015-2016	28	22	46	73	24	98*	291
2014-2015	29	28	56	67	22	107*	309
2013-2014	42	56	77	64	31	110*	380

*Prior to 2016-2017, all marine medical, rail and some aviation cases were attributed to HQ despite occurring in the different regions. In general, the 2017-2018 report will reflect the actual regions where the cases occurred.

TOTAL CASELOAD FOR THE PAST FIVE YEARS

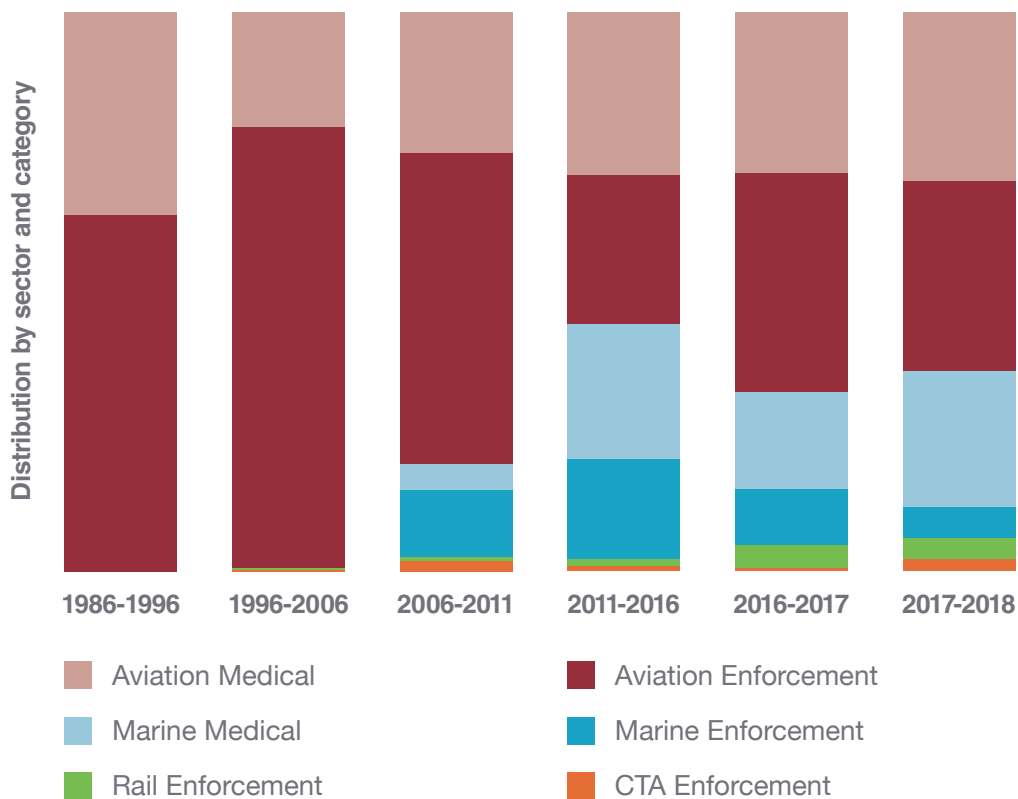
	2017-2018	2016-2017	2015-2016	2014-2015	2013-2014
New requests	141	134	137	153	136
Settled without a hearing	97	110	123	125	181
Review Hearings	40	43	21	30	30
Appeal Hearings	1	3	6	4	2

TOTAL CASES CONCLUDED WITH A HEARING BY REGION SINCE 1986

Summary 1986-2018	Pacific	P&N	Ontario	Quebec	Atlantic	HQ	Total
Total hearings	230	678	376	435	184	104	2,007
%	11.5	33.8	18.7	21.7	9.2	5.2	100%
Reviews							1,629
Appeals							378



Historical case distribution by sector, category and period



This table shows the evolution of the Tribunal from a unimodal to a multimodal tribunal. In fact, it was only at the beginning of this decade when the Tribunal began to see a significant number of cases from sectors other than aviation. Aviation cases represented 64 per cent of all cases that came before the Tribunal during the 2017-2018 fiscal year and marine cases comprised 30 per cent of cases. Over the last decade, there has been a small but constant increase in rail cases.



TRANSPORTATION APPEAL TRIBUNAL OF CANADA ACT

S.C. 2001, c. 29

Assented to 2001-12-18

AN ACT TO ESTABLISH THE TRANSPORTATION APPEAL TRIBUNAL OF CANADA AND TO MAKE CONSEQUENTIAL AMENDMENTS TO OTHER ACTS

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE

Short title

1 This Act may be cited as the *Transportation Appeal Tribunal of Canada Act*.

TRANSPORTATION APPEAL TRIBUNAL OF CANADA

Establishment

2 (1) There is hereby established a tribunal to be known as the Transportation Appeal Tribunal of Canada (“the Tribunal”).

Jurisdiction generally

(2) The Tribunal has jurisdiction in respect of reviews and appeals as expressly provided for under the *Aeronautics Act*, the *Canada Shipping Act, 2001*, the *Marine Transportation Security Act*, the *Railway Safety Act* and any other federal Act regarding transportation.

Jurisdiction in respect of other Acts

(3) The Tribunal also has jurisdiction in respect of reviews and appeals in connection with administrative monetary penalties provided for under sections 177 to 181 of the *Canada Transportation Act*, sections 43 to 55 of the *International Bridges and Tunnels Act*, sections 129.01 to 129.19 of the *Canada Marine Act*, sections 16.1 to 16.25 of the *Motor Vehicle Safety Act* and sections 39.1 to 39.26 of the *Navigation Protection Act*.

2001, c. 29, ss. 2, 71;

2007, c. 1, s. 59;

2008, c. 21, s. 65;

2012, c. 31, s. 345;

2018, c. 2, s. 18.

Members

3 (1) The Governor in Council shall appoint as members of the Tribunal persons who, in the opinion of the Governor in Council, collectively have expertise in the transportation sectors in respect of which the federal government has jurisdiction.

Full- or part-time members

(2) Members may be appointed as full-time or part-time members.

Chairperson and Vice-Chairperson

4 The Governor in Council shall designate one member as Chairperson of the Tribunal and one member as Vice-Chairperson. The Chairperson and Vice-Chairperson must be full-time members.

Duties of Chairperson

- 5 (1) The Chairperson has supervision over, and direction of, the work of the Tribunal, including
- (a) the apportionment of work among members and the assignment of members to hear matters brought before the Tribunal and, when the Tribunal sits in panels, the assignment of members to panels and to preside over panels; and
 - (b) generally, the conduct of the work of the Tribunal and the management of its internal affairs.

Absence of Chairperson

- (2) In the event of the absence or incapacity of the Chairperson or if the office of Chairperson is vacant, the Vice-Chairperson shall act as Chairperson during the continuance of that absence or incapacity or until a new Chairperson is designated.

2001, c. 29, s. 5;
2014, c. 20, s. 464.

Term of office

- 6 (1) A member shall be appointed to hold office during good behaviour for a term not exceeding seven years and may be removed for cause by the Governor in Council.

Reappointment

- (2) A member is eligible to be reappointed.

Disposition after member ceases to hold office

- (3) At the request of the Chairperson, a former member, within eight weeks after ceasing to be a member, may make or take part in a determination or decision on a matter that they heard as a member. For that purpose, the former member is deemed to be a member.

Remuneration

- 7 (1) Members shall receive the remuneration that is fixed by the Governor in Council.

Expenses

- (2) Each member is entitled to be paid reasonable travel and living expenses incurred while absent in the course of their duties from, in the case of a full-time member, their ordinary place of work and, in the case of a part-time member, their ordinary place of residence.

Status

- (3) Members are deemed to be employed in the federal public administration for the purposes of the *Government Employees Compensation Act* and any regulations made under section 9 of the *Aeronautics Act*.

2001, c. 29, s. 7;

2003, c. 22, s. 224(E).

Inconsistent interests — full-time members

- 8 (1) Full-time members shall not accept or hold any office, membership, employment or interest, or engage in any business activity, that is inconsistent with the proper performance of their duties and functions.

Divesting of interests

- (2) If an interest that is prohibited under subsection (1) vests, by whatever means, in a full-time member, the member shall disclose the interest to the Chairperson without delay and, within three months after the interest vests, either divest himself or herself of the interest or resign as a member.

Duties of full-time members

- (3) Full-time members shall devote the whole of their time to the performance of their duties and functions under this Act.

Inconsistent interests — part-time members

- (4) If a part-time member who is assigned to hear or is hearing any matter before the Tribunal, either alone or as a member of a panel, holds any pecuniary or other interest that could be inconsistent with the proper performance of their duties and functions in relation to the matter, the member shall disclose the interest to the Chairperson without delay and is ineligible to hear, or to continue to hear, the matter.

Principal office

- 9 The principal office of the Tribunal shall be in the National Capital Region described in the schedule to the *National Capital Act*.

10 [Repealed, 2014, c. 20, s. 465]

Sittings

- 11 The Tribunal shall sit at those times and places in Canada that the Chairperson considers necessary for the proper performance of its functions.

Hearings on review

- 12 A review shall be heard by a member, sitting alone, who has expertise in the transportation sector to which the review relates. However, a review that concerns a matter of a medical nature shall be heard by a member with medical expertise, whether or not that member has expertise in the transportation sector to which the review relates.

Hearings on appeal

- 13 (1) Subject to subsection (2), an appeal to the Tribunal shall be heard by an appeal panel consisting of three members.

Size of panel

- (2) The Chairperson may, if he or she considers it appropriate, direct that an appeal be heard by an appeal panel consisting of more than three members or, with the consent of the parties to the appeal, of one member.

Composition of panel

- (3) A member who conducts a review may not sit on an appeal panel that is established to hear an appeal from his or her determination.

Qualifications of members

- (4) With the exception of the Chairperson and Vice-Chairperson, who may sit on any appeal panel, an appeal shall be heard by an appeal panel consisting of members who have expertise in the transportation sector to which the appeal relates.

Medical matters

- (5) Despite subsection (4), in an appeal that concerns a matter of a medical nature, at least one member of the appeal panel shall have medical expertise, whether or not that member has expertise in the transportation sector to which the appeal relates.

Decision of panel

- (6) A decision of a majority of the members of an appeal panel is a decision of the panel.

Nature of appeal

- 14 An appeal shall be on the merits based on the record of the proceedings before the member from whose determination the appeal is taken, but the appeal panel shall allow oral argument and, if it considers it necessary for the purposes of the appeal, shall hear evidence not previously available.

Nature of hearings

- 15 (1) Subject to subsection (2), the Tribunal is not bound by any legal or technical rules of evidence in conducting any matter that comes before it, and all such matters shall be dealt with by it as informally and expeditiously as the circumstances and considerations of fairness and natural justice permit.

Restriction

- (2) The Tribunal shall not receive or accept as evidence anything that would be inadmissible in a court by reason of any privilege under the law of evidence.

Appearance

- (3) A party to a proceeding before the Tribunal may appear in person or be represented by another person, including legal counsel.

Private hearings

- (4) Hearings shall be held in public. However, the Tribunal may hold all or any part of a hearing in private if it is of the opinion that
- (a) a public hearing would not be in the public interest;
 - (b) medical information about a person may be disclosed and the desirability of ensuring that, in the interests of that person, the information is not publicly disclosed outweighs the desirability of adhering to the principle that hearings be open to the public; or
 - (c) confidential business information may be disclosed and the desirability of ensuring that the information is not publicly disclosed outweighs the desirability of adhering to the principle that hearings be open to the public.

Standard of proof

- (5) In any proceeding before the Tribunal, a party that has the burden of proof discharges it by proof on the balance of probabilities.

Powers of Tribunal

16 The Tribunal, and each of its members, has all the powers of a commissioner under Part I of the *Inquiries Act*.

Reasons

17 A member who conducts a review shall provide a determination, and an appeal panel shall provide a decision, with reasons, in writing to all parties to a proceeding.

Rules of Tribunal

18 The Tribunal may, with the approval of the Governor in Council, make rules that are not inconsistent with this Act or any Act referred to in section 2 to govern the management of its affairs and the practice and procedure in connection with matters brought before it.

Costs

- 19 (1) The Tribunal may award any costs, and may require the reimbursement of any expenses incurred in connection with a hearing, that it considers reasonable if
- (a) it is seized of the matter for reasons that are frivolous or vexatious;
 - (b) a party that files a request for a review or an appeal and does not appear at the hearing does not establish that there was sufficient reason to justify their absence; or
 - (c) a party that is granted an adjournment of the hearing requested the adjournment without adequate notice to the Tribunal.

Recovery

- (2) Costs awarded to the Minister of Transport, and expenses of that Minister or the Tribunal that are subject to reimbursement, under subsection (1) are a debt due to Her Majesty in right of Canada.

Certificate

- (3) Costs or expenses under subsection (1) that have not been paid may be certified by the Tribunal.

Registration of certificate

- (4) On production to the Federal Court, a certificate shall be registered. When it is registered, a certificate has the same force and effect as if it were a judgment obtained in the Federal Court for a debt of the amount specified in it and all reasonable costs and charges attendant on its registration, recoverable in that Court or in any other court of competent jurisdiction.

Proceedings to be recorded

- 20 Proceedings before the Tribunal shall be recorded, and the record shall show all evidence taken and all determinations, decisions and findings made in respect of the proceedings.

Decision on appeal final

- 21 A decision of an appeal panel of the Tribunal is final and binding on the parties to the appeal.

Annual report

- 22 The Tribunal shall, not later than June 30 in each fiscal year, submit to Parliament, through the member of the Queen's Privy Council for Canada who is designated by the Governor in Council as the Minister for the purposes of this section, a report of its activities during the preceding fiscal year, and that Minister shall cause the report to be laid before each House of Parliament on any of the first 15 days on which that House is sitting after the Minister receives it.

TRANSITIONAL PROVISIONS

Definitions

- 23 The definitions in this section apply in sections 24 to 32.

former Tribunal means the Civil Aviation Tribunal established by subsection 29(1) of the *Aeronautics Act* as that Act read immediately before the coming into force of section 44. (*ancien Tribunal*)

new Tribunal means the Transportation Appeal Tribunal of Canada established by subsection 2(1).

Powers, duties and functions

- 24 Wherever, in any Act of Parliament, in any instrument made under an Act of Parliament or in any contract, lease, licence or other document, a power, duty or function is vested in or is exercisable by the former Tribunal, the power, duty or function is vested in or is exercisable by the new Tribunal.

Appropriations

25 Any amount that is appropriated, for the fiscal year in which this section comes into force, by an appropriation Act based on the Estimates for that year for defraying the charges and expenses of the former Tribunal and that, on the day on which section 44 comes into force, is unexpended is deemed, on that day, to be an amount appropriated for defraying the charges and expenses of the new Tribunal.

Members of Tribunal

26 The Chairman, Vice-Chairman and other members of the former Tribunal immediately before the coming into force of section 44 shall, on the coming into force of that section, occupy the positions of Chairperson, Vice-Chairperson and members, respectively, with the new Tribunal until the expiry of the period of their appointment to the former Tribunal.

Employment continued

27 (1) Nothing in this Act shall be construed as affecting the status of an employee who, immediately before the coming into force of section 44, occupied a position with the former Tribunal, except that each of those persons shall, on the coming into force of that section, occupy their position with the new Tribunal.

Definition of *employee*

(2) For the purposes of this section, **employee** has the same meaning as in subsection 2(1) of the *Public Service Employment Act*.

References

28 Every reference to the former Tribunal in any deed, contract, agreement or other document executed by the former Tribunal in its own name shall, unless the context otherwise requires, be read as a reference to the new Tribunal.

Rights and obligations

29 All rights and property of the former Tribunal and of Her Majesty in right of Canada that are under the administration and control of the former Tribunal and all obligations of the former Tribunal are transferred to the new Tribunal.

Commencement of legal proceedings

30 Any action, suit or other legal proceeding in respect of an obligation or liability incurred by the former Tribunal may be brought against the new Tribunal in any court that would have had jurisdiction if the action, suit or other legal proceeding had been brought against the former Tribunal.

Continuation of legal proceedings

31 Any action, suit or other legal proceeding to which the former Tribunal is a party that is pending in any court immediately before the day on which section 44 comes into force may be continued by or against the new Tribunal in the same manner and to the same extent as it could have been continued by or against the former Tribunal.

Continuation of proceedings

32 (1) Proceedings relating to any matter before the former Tribunal on the coming into force of section 44, including any matter that is in the course of being heard by the former Tribunal, shall be continued by the new Tribunal.

Application of provisions

(2) Unless the Governor in Council, by order, directs that proceedings continued under this section are to be dealt with in accordance with the provisions of this Act, the proceedings shall be dealt with and determined in accordance with the provisions of the *Aeronautics Act* as that Act read immediately before the coming into force of section 44.

Directions re proceedings

(3) The Governor in Council may, by order, direct that proceedings in respect of any class of matter referred to in subsection (1) in respect of which no decision or order is made on the coming into force of section 44 shall be discontinued or continued by the new Tribunal, as the case may be, on the terms and conditions specified in the order for the protection and preservation of the rights and interests of the parties.

CONSEQUENTIAL AMENDMENTS

33. to 70 [Amendments]

COORDINATING AMENDMENTS

71. and 72 [Amendments]

COMING INTO FORCE

Coming into force

73 The provisions of this Act, other than sections 71 and 72, come into force on a day or days to be fixed by order of the Governor in Council.

NOTES

