



Canadian
Transportation
Agency

Office
des transports
du Canada

CANADIAN TRANSPORTATION AGENCY

**2004-2005
Estimates**

A Report on Plans and Priorities

Approved

Hon. Jean-C. Lapierre, P.C., M.P.
Minister of Transport

Canada

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Section 1: Messages

Chairman's Message

I am pleased to present the Report on Plans and Priorities of the Canadian Transportation Agency (the Agency). As we look ahead to 2004-2005, it is from the vantage of over a century of service to the people of Canada. On February 1, 1904, the Board of Railway Commissioners for Canada came into being as Canada's first independent body with regulatory powers. Through its subsequent successors, the Board evolved into the Canadian Transportation Agency of today with powers affecting all federally regulated modes of transportation.

An efficient and accessible transportation system, carrying people and goods reliably, safely and efficiently, has been an important component in the building of Canada. This system is, and will continue to be, critical to Canada's continuing growth and prosperity. As transportation has evolved, so has the role of Canada's federal regulator. Today's Government of Canada transportation policy calls for an accessible, competitive sector that is regulated only when necessary. The Agency, recognizing that market forces should prevail, intervenes only to ensure fair and reasonable service.

As we move ahead into our second century of service, in a highly competitive and evolving transportation marketplace, the Agency values its role as an expedient, fair and transparent regulator and quasi-judicial tribunal, administering its mandate under the *Canada Transportation Act* and other legislation.

The Agency is committed to the efficient and effective resolution of a wide range of transportation matters. It will continue to focus on consultation, mediation and facilitation, to assist users and providers to resolve problems early, before they can negatively impact the efficient functioning of the transportation system. We will also continue to work at eliminating undue obstacles to the mobility of Canadians with disabilities. As the Canadian society ages, it is becoming increasingly important that transportation systems be accessible.

Two transportation bills (Bill C-26, which proposed amendments to the *Canada Transportation Act*, and Bill C-27, the new *Canada Airports Act*) were tabled in Parliament in 2003, but did not receive Royal Assent before Parliament was prorogued. At the time of writing, it is unclear what will happen with these bills. The Agency is ready to implement any required changes should the bills proceed.

Last year, the Agency made substantial progress in advancing the Modern Comptrollership initiative. These efforts will continue in 2004-2005 as we start implementing results-based performance measurement and integrate it in our planning process. By gathering better performance information and making full use of it in our day to day operations, I am confident that we will be better positioned to ensure that we

provide the most valuable services to Canadians, and demonstrate it more clearly in our future Departmental Performance Reports. I am confident that we will continue to improve the delivery of our programs and services to Canadians.

It is an honour and a privilege to chair an organization with such a long history of service. As we look ahead, I believe that the Agency is well positioned to continue to carry out the government's transportation policies, provide expertise and services, and adapt to any future changes. Agency Members and our dedicated team of professionals are committed to ensuring that we continue to make a significant contribution to achieving an efficient and accessible national transportation system.

Marian L. Robson

Management Representation

Report on Plans and Priorities 2004-2005

I submit, for tabling in Parliament, the 2004-2005 Report on Plans and Priorities for the
Canadian Transportation Agency.

This document has been prepared based on the reporting principles and disclosure requirements contained in the *Guide to the preparation of the 2004-2005 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 the Treasury Board Secretariat.
- It is comprehensive and accurate.
- It 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.

Joan MacDonald
Director General, Corporate Management

July 28, 2004

Section 2: Raison d'être

In its administration of federal transportation legislation and government policies, the Canadian Transportation Agency helps create an efficient and accessible federal transportation system for the benefit of Canadians.

The Agency is an independent, quasi-judicial, administrative tribunal that makes decisions on a wide range of matters affecting Canadian transportation. It licenses rail and air carriers, and has the authority to resolve some transportation rate, service and other complaints in the rail, air and marine modes and to make regulations when required. It also has the authority to remove undue obstacles to the mobility of persons with disabilities who use the federally regulated transportation network. In addition, the Agency implements transportation policy established by Parliament in the *Canada Transportation Act*. It is also the aeronautical authority for Canada on matters related to the economic regulation of air carriers.

The Agency is one of many players involved in transportation and maintains close ties with its various co-delivery partners.

Canadian Transportation Agency Partners	
Bilateral air agreements	<ul style="list-style-type: none"> • Department of International Trade • Transport Canada • Statistics Canada
Coasting trade exemptions	<ul style="list-style-type: none"> • Canada Border Services Agency • Transport Canada
Air regulation	<ul style="list-style-type: none"> • Transport Canada • Transportation Appeals Tribunal of Canada • Royal Canadian Mounted Police • Department of International Trade • Department of Justice Canada
Rail regulation	<ul style="list-style-type: none"> • Transport Canada • Canadian Environmental Assessment Agency • Transportation Safety Board of Canada • Province of Ontario • Natural Resources Canada
Accessible transportation	<ul style="list-style-type: none"> • Canadian Human Rights Commission • Transport Canada • Department of Social Development • Canadian Standards Association

Section 3: Planning Overview

The Agency's program is funded by Parliament through an operating expenditures vote. It operates within the context of the very large and complex Canadian transportation system (see Transport Canada's Web site at www.tc.gc.ca for details). Below are the main factors that will influence the delivery of the Agency's programs during the planning period:

3.1 The financial situation of Air Canada

Since April 1, 2003, Air Canada has been under court-sanctioned protection pursuant to the *Companies' Creditors Arrangement Act* (the CCAA) to facilitate its operational, commercial, financial and corporate restructuring. As part of this process, the Ontario Superior Court of Justice issued an order pursuant to the CCAA staying all proceedings against or in respect of Air Canada and certain of its subsidiaries. As a consequence, certain constraints have been imposed on processing applications filed with the Agency involving Air Canada and its subsidiaries.

Because of the stay order which continued to be in effect at the beginning of fiscal year 2004-2005, the Agency could not process accessibility and other complaints against Air Canada during fiscal year 2003-2004. As a result, it will begin fiscal year 2004-2005 with a significant backlog to be processed, in addition to our regular workload. The Agency will also need to carry over to fiscal year 2004-2005 certain projects that it anticipated completing in 2003-2004, notably the code of practice on the communication of information to persons with disabilities in the federal transportation network (refer to section 4.3.3 for details).

3.2 Government initiatives

The Government of Canada's modern management framework, illustrated in the report *Results for Canadians* tabled by the President of the Treasury Board in March 2000, gave rise to a number of initiatives, including Modern Comptrollership. As part of its action plan under this initiative, the Agency will continue to implement measures to improve the way it delivers its program and services in the future. A key element on which the Agency will focus during the planning period is the implementation of results-based performance measurements (refer to section 4.3.4 for details).

3.3 Funding issues

Following the Canadian airline industry restructuring, the Air Travel Complaints Commissioner's program was introduced in 2000 along with other programs to protect the interests of the travelling public. Although some temporary funding was available for the first few years of the program and Transport Canada recently agreed to provide funds for 2004-2005, no funding has been secured for future years.

Some internal resources were reallocated to this program. However, given the Agency's limited financial resources and legislative requirement to deliver on other mandates, additional funding is essential for the Agency to continue to provide this consumer protection service to Canadians and to respond to any additional mandates resulting from legislative change. Initiatives are being taken to secure this funding.

3.4 The legislative review by the Minister of Transport

As required under the *Canada Transportation Act*, a five-member review panel was appointed in June 2000 to conduct a review of the operation of the Act and all other legislation concerning the economic regulation of any mode of transportation under Parliament's legislative authority. Upon consideration of the panel's report tabled in Parliament in July 2001, extensive consultations with a broad range of stakeholders in the industry and with provincial and territorial governments, proposed amendments to the *Canada Transportation Act* were tabled in Parliament in February 2003 as Bill C-26. The new *Canada Airports Act* was also tabled in Parliament in 2003.

Both bills failed to receive Royal Assent before Parliament was prorogued on November 12, 2003. At the time of writing, it is unclear what will happen with these bills. The Agency is ready to implement any required changes should the bills proceed.

Section 4: Agency Plans and Priorities by Strategic Outcome

4.1 Strategic Outcome (Planned Spending: 24,711 Thousands of Dollars)

A fair and transparent economic regulatory regime that helps achieve a viable and accessible national transportation system

4.2 Summary of priorities

Like other government bodies that are mandated to administer laws, the Agency operates under certain constraints in that its priorities and the actions it can take are, in large part, dictated by its statutes. For the planning period, the Agency's **ongoing business priorities** continue to be:

- making sound quasi-judicial decisions within statutory time frames and assisting in resolving disputes through mediation and other informal processes;
- protecting the economic and other interests of Canadian transportation users and carriers and other affected parties;
- improving the accessibility of the federal transportation system to persons with disabilities.

As part of its on-going program delivery activities, the Agency will continue to communicate with carriers, users and other affected parties both to help them understand their rights and obligations under the legislation administered by the Agency and to ensure carrier compliance.

Modern comptrollership is a key element of the Agency's management improvement agenda. For the planning period the Agency's **priority** will be to:

- continue to implement management excellence.

4.3 Details of priorities

4.3.1 Make sound quasi-judicial decisions within statutory time frames and assist in resolving disputes through mediation and other informal processes

To this end, the Agency plans to:

- ensure that its Members and staff maintain a high level of expertise in the transportation field and keep abreast of the constant evolution of the industry and its players;
- apply a decision-making process that is governed by the rules of fairness and the legislation, regulations and legal principles applicable to the case;
- process each complaint and application as quickly as possible and within the relevant statutory deadline (normally 120 days), unless the parties agree to an extension;
- process the backlog of complaints against Air Canada resulting from the stay order imposed on the Agency while Air Canada was under court-sanctioned protection pursuant to the CCAA – (refer to section 3.1 for background) as quickly as possible after the stay order ceases to be in effect;
- post all its formal decisions and orders on its Web site shortly after they have been issued and provide free electronic subscription services to its decisions;
- act as mediator and facilitator for earlier resolution of transportation disputes.

For Canadians, this will result in the assurance:

- that the Agency, a competent and independent body specialized in transportation matters, can deal fairly, efficiently and in a timely and transparent manner, with transportation complaints and applications;
- that services are available to assist them in informally resolving transportation-related disputes in a manner that is simple, rapid, less litigious and less costly than the Agency's traditional hearing process.

Performance will be monitored by examining:

- the outcome of any appeals of Agency decisions;
- the percentage of cases resolved within the relevant statutory deadline;
- the backlog of complaints against Air Canada (resulting from the stay order) that were processed;

- the comments of parties involved in mediation and informal dispute resolution processes undertaken by the Agency and the level of resolution of the disputes.

4.3.2 Continue to protect the economic and other interests of Canadian transportation users and carriers and other affected parties

To this end, the Agency plans to continue to:

- review and resolve air travel complaints;
- investigate complaints concerning air carrier prices on routes within Canada where there is limited or no competition;
- administer the air carrier licensing system which includes ensuring that carriers hold liability insurance and a valid Canadian aviation document and protecting international passenger charter flight advance payments;
- administer the rail certificates of fitness program by ensuring that federal railways hold adequate liability insurance;
- determine if suitable Canadian vessels are available to operate commercial services proposed to be provided by foreign vessels in Canadian waters;
- administer and participate in negotiating international air agreements and administer the air tariff regime and the regulatory compliance program;
- determine the environmental impact of rail construction projects;
- perform its administrative role regarding the revenue cap regulation of Western grain movements by rail (introduced by Parliament in 2000 as part of a reform of the Western grain handling and transportation system) by determining the annual revenue caps for Canadian National Railway Company (CN) and Canadian Pacific Railway Company (CP) for the movement of Western grain and whether or not the railway companies have exceeded their revenue allowance for the transportation of Western grain.

For Canadians, this will result in the assurance:

- that they can obtain assistance to resolve air travel complaints with air carriers;
- that air and rail carriers licensed to operate in Canada meet the legislative requirements in place to protect Canadians;
- for owners of Canadian ships: that no foreign vessels will be allowed to operate commercial services in Canadian waters if a suitable Canadian ship is available to carry out the services;

- for Canadian air carriers, passengers and shippers: that bilateral agreements are implemented fairly, balancing the interests of all parties;
- that no rail construction project will be approved without evaluating its effect on the environment;
- for grain shippers: that an independent and fair assessment of revenues generated from the transportation of Western grain by rail is performed; that such revenues generated by CN and CP do not exceed the maximum allowed; and that if a railway company exceeds its revenue cap in a crop year, it must pay out the excess amount and the applicable penalty to the Western Grain Research Foundation.

Performance will be monitored by examining:

- the number of air travel complaints resolved and the level of satisfaction of the complainants with the process and the mediated settlements;
- the level of activity in the administration of air licensing, international air agreements, tariffs, pricing complaints, coasting trade and rail certificates of fitness applications and the resulting decisions;
- the results of environmental assessments undertaken for rail construction projects;
- the results of a survey evaluating the Agency's processes in developing the revenue cap for organizations that represent shippers, producers and carriers;
- the outcome of any appeals of Agency decisions.

4.3.3 Continue to improve the accessibility of the federal transportation system to persons with disabilities

To this end, the Agency plans to:

- continue to resolve accessibility complaints, both formally and through mediation and other informal processes;
- launch in 2004 a code of practice dealing with the communication of information to persons with disabilities in the federal transportation network;
- distribute, in 2004, guidelines designed to improve services on small commercial aircraft for persons with disabilities. Following an assessment of the guidelines and other measures designed to address accessibility issues regarding small aircraft, decide on the merits of proceeding with the amendment of existing regulations to also apply to the operation of small aircraft.

- continue to actively promote accessible transportation at conferences and trade shows and in the transportation industry, including the regulations and codes of practice applicable to air, rail and marine transportation.

For Canadians, this will result in:

- the assurance for persons with disabilities that they have access to an open and fair process to resolve complaints if they face undue obstacles to their mobility while using the federal transportation system;
- improved communication of transportation-related information to persons with disabilities as they use the federal transportation system;
- improved services for persons with disabilities on board small commercial aircraft;
- greater knowledge for persons with disabilities of the services they are entitled to and better transportation industry awareness of accessibility issues.

Performance will be monitored by:

- examining the results and number of accessibility complaints resolved by formal decision, mediation and other informal processes;
- examining and analysing the results of the Agency's periodic monitoring of the transportation industry's progress in implementing accessibility features included in the codes of practice applicable to air, rail and marine transportation.

4.3.4 Continue to implement management excellence

To this end, the Agency plans to:

- implement its performance measurement and risk management frameworks during fiscal year 2004-2005 and to make adjustments in the future as required (refer to section 6.2.1 for the Agency's results chain);
- improve its information management systems, gather better performance information. (Given the limited resources available, some improvements will be demonstrated in the Departmental Performance Report of 2004-2005, but most notable improvements will be in fiscal years 2005-2006 and future years.);
- integrate the improved performance measures into its existing operational planning process;

- pursue initiatives undertaken in the fall of 2003 to further improve its organizational effectiveness. As a result, committees have been formed to review in detail processes across the Agency and priorities within and across branches to determine where further streamlining can be obtained and whether further reallocations of resources are required.

This will result:

- for Canadian taxpayers and Parliamentarians: in more pertinent information to understand how the Agency's program benefit Canadians;
- for Agency managers and employees: in the knowledge that they require to better manage the program they administer.

Performance will be monitored by:

- regular updates at Executive Committee meetings and other key strategic planning meetings;
- the results of assessments of the Agency's future Departmental Performance Reports and Reports on Plans and Priorities;
- the demonstrated on-going use by Agency managers and employees of the performance information to make business decisions;
- the results of internal audits.

Section 5: Organizational Information

5.1 Strategic Outcome and Business Line

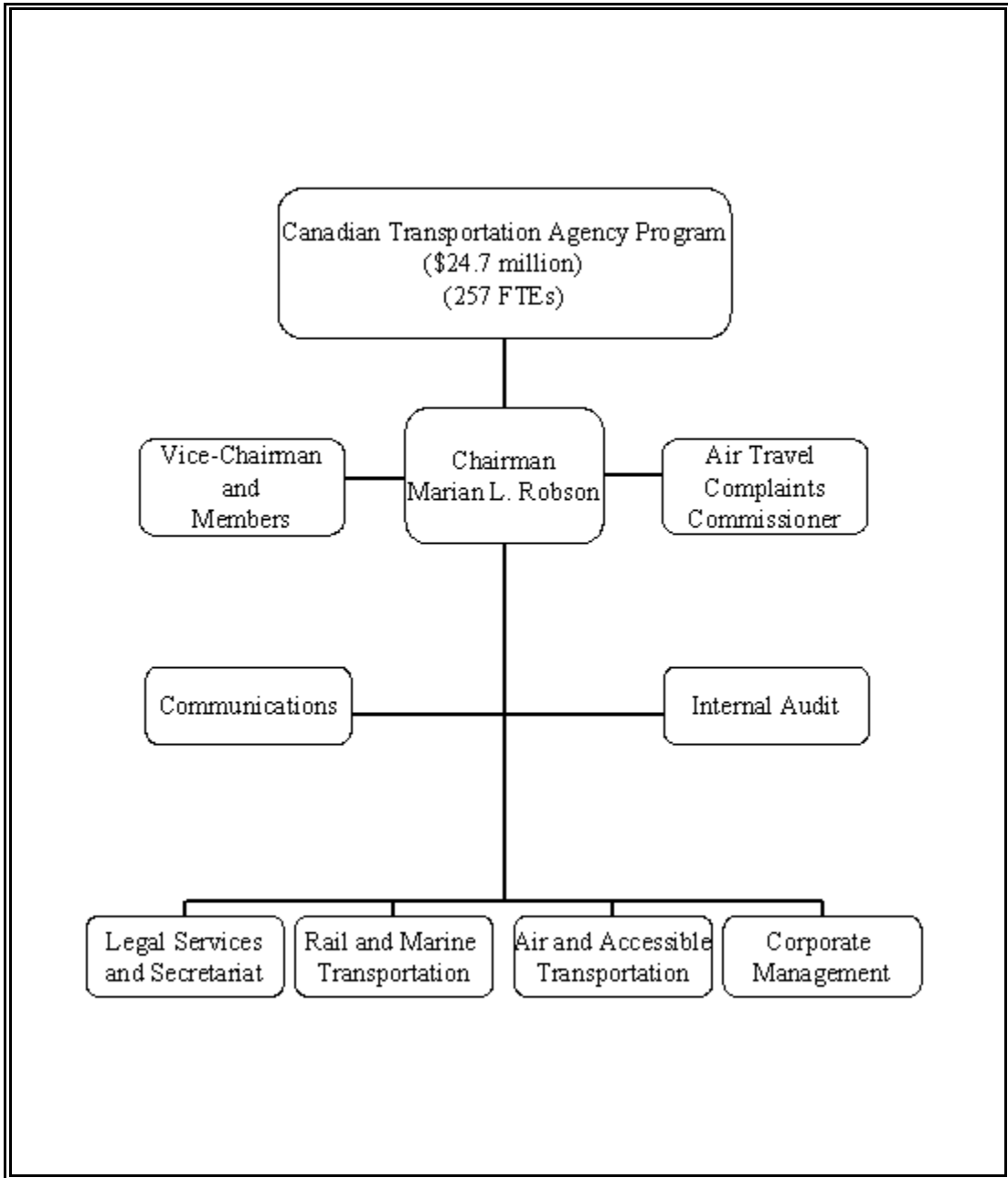
Business Line	Strategic Outcome
	A fair and transparent economic regulatory regime that helps achieve a viable and accessible national transportation system
Canadian Transportation Agency	24,711 (Thousands of Dollars)

5.2 Accountability

The Agency exercises its powers through its seven members, appointed by the Governor in Council: a chairman, a vice-chairman and five full-time members. The Minister can also appoint up to three temporary members and shall designate one temporary member to act as the Air Travel Complaints Commissioner.

The Agency's organizational structure comprises four branches: the Rail and Marine Transportation Branch, the Air and Accessible Transportation Branch, the Legal Services and Secretariat Branch, and the Corporate Management Branch. The head of each branch as well as Communications and Internal Audit report to the chairman.

The two program branches, the Rail and Marine Transportation Branch and the Air and Accessible Transportation Branch, relate to the Agency's regulatory functions. The Legal Services and Secretariat Branch and the Corporate Management Branch provide regulatory and administrative support. The Agency's headquarters are located in the National Capital Region. Agency personnel working in field offices in six cities across Canada carry out air and accessibility enforcement activities. More information about the role and the structure of the Agency can be found on the Agency's Web site at www.cta.gc.ca in the section "About the CTA".



5.3 Agency Planned Spending

(Thousands of Dollars)	Forecast* Spending 2003-2004	Planned** Spending 2004-2005	Planned Spending 2005-2006	Planned Spending 2006-2007
Total Main Estimates	25,391	24,711	24,683	24,683
<i>Adjustments</i>				
Operating Budget Carry Forward	1,049			
Airline Restructuring Program	500			
Compensation for salary increases	318			
Modern Comptrollership				
Innovations Fund	131			
Revised Internal Audit Policy	25			
Official Languages Innovation Fund	5			
Employee Benefit Plan Adjustment	(52)			
Total Adjustments	1,976	0	0	0
Net Planned Spending*	27,367	24,711	24,683	24,683
Plus: Cost of Services received without charge	3,656	3,532	3,554	3,576
Net Cost of Program	31,023	28,243	28,237	28,259
Full-Time Equivalents	282	257	257	257

* The Forecast Net Planned Spending for 2003-2004 reflects actual spending as published in the Public Accounts.

** The net decrease from 2003-2004 results from a reduction related to the Airline Restructuring Program for which, at the time of writing, funding has not yet been approved for 2004-2005 and beyond.

Section 6: Annexes

6.1 Tables

Table 1: Net Cost of Program for 2004-2005

(Thousands of Dollars)	2004-2005
Net Planned Spending	24,711
Plus: Services Received without Charge	
Accommodation provided by Public Works and Government Services Canada (PWGSC)	2,159
Contributions covering employer's share of insurance premiums and expenditures paid by Treasury Board of Canada Secretariat	1,301
Worker's compensation coverage provided by the Department of Human Resources and Skills Development	41
Salary and associated expenditures of legal services provided by Justice Canada	31
Less: Non-responsible Revenue	3,532
2004-2005 Net Cost of Program	28,243

Table 2: Major Programs

Strategic Outcome

A fair and transparent economic regulatory regime that helps achieve a viable and accessible national transportation system

(Thousands of Dollars)	2004-2005	2005-2006	2006-2007
Planned Spending	24,711	24,683	24,683

The **Canadian Transportation Agency's program** is mainly derived from the provisions of the *Canada Transportation Act*. As an independent, quasi-judicial, administrative tribunal, the Agency makes decisions on a wide range of matters affecting Canadian transportation. It licenses rail and air carriers, and has the authority to resolve some transportation rate, service and other complaints in the rail, air and marine modes and to make regulations when required. The Agency also improves access to the federal transportation system for persons with disabilities through the resolution of complaints, the development and implementation of codes of practice, essential regulations, and communication. In addition, the Agency implements transportation policy established by Parliament in the *Canada Transportation Act*, and is the aeronautical authority for Canada on matters related to the economic regulation of air carriers.

6.2 Other Information

6.2.1 Canadian Transportation Agency Results Chain

Strategic Outcome

A fair and transparent economic regulatory regime that helps achieve a viable and accessible national transportation system



Intermediate Outcomes

- Federal transportation issues are resolved fairly, effectively and efficiently
- Undue obstacles for persons with disabilities are removed from federally regulated transportation
- Economic and other interests of transportation users, carriers and other affected parties are protected



Outputs

- Decisions and Orders
- Licenses, permits, certificates of fitness and other determinations
- Codes of practice, tools and Regulations
- Educational materials
- Revenue cap for western grain by rail
- Processed and resolved complaints
- Advice re. Administration of the Act
- Administrative Monetary Penalties issued
- Reports



Activities

- Conduct hearings
- Mediate disputes
- Process air travel complaints
- Communication activities, including speeches, presentations, publication and dissemination of information, etc.
- Monitoring and investigation activities to ensure compliance with regulations, legislation and international agreements
- Issue licences, permits, certificates, recommendations and other determinations
- Administrative determinations
- Develop and implement regulations
- Develop codes of practice, guidelines and similar tools
- Consultations with key stakeholders

6.2.2 List of Statutes and Regulations Currently in Force

The Agency has primary responsibility for:

Canada Transportation Act S.C. 1996, c. 10

The Agency shares responsibility to Parliament for the following acts:

Access to Information Act R.S.C. 1985, c. A-1
Canada Marine Act S.C. 1998, c. 10
Canadian Environmental Assessment Act S.C. 1992, c. 37
Civil Air Navigation Services Commercialization Act S.C. 1996, c. 20
Coasting Trade Act S.C. 1992, c. 31
Energy Supplies Emergency Act R.S.C. 1985, c. E-9
Financial Administration Act R.S.C. 1985, c. F-11
Official Languages Act R.S.C. 1985, c. 31 (4th Supp.)
Pilotage Act R.S.C. 1985, c. P-14
Privacy Act R.S.C. 1985, c. P-21
Public Service Modernization Act S.C. 2003, c. 22
Railway Relocation and Crossing Act R.S.C. 1985, c. R-4
Railway Safety Act R.S.C. 1985, c. 32 (4th Supp.)
Shipping Conferences Exemption Act, 1987 R.S.C. 1985, c. 17 (3rd Supp.)

The Agency has sole responsibility for the following regulations:

Air Transportation Regulations
Canadian Transportation Agency Designated Provisions Regulations
National Transportation Agency General Rules
Personnel Training for the Assistance of Persons with Disabilities Regulations
Railway Costing Regulations
Railway Interswitching Regulations
Railway Third Party Liability Insurance Coverage Regulations
Railway Traffic and Passenger Tariffs Regulations
Railway Traffic Liability Regulations
Uniform Classification of Accounts and Related Railway Records

The Agency shares responsibility to Parliament for the following regulations:

Carriers and Transportation and Grain Handling Undertakings Information Regulations

The Jacques-Cartier and Champlain Bridges Inc. Regulations

The Seaway International Bridge Corporation, Ltd. Regulations

These Acts and Regulations are available in the “Legislation” section of the Agency’s Web site www.cta.gc.ca.

6.2.3 Contacts and Further Information

Postal address: Canadian Transportation Agency Web site: www.cta.gc.ca
Ottawa, Ontario, Canada K1A 0N9

Annual reports for 1997 to 2002 (covering each calendar year) are available on the Agency’s Web site at www.cta.gc.ca.

Performance Area	Contact Name	Title	Telephone Number and E-Mail Address
Regulatory Support	Claude Jacques	General Counsel and Secretary	(819) 997-9323 claude.jacques@cta-otc.gc.ca
Air and Accessible Transportation	Gavin Currie	Director General	(819) 953-5074 gavin.currie@cta-otc.gc.ca
Rail and Marine Transportation	Seymour Isenberg	Director General	(819) 953-4657 seymour.isenberg@cta-otc.gc.ca
Corporate Activities	Joan MacDonald	Director General	(819) 997-6764 joan.macdonald@cta-otc.gc.ca
Planning	Carole Girard	Director	(819) 953-2829 carole.girard@cta-otc.gc.ca
Communications	Craig Lee	Director	(819) 953-7666 craig.lee@cta-otc.gc.ca