



Civil Aviation Tribunal of Canada

1997-98
Estimates

Part III

Expenditure Plan

The Estimates Documents

The Estimates of the Government of Canada are structured in three Parts. Beginning with an overview of total government spending in Part I, the documents become increasingly more specific. Part II outlines spending according to departments, agencies and programs and contains the proposed wording of the conditions governing spending which Parliament will be asked to approve. The Part III documents provide additional detail on each department and its programs primarily in terms of the results expected for the money spent.

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Approved

Preface

This Expenditure Plan is designed to be used as a reference document. As such, it contains several levels of detail to respond to the various needs of its audience.

This Plan is divided into two sections. Section I presents an overview of the Program including a description, information on its background, objectives and planning perspective as well as performance information that forms the basis for the resources requested. Section II provides further information on costs and resources as well as special analyses that the reader may require to understand the Program more fully.

Section I is preceded by details of Spending Authorities from Part II of the Estimates and Volume II of the Public Accounts. This is to provide continuity with other Estimates documents and to help in assessing the Program's financial performance over the past year.

This document is designed to permit easy access to specific information that the reader may require. The table of contents provides a detailed guide to the contents of each section. In addition, references are made throughout the document to allow the reader to find more details on items of particular interest.

It should be noted that, in accordance with Operating Budget principles, human resources reported in this Expenditure Plan are measured in terms of employee full-time equivalents (FTE). FTE factors out the length of time that an employee works during each week by calculating the rate of assigned hours of work over scheduled hours of work.

Table of Contents

I	Executive Summary	
II	Agency Plan	
	A. Summary of Agency Plan	5
	B. Agency Overview	5
	• Mandate	5
	• Organizational Composition	5
	• Program Activity	5
	• Objective	5
	• Resource Plans and Financial Tables	6
	C. Details of Agency Activity	7
	• Operating Context – External Factors Influencing the Program	7
	• Comparative Financial Plans	7
III	Agency Performance	
	A. Summary of Agency Performance	8
	B. Agency Overview	8
	• Performance Measures – Effectiveness	8
	C. Details of Activity	9
	• Actual Performance	9
	• Financial Performance for Activity	11
IV	Supplementary Information	
	1. Organization	14
	1.1 Organization Chart	14
	1.2 Resource Requirement for Activity	15
	2. Personnel Requirements	16
	2.1 Details of Personnel Requirements	16
	2.2 Summary by Professional Category	16
	2.3 Salary Ranges	16
	3. Additional Financial Information	17
	3.1 Net Expenditures	17
	3.2 Presentation by Standard Object	18

I Executive Summary

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

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

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

A significant portion of the Tribunal's operating budget is spent providing training for its members in an effort to ensure that quality and consistency of decision-making are maintained on a national level. Training costs have increased due to specialized courses for new members, established over the past year by the working group on the Training Program for Tribunal Members sponsored by the Heads of Agencies Group.

We anticipate increased training requirements due to an unusually high number of members terms due to expire over the next year. Also, the implementation of the *Canadian Aviation Regulations* being a complete rewrite and amalgamation of aviation regulations will underscore requirements for additional training seminars.

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

Future Plans

The *Canadian Transportation Act* has been amended and proclaimed on July 1, 1996. Regulations yet to be passed will enlarge the Civil Aviation Tribunal's mandate to include additional *Designated Provisions Regulations* cases in the subject areas.

II Agency Plan

A. Summary of Agency Plan

The Civil Aviation Tribunal will continue to provide a system within which review and appeal hearings can be held quickly, fairly and informally. Hearings are held in all areas within Canada as the Chairperson of the Tribunal considers necessary for the proper performance of its functions.

B. Agency Overview

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

The Civil Aviation Tribunal was designated a department reporting to Parliament through the Minister of Transport on June 1, 1986. The Tribunal is a quasi-judicial body established in accordance with the amended Aeronautics Act (Bill C-36) which received Royal Assent on June 28, 1985 and was proclaimed by Order in Council on June 1, 1986. The development of the legislation was prompted by recommendations resulting from the Inquiry into Aviation Safety in Canada, conducted by Justice Charles L. Dubin.

Organizational Composition: The office of the Civil Aviation Tribunal is located in the National Capital Region. The Civil Aviation Tribunal's Chairperson is also its Chief Executive Officer. She is responsible for the direction and supervision of the work necessary to facilitate the functions of the Tribunal. The Chairperson, Vice-Chairperson and immediate staff account for the utilization of eight FTEs. Twenty-three part-time members are currently in office. They are drawn from across Canada and are appointed by Order in Council based on their knowledge and expertise in aeronautics, including aviation medicine.

Program Activity: The Program provides for the operation of an independent Civil Aviation Tribunal to respond to requests from the aviation community for review of enforcement and licensing decisions taken by the Minister of Transport under the Aeronautics Act, and to conduct hearings into such appeals. At the conclusion of a hearing, the Tribunal may confirm the Minister's decision, substitute its own decision or refer the matter back to the Minister for reconsideration.

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

Resource Plans:

- For 1997–1998, the Tribunal is forecasting (*as at November 30, 1996*) work on approximately 390 case files with a total budget of \$901,000 and eight FTEs. This represents the same level as that of fiscal year 1995–1996 and a reduction of nine cases over the 1996–97 fiscal year forecast. On the rise is the use of pre-hearing teleconferences to assist the parties appearing before the Tribunal, to identify the issues for determination by the Tribunal and to exchange and disclose documents. This should reduce the length of hearings and avoid last minute adjournments necessitated by late disclosure.

Summary of Financial Requirements

Spending Authorities

Authorities for 1997 98 Part II of the Estimates

Financial Requirements by Authority

Vote	(thousands of dollars)	1997 98 Main Estimates	1996–97 Main Estimates
Civil Aviation Tribunal			
40	Program expenditures	819	832
(S)	Contributions to employee benefit plans	82	70
Total Program		901	902

Votes Wording and Amounts

Vote	(dollars)	1997 98 Main Estimates
Civil Aviation Tribunal		
40	Civil Aviation Tribunal – Program expenditures	819,000

Figure 1: Financial Requirements

(thousands of dollars)	Estimates 1997 98	Estimates 1996-97	Forecast 1996-97
Review and Appeal Hearings	901.0	902.0	902.0
Human Resources (FTE)	8	8	8

C. Details of Agency Activity

Operating Context

External Factors Influencing the Program

Aviation Community: There are approximately 68,000 licensed aviation personnel in Canada and approximately 30,000 registered aircraft. Because of this volume, the number of infractions under the Aeronautics Act should rise slightly or at least remain unchanged.

Government Department: The Enforcement and Licensing personnel at Transport Canada can, for some infractions under the Aeronautics Act, suspend, cancel or refuse to renew a Canadian aviation document or impose a monetary penalty. The level of enforcement is entirely controlled by Transport Canada but impacts on the program. The program is also affected by the department's rewrite of its aviation regulations.

Figure 2: Planned Expenditures

(thousands of dollars)	Main Estimates 1996 97	Main Estimates 1997-98	Planned 1998-99	Planned 1999-00
Review and Appeal Hearings	902	901	901	901
Total	902	901	901	901

III Agency Performance

A. Summary of Agency Performance

During the 1995–96 fiscal-year, the Civil Aviation Tribunal registered 235 new requests for reviews and appeals from the aviation community.

In addition to the new cases registered in this Estimates period, 155 cases were carried over from the previous Estimates period, bringing the total caseload to 390. This represents an increase of 23 cases over 1994–95.

A breakdown of the 390 cases handled by the Tribunal reveals that 178 cases were concluded without hearings and 65 cases proceeded to a hearing. At the end of the Estimates year 147 cases were pending further action of which 14 had been scheduled for the 1996–97 fiscal year.

B. Agency Overview

Performance Measures

Effectiveness

The program's effectiveness can be measured by its ability to provide the aviation community with the opportunity to have Ministerial decisions reviewed fairly, equitably and within a reasonable period of time. The Tribunal strongly encourages its members to provide their determinations quickly. Although there is no statutory requirement for it to do so, the Tribunal issues written reasons for all its determinations. This allows Transport Canada and Canadian aviation document holders to better understand the outcome of the matter and, where applicable, to make a more enlightened decision as to the exercise of their right of appeal. The average lapsed time between the conclusion of a review hearing and the issuance of a determination is twenty-one days and thirty-five days for an appeal. This brings the hearing process to a timely conclusion for both parties appearing before the Tribunal.

The Civil Aviation Tribunal represents the only forum for ensuring that Canadian aviation document holders have access to an independent assessment governed by considerations of natural justice.

The Tribunal's role does not overlap with, nor is it duplicated by, any other agency, board or commission. It is unique in the transportation sector in that its function is entirely adjudicative.

C. Details of Activity

Actual Performance

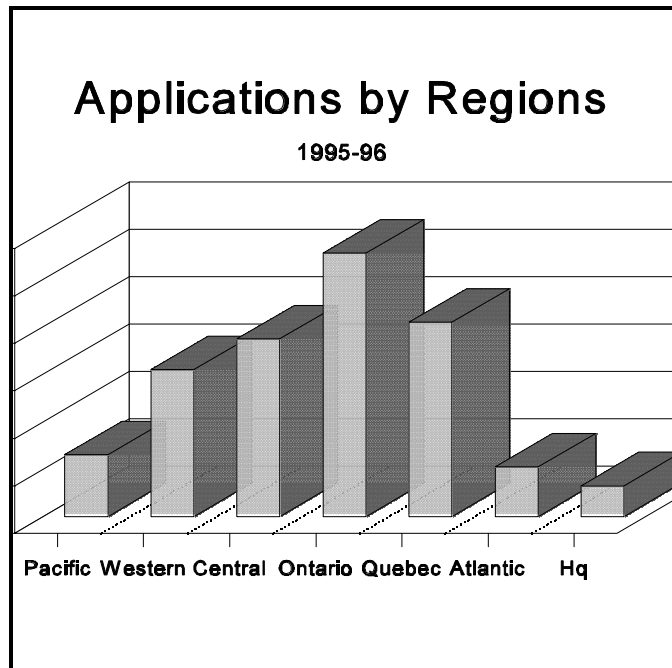
Application requests are broken down into the following categories:

- Pilot medical
- Pilot suspension
- Pilot unpaid fine
- Pilot competence
- A.M.E.* suspension
- A.M.E. unpaid fine
- Certificate of Airworthiness suspension
- Air Carrier suspension
- Air Carrier unpaid fine
- Air Carrier security unpaid fine
- A.T.C.** medical
- A.T.C. suspension
- A.T.C. unpaid fine
- Aircraft owner unpaid fine
- Personnel security unpaid fine

* A.M.E. (aircraft maintenance engineer)

** A.T.C. (air traffic controller)

Figure 3:



Of the 65 cases that proceeded to a hearing, 57 or 89% were 1st level reviews, and 8 or 11% were 2nd level appeals.

Figure 4:

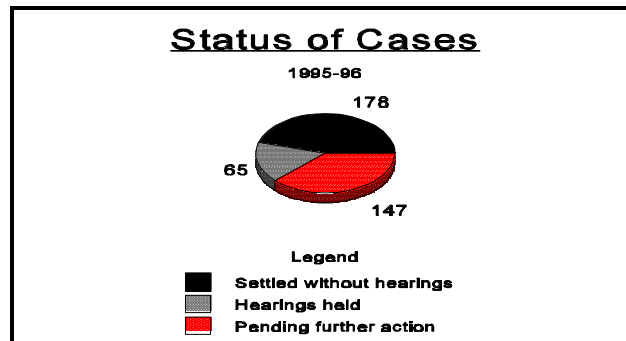
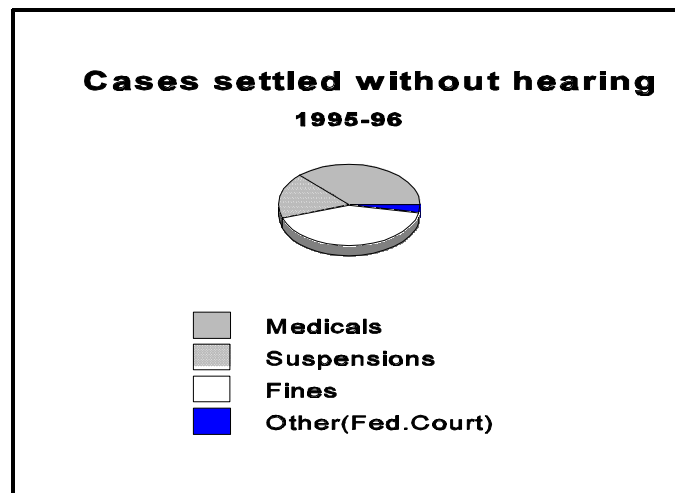


Figure 5:



The 178 cases concluded without a hearing were resolved in a number of ways:

- pre-hearing conference;
- document holder paid fine before hearing;
- document holder's licence reinstated before hearing;
- request for hearing withdrawn by document holder;
- allegation withdrawn by Minister;
- agreement reached between parties.

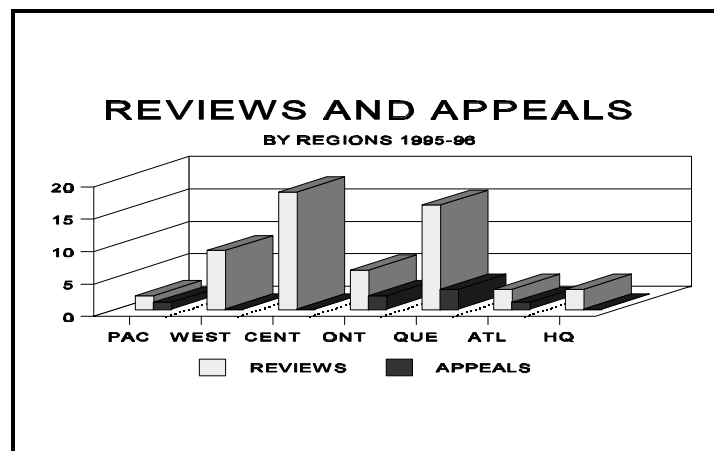
It should be noted that many of the 178 cases concluded without a hearing were requests registered with the Tribunal and concluded shortly before the hearing was to take place, which means that all the work that leads up to the hearing was completed. In many cases the Tribunal was able to have the parties reach an agreement by way of pre-hearing conferences. In other cases, Transport Canada or the document holder withdrew their application.

The Tribunal encourages the use of pre-hearing conferences to assist the parties appearing before it, to identify the issues for determination by the Tribunal and to disclose and exchange documents. This reduces the length of hearings and avoids last-minute adjournments necessitated by late disclosure. Three pre-hearing conferences were convened in the 1995–96 fiscal year.

Such conferences have also been particularly effective in settling licence suspensions and cancellations on medical grounds without the necessity of a hearing. Instead of automatically assigning hearing dates, the Tribunal staff contact parties to schedule mutually agreed dates and locations.

This avoids the expense of cancelling booked hearing rooms and travel arrangements when adjournments are sought to change an imposed hearing date.

Figure 6:



Financial Performance for Activity

Figure 7: Program expenditures by function

(thousands of dollars)	Estimates 1997 98		Forecast 1996-97		Actual 1995-96	
	\$	FTE	\$	FTE	\$	FTE
Tribunal hearings and related expenses	675.8	6	676.5	6	629.3	6
Tribunal Operations	225.2	2	225.5	2	209.8	2
Total	901.0	8	902.0	8	839.1	8

Although the indicators in Figure 8 are of interest, they are not sufficient to determine all financial implications by simply forecasting the number of applications received by type of case and the manner in which they're dealt with. When comparing the types of hearing actions, there are significant variances in resources spent because of uncontrollable factors such as location, travel, time spent on hearings, remuneration, interpreters, preparation, decision writing, costs for court reporting, transcripts, facilities and other support personnel. The actual forecast and estimate costs are averages. The total cases divided by estimate resources are used to arrive at a figure. The indicators do not represent actual expenditures by category.

Figure 8: Workload Indicators

(thousands of dollars)	Estimates		Forecast		Actual	
	1997 98		1996-97		1995-96	
	Cases	\$	Cases	\$	Cases	\$
Cases settled						
without hearings	163	282.5	161	285.9	178	287.3
Hearings completed	87	150.7	84	149.1	65	104.9
Hearings scheduled *	*14	.-	*14	.-	*14	.-
Cases pending further action	140	242.6	136	241.5	147	237.1
Other Tribunal functions	–	225.2	–	225.5	–	209.8
Total	390	901.0	381	902.0	390	839.1

* Figures counted and included in Cases pending further action

Figure 9: Actual Expenditures and Cases

	Actual 1995-96	Actual 1994-95	Actual 1993-94
Review & Appeal Hearings	839.1	937.4	809.8
Cases	390	367	324

IV Supplementary Information

1. Organization

- 1.1 Organization Chart
- 1.2 Resource Requirement for Activity

2. Personnel Requirements

- 2.1 Details of Personnel Requirements
- 2.2 Summary by Professional Category
- 2.3 Salary Ranges

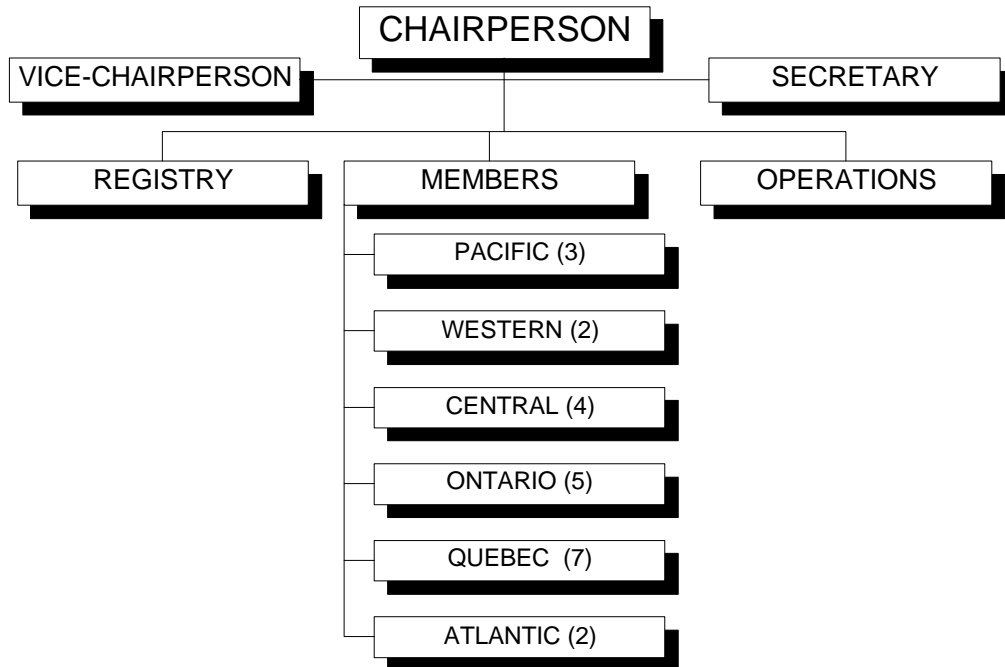
3. Additional Financial Information

- 3.1 Net Expenditures
- 3.2 Presentation by Standard Object

1. Organization

1.1 Organization Chart

Figure 10:



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

Eight full-time equivalents are utilized by the continuing full-time employees including the Chairperson and Vice-Chairperson. The twenty-three part-time members utilize four full-time equivalents.

1.2 Resource Requirements for Activity

The Civil Aviation Tribunal has one activity, to hold review and appeal hearings.

1997 98 Main Estimates Civil Aviation Tribunal

(thousands of dollars)	1997 98 Estimates	Total
Review & Appeal Hearings	901	901

2. Personnel Requirements

2.1 Details of Personnel Requirements

	Actuals 1994–95	Actuals 1995–96	1996–97 Estimates	1997–98 Estimates	1998–99 Planned	1999–00 Planned
Review & Appeal Hearings	8	8	8	8	8	8
Totals	8	8	8	8	8	8

2.2 Summary by Professional Category

	Actuals 1994–95	Actuals 1995–96	1996–97 Estimates	1997–98 Estimates	1998–99 Planned	1999–00 Planned
Order-in-Council Appointments	2	2	2	2	2	2
Administrative and Foreign Service	4	4	4	4	4	4
Administrative Support	2	2	2	2	2	2
Total	8	8	8	8	8	8

2.3 Salary Ranges

Personnel expenditures account for 53% of the total 1997–98 expenditures of the Program. A profile of the Program's personnel requirements is provided in the following table.

	Full-Time Equivalents			1997–98	Average Salary Provision
	Estimates 1997	Forecast 98	Actual 1996–97	Current Salary Range	
OIC Appointments ¹ Executive ²	2		2	45,600–170,500	94,000
Administrative and Foreign Service	4		4	17,994–75,002	47,000
Administrative (CR)	1		1	16,999–41,724	28,908
Support (ST)	1		1	16,847–41,991	30,542
	8		8		

Note 1: Full-Time Equivalent (FTE) is a measure of human resource consumption based on average levels of employment. FTEs are not subject to Treasury Board control but are disclosed in Part III of the Estimates in support of personnel expenditure requirements specified in the Estimates.

Note 2: The current salary range column shows the salary ranges by occupational group as at October 1, 1996. The average salary column reflects the estimated base salary costs including allowance for collective agreements, annual increments, promotions and merit pay.

3. Additional Financial Information

3.1 Net Expenditures

(thousands of dollars)	Main Estimates 1997-98	Add*Other Costs	Estimated Total Program Cost	
			1997 98	1996-97
Civil Aviation Tribunal	901.0	161.3	1,062.3	1,063.7

*	Other costs of \$161,300 consist of			(\$000)
	• accommodation received without charge from Public Works & Government Services Canada			133.8
	• Services provided without charge by Treasury Board Secretariat			27.5

3.2 Presentation by Standard Object

(thousands of dollars)	Estimates 1997 98	Forecast 1996-97	Actual 1995-96
Personnel			
Salaries and wages	482.0	480.0	380.5
Contributions to employee benefit plans	82.0	70.0	62.0
Other personnel costs	0.0	0.0	0.0
	564.0	550.0	442.5
Goods and services			
Transportation and communications	81.5	95.0	78.5
Information	3.0	7.0	7.0
Professional and special services	218.0	199.0	252.8
Rentals	9.0	6.0	2.2
Purchased repairs and upkeep	4.5	5.0	13.9
Utilities, materials and supplies	21.0	40.0	41.5
Acquisition of machines and equipment	0.0	0.0	0.0
Other subsidies and payments	0.0	0.0	0.7
	337.0	352.0	396.6
Capital			
Minor capital*	0.0	0.0	0.0
Transfer payments			
	0.0	0.0	0.0
Total budgetary expenditures	901.0	902.0	839.1

*Minor capital is the residual after the amount of controlled capital has been established. In accordance with the Operating Budget Principles, these resources would be interchangeable with personnel and goods and services expenditures.