

Civil Aviation Tribunal

1998–99 Estimates

A Report on Plans and Priorities

Approved

The Honourable David Collette, M.P.

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Section I: Message

Chairperson's Message

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

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

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

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.

Faye Smith
Chairperson

MANAGEMENT REPRESENTATION
Report on Plans and Priorities 1998–99

I submit, for tabling in Parliament, the 1998–99 Report on Plans and Priorities (RPP) for the Civil Aviation Tribunal.

To the best of my knowledge, the information:

- Accurately portrays the department’s mandate, plans, priorities, strategies and expected key results of the organization.
- Is consistent with the disclosure principles contained in the *Guidelines for Preparing a Report on Plans and Priorities*.
- Is comprehensive and accurate.
- Is based on sound underlying departmental information and management systems.
- I am satisfied as to the quality assurance processes and procedures used for the RPP’s production.

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

Name: _____

Date: _____

Section II: Departmental Overview

The Civil Aviation Tribunal is a quasi-judicial body established in accordance with the amended *Aeronautics Act* (Bill C-36) which received Royal Assent on June 28th, 1985 and was proclaimed by Order in Council on June 1st, 1986.

A. Mandate, Roles and Responsibilities

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

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

These decisions are reviewed through a two-level hearing process: review and appeal. All hearings are to be held expeditiously and informally, in accordance with the rules of fairness and natural justice. At the conclusion of a hearing, the Tribunal may confirm the Minister's decision, substitute its own decision, or refer the matter back to the Minister for reconsideration.

B. Objective

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

C. Organizational Structure

The office of the Tribunal is located in the National Capital Region.

The Civil Aviation Tribunal's Chairperson is also its Chief Executive Officer. The Chairperson 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 eight full-time equivalents.

Twenty-five part-time members were in Office during 1997–1998. Members are drawn from across Canada and are appointed by Order in Council on the basis of their knowledge and experience in aeronautics, including aviation medicine.

D. Financial Spending Plan

Civil Aviation Tribunal

<i>(thousands of dollars)</i>	Forecast Spending 1997-98	Planned Spending 1998-99	Planned Spending 1999-00	Planned Spending 2000-01
Gross Program Spending	901.0	920.0	920.0	920.0
Net Program Spending	901.0	920.0	920.0	920.0
Cost of Services Provided by other Departments	161.3	166.0	166.0	166.0
Net Cost of the Agency	1,062.3	1,086.0	1,086.0	1,086.0

Section III: Plans, Priorities and Strategies

A. Summary of Key Plans and Strategies

Civil Aviation Tribunal	
to provide Canadians with:	to be demonstrated by:
independent review of enforcement and licensing decisions taken by the Minister of Transport under the <i>Aeronautics Act</i>	<ul style="list-style-type: none"> a system within which hearings can be held expeditiously and informally
	<ul style="list-style-type: none"> the conduct of review and appeal hearings in response to requests from the aviation community within 60–90 days of filing of requests for all cases by 1998
	<ul style="list-style-type: none"> hearings conducted in accordance with the rules of fairness and natural justice
	<ul style="list-style-type: none"> the use of pre-hearing conferences to reduce the length of hearings
	<ul style="list-style-type: none"> issuance of written reasons for all determinations
	<ul style="list-style-type: none"> a trained membership to ensure quality and consistency of decision making

B. Planned Spending

Civil Aviation Tribunal

<i>(thousands of dollars)</i>	Forecast Spending 1997–98	Planned Spending 1998–99	Planned Spending 1999–00	Planned Spending 2000–01
Gross Expenditures	901.0	920.0	920.0	920.0
<i>Less:</i> Revenue credited to the Vote	000.0	000.0	000.0	000.0
<i>Less:</i> Revenue Credited to the Consolidated Revenue Fund	000.0	000.0	000.0	000.0
Total Net Expenditures	901.0	920.0	920.0	920.0

C. External Factors Influencing the Program

Aviation Community: There are approximately 75,766 licensed aviation personnel in Canada which represents an increase of 8% over 1996–97 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, 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.

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.

D. Expected Results

In providing determinations quickly, it 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 to appeal. The average lapsed time between the conclusion of a review hearing and the issuance of a determination has been maintained at thirty-four days and forty-eight days for an appeal. This brings the hearing process to a timely conclusion for both parties appearing before the Tribunal.

Yearly seminars ensure a trained membership through update and discussion of legislative changes. The interaction of members and role play scenarios assist the membership in achieving quality and consistency in making and in writing its decisions.

Pre-hearing conferences have 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. It can also reduce the length of hearings and avoids last-minute adjournments necessitated by late disclosure.

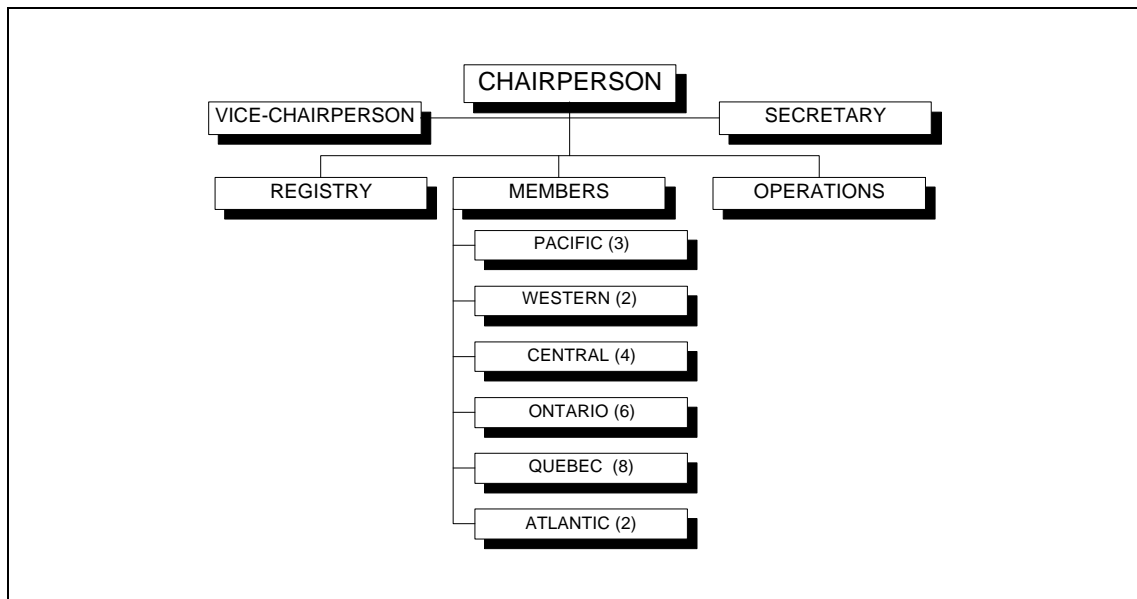
Section IV: Supplementary Information

Civil Aviation Tribunal

Table 1: Spending Authorities – Agency Summary Part II of the Estimates

Vote	(thousands of dollars)	1998–99 Main Estimates	1997–98 Main Estimates
Civil Aviation Tribunal			
40	Operating expenditures	819.0	819.0
(S)	Contributions to employee benefit plans	101.0	82.0
Total Program		920.0	901.0

Table 2: Organization Structure



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

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

Table 2.1: Planned Full-Time Equivalents (FTEs) for Program and Business Line

	Forecast 1997-98	Planned 1998-99	Planned 1999-00	Planned 2000-01
Civil Aviation Tribunal				
Review and Appeal Hearings	8	8	8	8
Total Program	8	8	8	8

Table 2.2: Details of FTE Requirements

<i>(\$dollars)</i>	Forecast 1997-98	Planned 1998-99	Planned 1999-00	Planned 2000-01
Salary Ranges				
<30,000				
30,000-40,000	2	2	2	2
40,000-50,000	3	3	3	1
50,000-60,000	1	1	1	3
60,000-70,000	-	-	-	-
70,000-80,000	-	-	-	-
>80,000	2	2	2	2
Total	8	8	8	8

Table 3: Standard Objects by Expenditure

<i>(thousands of dollars)</i>	Forecast Spending 1997–98	Planned Spending 1998–99	Planned Spending 1999–00	Planned Spending 2000–01
Personnel				
Salaries and wages	482.0	482.0	482.0	482.0
Contributions to employee benefits plan	82.0	101.0	101.0	101.0
	564.0	583.0	583.0	583.0
Goods and Services				
Transportation and communications	82.0	83.0	83.0	83.0
Information	3.0	3.0	3.0	3.0
Professional and special services	218.0	218.0	218.0	218.0
Rentals	9.0	9.0	9.0	9.0
Purchased repair and maintenance	4.0	4.0	4.0	4.0
Utilities, materials and supplies	21.0	21.0	21.0	21.0
Minor capital	–	–	–	–
	337.0	337.0	337.0	337.0
Total operating	901.0	920.0	920.0	920.0
Total	901.0	920.0	920.0	920.0

Table 4: Program Resources for Business Line for the Estimates Year

<i>(thousands of dollars)</i>									
Budgetary									
	FTEs	Operating	Capital	Grants and Contri- butions	Gross Voted	Statutory Items *	Gross Planned Spending	Less: Revenue Credited to the Vote	Net Planned Spending
Review and Appeal Hearings	8	819.0	—	—	819.0	—	819.0	—	819.0
Totals	8	819.0	—	—	819.0	—	819.0	—	819.0

* Does not include non-budgetary items or contributions to employee benefit plans.

Table 5: Net Cost of Program for 1998–99

<i>(thousands of dollars)</i>		Civil Aviation Tribunal
Gross Planned Spending		920.0
Plus:		
<i>Services Received without Charge</i>		
Accommodation provided by Public Works and Government Services Canada (PWGSC)		134.0
Contributions covering employees' share of insurance premiums and costs paid by TBS		32.0
Workman's compensation coverage provided by Human Resources Canada		—
Salary and associated costs of legal services provided by Justice Canada		—
		166.0
Total Cost of Program		1,086.0
Less:		
Revenue Credited to the Vote		—
Revenue Credited to the CRF		—
Net Cost of Program		1,086.0
1997–98 Estimated Net Program Cost		1,062.3

Other Information

Table 6: Statutes and Regulations

Aeronautics Act (Bill C-36) June 1, 1986

Table 7: References

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

Agency Reports

Performance Report for the period ending March 31, 1997
Main Estimates 1997–98
Annual Report 1996–97
Guide to Tribunal Hearings

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