



ESTIMATES

Civil Aviation Tribunal of Canada

2001-2002
Estimates

Part III – Report on Plans and Priorities

Canada

The Estimates Documents

Each year, the government prepares Estimates in support of its request to Parliament for authority to spend public monies. This request is formalized through the tabling of appropriation bills in Parliament. The Estimates, which are tabled in the House of Commons by the President of the Treasury Board, consist of three parts:

Part I – The Government Expenditure Plan provides an overview of federal spending and summarizes both the relationship of the key elements of the Main Estimates to the Expenditure Plan (as set out in the Budget).

Part II – The Main Estimates directly support the *Appropriation Act*. The Main Estimates identify the spending authorities (votes) and amounts to be included in subsequent appropriation bills. Parliament will be asked to approve these votes to enable the government to proceed with its spending plans. Parts I and II of the Estimates are tabled concurrently on or before 1 March.

Part III – Departmental Expenditure Plans which is divided into two components:

- (1) **Reports on Plans and Priorities (RPPs)** are individual expenditure plans for each department and agency (excluding Crown corporations). These reports provide increased levels of detail on a business line basis and contain information on objectives, initiatives and planned results, including links to related resource requirements over a three-year period. The RPPs also provide details on human resource requirements, major capital projects, grants and contributions, and net program costs. They are tabled in Parliament by the President of the Treasury Board on behalf of the ministers who preside over the departments and agencies identified in Schedules I, I.1 and II of the *Financial Administration Act*. These documents are to be tabled on or before 31 March and referred to committees, which then report back to the House of Commons pursuant to Standing Order 81(4).
- (2) **Departmental Performance Reports (DPRs)** are individual department and agency accounts of accomplishments achieved against planned performance expectations as set out in respective RPPs. These Performance Reports, which cover the most recently completed fiscal year, are tabled in Parliament in the fall by the President of the Treasury Board on behalf of the ministers who preside over the departments and agencies identified in Schedules I, I.1 and II of the *Financial Administration Act*.

The Estimates, along with the Minister of Finance's Budget, reflect the government's annual budget planning and resource allocation priorities. In combination with the subsequent reporting of financial results in the Public Accounts and of accomplishments achieved in Departmental Performance Reports, this material helps Parliament hold the government to account for the allocation and management of public funds.

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Civil Aviation Tribunal

2001–2002 Estimates

A Report on Plans and Priorities

Approved

The Honourable David Collette, M.P.

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Section I: Chairperson's Message

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

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

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

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

Great gains in efficiency have been achieved simply as a result of the Tribunal and the parties appearing before it adjusting to the aviation safety enforcement and licensing regime implemented in the 1986 *Aeronautics Act* amendments. Parties appearing before it, including Transport Canada and organizations representing Canadian aviation document holders, have now acquired levels of experience and judgment which contribute greatly to achieving efficiencies in the hearing process, procedurally fair results and legitimacy for the overall enforcement process.

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

Faye Smith
Chairperson

MANAGEMENT REPRESENTATION

Report on Plans and Priorities 2001–2002

I submit, for tabling in Parliament, the 2001–2002 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, priorities, strategies and planned 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 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. The development of the legislation was prompted by recommendations resulting from the Inquiry into Aviation Safety in Canada, conducted by the Honourable Mr. Justice Charles L. Dubin.

2.1 What's New

To respond to the Government On-Line initiative, the Tribunal will improve delivery of its key services to the public for greater efficiencies and increased client satisfaction by improving both access and service performance by 2005.

Under the proposed *Transportation Appeal Tribunal of Canada Act* the Civil Aviation Tribunal will be multi-modal.

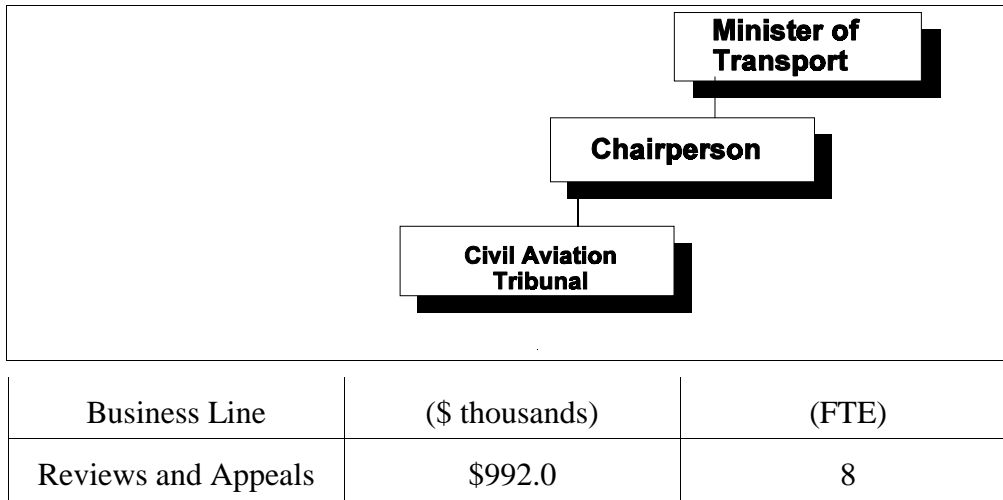
2.2 Mandate, Roles and Responsibilities

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 individual 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.

Organizational Chart



2.3 Program 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.

2.4 Planning Context

There has been a marked increase in the general demand for the Tribunal's services. In comparison to the number of active applicant case files handled 1998–1999, an overall growth of 34% is projected by the end of 2000–2001. The growth in applications concluding with more costly formal hearings has been particularly noticeable over the last year.

While the 1999–2000 hearings averaged 5.5 per month, the monthly hearing average rose to 8 during the last quarter of the year. This level of monthly activity has continued in 2000–2001. A total of 98 reviews and appeals are anticipated this year, 46% higher than the 67 hearings held in 1998–1999. At the end of 2000, the Tribunal had heard 63 hearings, and 20 cases were scheduled to be heard. In the last quarter of the fiscal year, 39 cases are to be scheduled. The anticipated forecast will be achieved by the end of 2000–2001.

In summary, in contrast to the existing Reference Levels approved for Other Operating Cost expenditures, the \$372,000 currently available falls well short of the resources needed if the Tribunal is to successfully deal with the emergent level of activity in a timely manner. Approval of an additional \$148,000 for workload increases was therefore requested on an annual basis. Without the additional funding, the average lapsed time between the date of the application and the date of a review hearing will be more than 6 months. Consequently, the average lapsed time between the conclusion of a review hearing and the issuance of a determination will be more than forty-six days and fifty

days for an appeal. The priorities will be given to cases that could be heard in major cities to reduce the cost of travel and travel time of the members.

The most significant upcoming challenge for the Tribunal will be its conversion to a multi-modal transportation tribunal via legislation to be introduced this fiscal year. The multi-modal tribunal will be the forum for resolving marine and rail issues as well as those aviation matters traditionally addressed by the Tribunal. The reorganization of the Tribunal will increase the overall workload and require expansion of capacity in new areas of expertise. More people will have to be hired and existing employees will likely require additional training. On the assumption of an increased caseload of as much as 40%, the Tribunal will need additional funding to sustain its multi-modal mandate. Therefore, the Tribunal's mandate will enlarge considerably over the next few years.

2.5 Departmental Planned Spending

Civil Aviation Tribunal

(\$ thousands)	Forecast Spending 2000–2001	Planned Spending 2001–2002	Planned Spending 2002–2003	Planned Spending 2003–2004
Budgetary Main Estimates	985.0	992.0	992.0	992.0
Total Main Estimates	985.0	992.0	992.0	992.0
Adjustments**	204.7			
Net Planned Spending	1,189.7	992.0	992.0	992.0
Plus: Cost of services received without charge	197.1	197.1	197.1	197.1
Net Cost of the Agency	1,386.8*	1,189.1	1,189.1	1,189.1

Full Time Equivalent	8	8	8	8
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* Reflects best forecast of total planned spending to the end of the fiscal year.

** Adjustments are to accommodate approvals obtained since the Main Estimates and are to include budget initiatives, Supplementary Estimates etc.

Section III: Departmental Plans, Results, Activities and Resources

3.1 Business Line Details

Business Line Objective

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

Business Line Description

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

The Tribunal reports to Parliament through the Minister of Transport. Its client is the aviation community, and it serves the Canadian flying public by contributing to a safe and efficient aviation enforcement and licensing system.

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

3.2 Key Results Commitments, Planned Results, Related Activities and Resources

Key Results Commitments:	Planned Results:
independent review of enforcement and licensing decisions made by the Minister of Transport under the <i>Aeronautics Act</i>	hearings that are held expeditiously, fairly and informally <ul style="list-style-type: none"> • DPR Section II • Annual Report P. 22 Effectiveness
Resources: 1.2 m\$	timely disposition of review and appeal hearings within service standards <ul style="list-style-type: none"> • DPR Section II • Annual Report P. 22 • Civil Aviation Tribunal Rules
	hearings conducted in accordance with the rules of fairness and natural justice <ul style="list-style-type: none"> • DPR Section II
	the use of pre-hearing conferences to streamline and expedite the hearing process <ul style="list-style-type: none"> • DPR Section II
	quality and consistency of decision making <ul style="list-style-type: none"> • DPR Section II
	a level of satisfaction by the aviation community <ul style="list-style-type: none"> • DPR Section II Performance Accomplishments • Web Site: http://198.103.98.171 • Guide to Tribunal Hearings

- for more information see the indicated document and page

Related Activities

The Tribunal will continue to provide determinations quickly, allowing Transport Canada and Canadian aviation document holders to better understand the outcome of the matter and, where applicable, to make a more enlightened decision as to the exercise of their right to appeal. In 1999–2000 the average lapsed time between the conclusion of a review hearing and the issuance of a determination was forty-six days and fifty days for an appeal. By the end of 2000, the average lapsed time had increased. The greater number of

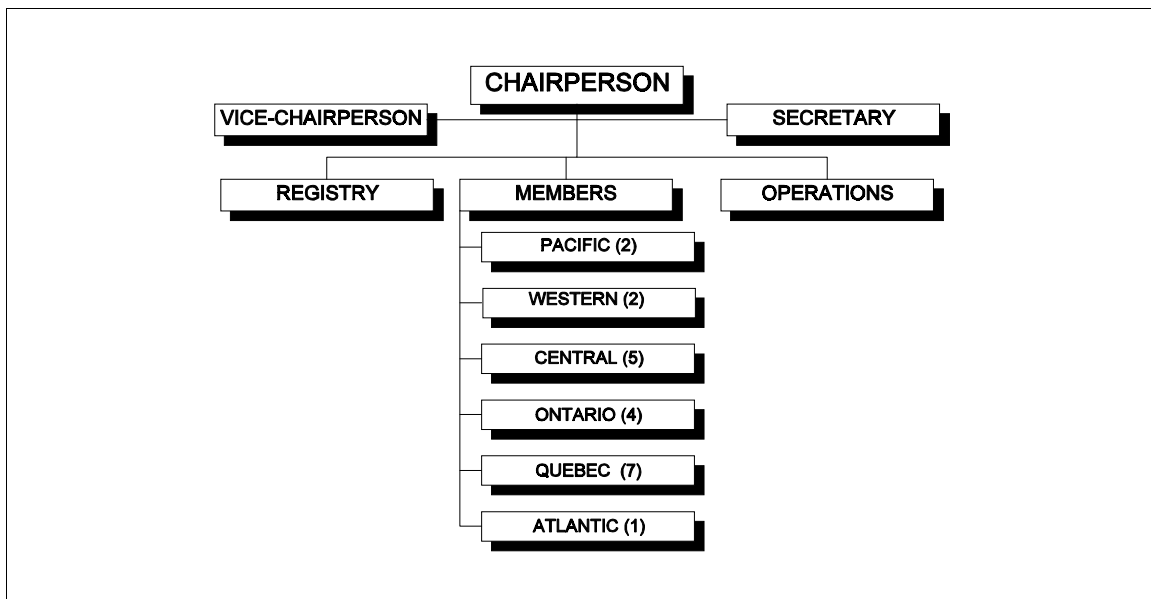
hearings and the increasing case complexity provide justification for the additional time needed by members.

Yearly seminars held by the Tribunal ensure a trained membership through updates and discussions of legislative changes. The interaction of members and role play scenarios assist the membership in achieving quality and consistency in making and in writing its decisions. The Tribunal conducts in-house training for all new members.

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 adjournment necessitated by late disclosure. Such 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 Registrars 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.

Resources

Organization Structure



Note: Central and Western Regions reflect Prairie and Northern Region

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

The 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-one part-time members were in office at the end of 2000. Members are drawn from across Canada and are appointed by Order in Council on the basis of their knowledge and expertise in aeronautics, including aviation medicine. The office of the Tribunal is located in the National Capital Region.

Section IV: Joint Initiatives

4.1 Horizontal Initiatives

The Tribunal is required to have the Financial Information Strategy (FIS) System implemented by April 1, 2001. By the end of 2001, the Tribunal will be connected with PWGSC's Common Departmental Financial System (CDFS). The special Treasury Board (TB) Vote 10 funding allocation was used for service costs and training. The training of the employees will continue in the next fiscal year.

Section V: Financial Information

The following financial tables are applicable to the Civil Aviation Tribunal:

Table 5.1: Summary of Capital Spending by Program and Business Line

(\$ thousands)	Forecast Spending 2000–2001	Planned Spending 2001–2002	Planned Spending 2002–2003	Planned Spending 2003–2002
Civil Aviation Tribunal	1,189.7	992.0	992.0	992.0
Total	1,189.7	992.0	992.0	992.0

Table 5.2: Net Cost of Program for the Estimates Year

(\$ thousands)	Total
Net Planned Spending (Gross Budgetary and Non-budgetary Main Estimates plus Adjustments)	992.0
<i>Plus: Services Received without Charge</i>	
Accommodation provided by Public Works and Government Services Canada (PWGSC)	158.2
Contributions covering employees' share of employees' insurance premiums and expenditures paid by TBS	38.9
Workman's compensation coverage provided by Human Resources Canada	–
Salary and associated expenditures of legal services provided by Justice Canada	–
	197.1
<i>Less: Non-respendable Revenue</i>	–
2001–2002 Net cost of Program	1,189.1

Section VI: Other Information

Statutes and Regulations Currently in Force

<i>Aeronautics Act</i>	(R.S., c. A-2), as amended
<i>Canadian Transportation Agency Designated Provisions Regulations</i>	(SOR/99-244), June 11, 1999
<i>Civil Aviation Tribunal Rules</i>	(SOR/93-346), as amended

References

Civil Aviation Tribunal	
333 Laurier Avenue West Room 1201 Ottawa, Ontario K1A 0N5 Telephone: (613) 990-6906 Fax: (613) 990-9153 e-mail: cattac@smtp.gc.ca Internet Web Site: http://www.cat-tac.gc.ca Faye Smith – Chairperson Allister Ogilvie – Vice-Chairperson Marie Desjardins – Acting Executive Services Manager Mary Cannon – Acting Registrar (Ontario, Prairie & Northern and Pacific Regions) Susanne Forgues – Acting Registrar (Headquarters, Quebec and Atlantic Regions)	Performance Report March 31, 2000 Annual Report 1999–2000 Guide to Tribunal Hearings