

Civil Aviation Tribunal

1999–2000 Estimates

A Report on Plans and Priorities

Approved

The Honourable David Collette, M.P.

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Section I: Messages

A. 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 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.

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

B. Management Representation Statement

MANAGEMENT REPRESENTATION STATEMENT

Report on Plans and Priorities 1999–2000

I submit, for tabling in Parliament, the 1999–2000 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. 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.

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 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.

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. Operating Environment

The Civil Aviation 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 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. 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.

D. Financial Spending Plan

Civil Aviation Tribunal

	Forecast Spending 1998-99*	Planned Spending 1999-00	Planned Spending 2000-01	Planned Spending 2001-02
(thousands of dollars)				
Gross Program Spending	989.7	972.0	962.0	962.0
Net Program Spending	989.7	972.0	962.0	962.0
<i>Plus: Cost of Services Provided by other Departments</i>	166.0	137.0	137.0	137.0
Net Cost of the Agency	1,155.7	1,109.0	1,099.0	1,099.0

*Reflects best forecast of total planned spending to the end of the fiscal year.

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Section III: Plans, Priorities, Strategies and Expected Results

A. Summary of Priorities and Expected Results

Civil Aviation Tribunal	
to provide Canadians with:	to be demonstrated by:
independent review of enforcement and licensing decisions made 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, fairly and informally
	<ul style="list-style-type: none">• timely disposition of review and appeal hearings within service standards
	<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 streamline and expedite the hearing process
	<ul style="list-style-type: none">• issuance of written reasons for all determinations
	<ul style="list-style-type: none">• a level of satisfaction by the aviation community
	<ul style="list-style-type: none">• a trained membership to ensure quality and consistency of decision making

Expected Results

Providing determinations quickly, 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. The Tribunal conducts in-house training for all new members.

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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 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. It also reduces the length of hearings and avoids last-minute adjournments necessitated by late disclosure.

B. Program and Business Line Plan

Civil Aviation Tribunal

(thousands of dollars)	Forecast Spending 1998-99	Planned Spending 1999-00	Planned Spending 2000-01	Planned Spending 2001-02
Gross Expenditures:	989.7	972.0	962.0	962.0
<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	989.7	972.0	962.0	962.0

C. Consolidated Reporting

Legislative and Regulatory Initiatives

The level of enforcement is entirely controlled by Transport Canada but impacts on the program. 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 program is also affected by the department's rewrite of its aviation regulations.

Sustainable Development Strategies

Providing aviation community with an independent review of enforcement and licensing decisions made by the Minister of Transport under the *Aeronautics Act* to:

- ensure a system within which hearings can be held expeditiously, fairly and informally
- review the manner in which applications are received and documented
- reduce response time to process review and appeal applications from the aviation community
- provide a trained membership to ensure quality and consistency of decision making

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- promote and use pre-hearing conferences to reduce the length of hearings and reduce costs
- issue written reasons for all determinations
- bridge the gap on the number of cases that are normally carried to the next fiscal year
- maintenance of case records
- provide highest level of expertise

Year 2000 Initiatives

The Tribunal began work on the year 2000 date issue early in 1997 by analysing its whole computerized system in both hardware and software. Findings were discussed with the Tribunal's outside computer consultants. Computer hardware was upgraded and configured using Tribunal staff as much as possible to minimize costs. The software implications of the year 2000 date issue for the case management tracking system and the correspondence control system, being more complicated to modify, were in the final stages of coding changes and were implemented at the end of December 1998.

Financial, material management, contracting and property management programs and data holdings software have also been investigated and some have been and will be modified and/or upgraded to be Y2K compliant. The network system was tested at the end of 1998.

The Tribunal has no dependencies on other systems for its daily operations. A risk analysis shows that should the Tribunal's computer system fail, it would be a substantial inconvenience to the staff, but would cause no loss of service to its clients. If such an event would occur, a parallel backup system is in place that covers:

- Server hardware, cabling, and stations
- Full data and software backup
- Consultants
- Hardware and software suppliers
- Manual system and controls

The option to borrow funds with a repayment agreement with Treasury Board was not undertaken as the Tribunal cannot afford to be in a position to have to repay the loan. The enabling of the upgrade to the Tribunal's computer system was funded from reallocation of lapsed allotments. Ongoing maintenance for troubleshooting of hardware and applications will continue at a cost of approximately \$7K per year.

Section IV: Supplementary Information

SUPPLEMENTARY INFORMATION

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

Personnel Information

Table 2.1: Organization Structure

Table 2.2: Planned Full Time Equivalents (FTEs) by Program and Business Line

Additional Financial Information

Table 3: Summary of Standard Objects by Expenditure

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

Table 5: Net Cost of Program for the Estimates Year

Other Information

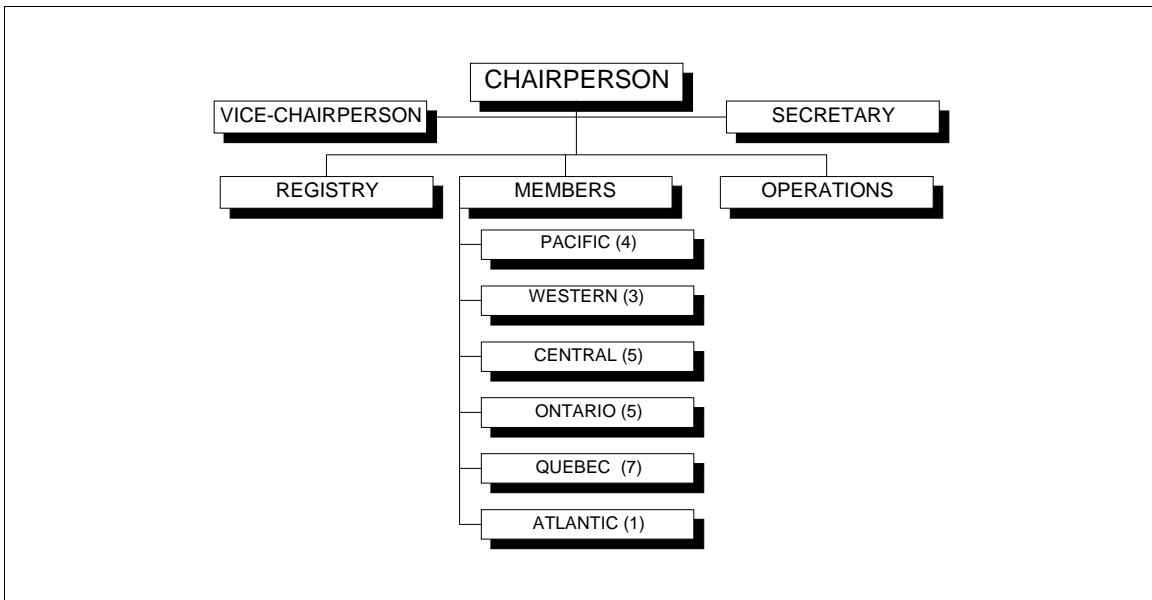
Table 6: Listing of Statutes and Regulations

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Table 1: Spending Authorities – Agency Summary Part II of the Estimates**Civil Aviation Tribunal**

Vote (thousands of dollars)		1999-00 Main Estimates	1998-99 Main Estimates
Civil Aviation Tribunal			
35	Program Expenditures	874.0	819.0
(S)	Contributions to employee benefit plans	98.0	101.0
	Total Program	972.0	920.0

Personnel Information**Table 2.1: 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 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 1998–99. 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.

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Table 2.2: Planned Full Time Equivalent (FTEs) by Program and Business Line

Civil Aviation Tribunal	Forecast 1998–1999	Planned 1999–2000	Planned 2000–2001	Planned 2001–2002
Review and Appeal Hearings	8	8	8	8
Total Program	8	8	8	8

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.

Additional Financial Information**Table 3: Summary of Standard Objects of Expenditure**

(thousands of dollars)	Forecast Spending 1998-1999	Planned Spending 1999-2000	Planned Spending 2000-2001	Planned Spending 2001-2002
Personnel				
Salaries and wages	514.8	492.0	492.0	492.0
Contributions to employee benefit plans	107.9	98.0	98.0	98.0
	<u>622.7</u>	590.0	590.0	590.0
Goods and Services				
Transportation and communications	82.0	104.0	99.0	99.0
Information	3.0	3.0	3.0	3.0
Professional and special services	248.0	241.0	236.0	236.0
Rentals	9.0	9.0	9.0	9.0
Purchases, repair and maintenance	4.0	4.0	4.0	4.0
Utilities, materials and supplies	21.0	21.0	21.0	21.0
	<u>367.0</u>	382.0	372.0	372.0
Total program	<u>989.7</u>	972.0	962.0	962.0
Total	989.7	972.0	962.0	962.0

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

(thousands of dollars)									
Civil Aviation Tribunal	Budgetary					Non-Budgetary		Less: Revenue Credited to the Vote	Net Planned Spending
	FTE	Operating	Capital	Transfer Payments	Planned Spending	Plus LIAs	Gross Planned Spending		
Review and Appeal Hearings	8	874.0	—	—	874.0	—	874.0	—	874.0
*Total	8	874.0	—	—	874.0	—	874.0	—	874.0

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

Table 5: Net Cost of Program for the Estimates Year

(thousands of dollars)	Civil Aviation Tribunal Total
Gross Planned Spending	972.0
Plus:	
<i>Services Received without Charge</i>	
Accommodation provided by Public Works and Government Services Canada (PWGSC)	133.7
Contributions covering employees' share of employees' insurance premiums and costs paid by TBS	19.6
Workman's compensation coverage provided by Human Resources Canada	-
Salary and associated costs of legal services provided by Justice Canada	-
Total Cost of program	1,125.3
Less:	
Revenue Credited to the Vote	-
Revenue Credited to the CRF	-
1999-2000 Estimated Net Program Cost	1,125.3

Other Information**Table 6: Listing of Statutes and Regulations****Statutes and Regulations Currently in Force**

<i>Aeronautics Act</i>	(R.S., c. A-2), as amended
<i>Civil Aviation Tribunal Rules</i>	(SOR/93-346), as amended

Table 7: References

Civil Aviation Tribunal	
<p>333 Laurier Ave. West Room 1201 Ottawa, Ontario K1A 0N5</p> <p>Telephone: (613) 990-6906 Fax: (613) 990-9153 e-mail: cattac@smtp.gc.ca Internet Web Site: http://198.103.98.171</p> <p>Faye Smith – Chairperson 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 – Administrative Assistant</p>	<p>Performance Report 1998–99 Annual Report 1997–98 Guide to Tribunal Hearings</p>

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