



Civil Aviation Tribunal of Canada

2002-2003
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 tabled in the spring 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

2002–2003 Estimates

A Report on Plans and Priorities

Approved

The Honourable David Collenette, 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 fifteen 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 STATEMENT

I submit, for tabling in Parliament, the 2002–2003 Report on Plans and Priorities (RPP) for the Civil Aviation Tribunal.

To the best of my knowledge the information in this document:

- accurately portrays the department's plans and priorities
- is consistent with the reporting principles contained in the *Guide to the preparation of the 2002–2003 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 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: Raison d'être

The mission of the Civil Aviation Tribunal is to review the Minister of Transport's enforcement and licensing decisions through a two-level hearing process.

Section III: Plans and Priorities by Strategic Outcome

The *Transportation Appeal Tribunal of Canada Act* (Bill C-34) received Royal Assent on December 18, 2001. This creates the Transportation Appeal Tribunal of Canada which will replace and expand on the existing Civil Aviation Tribunal by extending its jurisdiction to cover rail and marine. It is anticipated that this legislation will come into force on a day or days to be fixed by order of the Governor in Council in 2002. The mandate of the Tribunal will be expanded to act as a multi-modal review body for administrative and enforcement actions taken under various federal transportation acts. Therefore, the Tribunal's caseload will enlarge considerably over the next few years, but the business line will not be amended. The office of the Tribunal will remain at the same location in the National Capital Region.

The Tribunal's yearly seminars 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. A panel discussion takes place with representatives from the aviation community.

The Tribunal conducts in-house training for all new members. The Tribunal trained its staff in dispute resolution to assist the parties appearing before it, to disclose and exchange documents, to identify the issues to be determined by the Tribunal and any other matter that may aid in the simplification of the evidence and disposition of the proceedings. Through the conduct of more pre-hearing teleconferences, unnecessary adjournments will be avoided. Although the Tribunal will not decrease its expenses through the dispute resolution project, the number of last minute adjournments, postponements, cancellations and unnecessary hearings will decrease. The caseload will be streamlined and thus handled more expeditiously.

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 2000–2001 the average lapsed time between the conclusion of a review hearing and the issuance of a determination was forty-nine days and sixty-eight days for an appeal. The greater number of hearings and the increasing case complexity provide justification for the additional time needed by members.

The most significant upcoming challenge for the Tribunal will be its conversion to a multi-modal transportation tribunal. The reorganization of the Tribunal will increase the overall workload and require expansion of capacity in new areas of expertise: more members will have to be appointed, and more staff will have to be hired. 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.

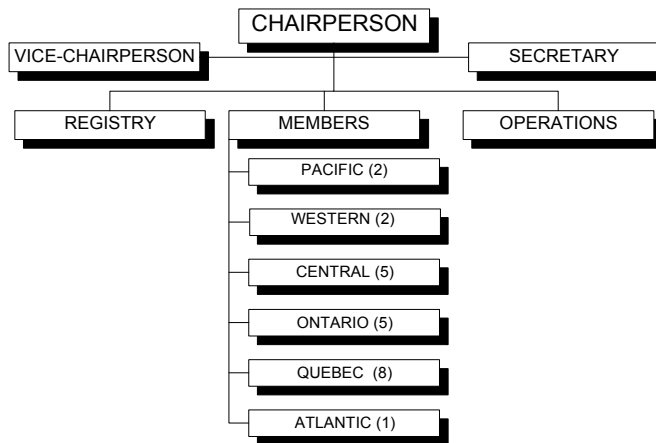
Section IV: Organization

4.1 Mandate, Role and Responsibility

The mandate of the Civil Aviation Tribunal is provided for by 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 objective of the program 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. 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 Canadian aviation document holder.

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.



Note: Central and Western Regions reflect Prairie and Northern Region

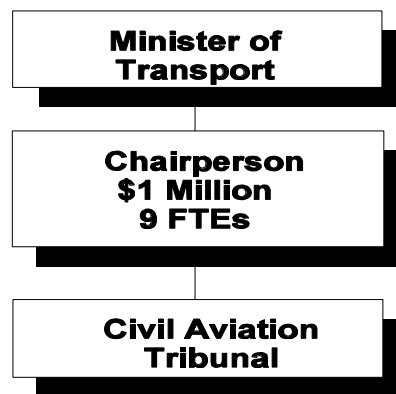
The lower half of the organization chart displays the distribution of part-time members by region. All members report to the Chairperson.

The Chairperson, Vice-Chairperson and immediate staff account for nine full-time equivalents. Twenty-three part-time members were in office at the end of 2001. 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.

4.2 Accountability

The Civil Aviation Tribunal reports to Parliament through the Minister of Transport. The Chairperson is the chief executive officer of the Tribunal and has supervision over and direction of the work and staff of the Tribunal including:

- the apportionment of work among its members
- the assignment of members to hear matters brought before the Tribunal
- the assignment of members to preside over panels
- the conduct of the work of the Tribunal
- the management of its internal affairs



4.3 Business Line Details

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 represents the only forum for ensuring that 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.

4.4 Departmental Planned Spending

There has been a marked increase in the general demand for the Tribunal’s services. The growth in applications concluding with the more costly formal hearings has been particularly noticeable over the last year. In addition to the higher volume of hearings, there has been an increase in case complexity and accompanying escalation of price for travel and professional assistance. 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. Treasury Board approved an additional \$244,000 in the current and future years for pressures related to workload, the need for additional administrative personnel and increased administrative costs resulting from a 34 % increase in caseload since 1998–1999. 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 six months. The first two rows of the following table reflect the average cost of the review and appeal hearings for the period under review.

	2002–2003 Forecast	2001–2002 Forecast	2000–2001 Actual	1999–2000 Actual	1998–1999 Actual
Reviews	\$2,700.26	\$2,700.26	\$2,535.41	\$2,977.37	\$2,588.00
Appeals	\$5,922.76	\$5,922.76	\$4,913.51	\$7,114.77	\$5,740.00
Reviews and Appeals Held	91	91	91	69	67
Caseload	323	323	350	325	294

When comparing the types of hearing actions, there are significant variances in resources spent due to uncontrollable factors such as location, travel, time spent on hearings, remuneration, interpreters, preparation, decision writing, costs for court reporting, transcripts and translations. Cases are heard together to reduce costs. The average costs fluctuate each fiscal year as they are determined by the number of reviews and the complexity of cases.

Planned Spending

Civil Aviation Tribunal

(\$ thousands)	Forecast Spending 2001–2002	Planned Spending 2002–2003	Planned Spending 2003–2004	Planned Spending 2004–2005
Budgetary Main Estimates	992.0	1,014.0	1,014.0	1,014.0
Total Main Estimates	992.0	1,014.0	1,014.0	1,014.0
Adjustments**	318.8	244.0	244.0	244.0
Net Planned Spending	1,310.8*	1,258.0	1,258.0	1,258.0
Plus: Cost of services received without charge	197.1	197.1	197.1	197.1
Net Cost of the Agency	1,507.9	1,455.1	1,455.1	1,455.1

Full-Time Equivalents	9	10	10	9
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* Reflects the best forecast of total net 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 V: Annexes

The following financial table is applicable to the Civil Aviation Tribunal:

Table 5.1: Net Cost of Program for the Estimates Year

(\$ thousands)	Total
Net Planned Spending (Total Main Estimates plus Adjustments as per the Planned Spending Table)	1,258.0
<i>Plus: Services Received without Charge</i>	
Accommodation provided by Public Works and Government Services Canada (PWGSC)	197.1
* Contributions covering employers' share of employees' insurance premiums and expenditures paid by TBS	44.2
Workman's compensation coverage provided by Human Resources Canada	–
Salary and associated expenditures of legal services provided by Justice Canada	–
	241.3
<i>Less: Non-respendable Revenue</i>	–
2002–2003 Net cost of Program	1,499.3

* The difference between the total in the departmental planned spending table at page 10 and the total in the above table is the contributions covering employers' share of employees' insurance premiums and expenditures paid by TBS in the amount of \$44,200.

Table 5.2: Government-wide and Horizontal/Collective Initiatives

Horizontal / Collective Initiative	Goal of the Initiative	List of Partner(s)	Money Allocated by Partners (\$ thousands)	Planned results
1) Comptrollership Modernization 2) 2005 3) DPR 2005	Sound management of resources and effective decision making	<ul style="list-style-type: none"> • Competition Tribunal • Copyright Board Canada • Canadian Artists and Producers Professional Relations Tribunal 	To be determined	Implement the action plan

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	
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