

Transportation Appeal Tribunal of Canada

2006-2007

Report on Plans and Priorities

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Minister of Transport, Infrastructure and Communities

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Section I: Overview

1.1 Chairperson's Message

I am pleased to present the 2006-2007 Report on Plans and Priorities of the Transportation Appeal Tribunal of Canada, formerly the Civil Aviation Tribunal. This report reflects the experience gained by the Tribunal over a period of almost 20 years of operation. The Transportation Appeal Tribunal of Canada is a quasi-judicial body established in June 2003 (SC 2001, c. 29) to provide an independent process of review of administrative and enforcement actions – including the suspension and cancellation of licences, certificates and other documents of entitlement, the issuance of railway orders, and the imposition of administrative monetary penalties – taken under various federal transportation Acts.

The Tribunal conducts its hearings at various locations in Canada, in an open, impartial manner consistent with procedural fairness and the rules of natural justice. It adjudicates matters that will have a serious impact on the livelihood and operations of the aviation, rail and marine communities in 2006-2007. Given its structure and process for conducting hearings, the Tribunal is readily accessible to those communities.

The knowledge and experience possessed by Tribunal members enhances 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 the 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 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.

The direction for this Tribunal for the years ahead will be its challenge to fulfill its growing mandate to current standards to ensure that the Tribunal continues to be regarded as one of government's "best practices". Having recognized the commitment of members and staff to its mandate, I am confident that the Tribunal will continue to successfully meet its challenges.

Faye Smith
Chairperson

1.2 Management Representation Statement

I submit for tabling in Parliament, the 2006-2007 Report on Plans and Priorities (RPP) for the Transportation Appeal Tribunal of Canada.

This document has been prepared based on the reporting principles contained in the *Guide for the Preparation of Part III of the 2006-2007 Estimates: Reports on Plans and Priorities and Departmental Performance Reports*:

- It adheres to the specific reporting requirements outlined in the TBS guidance;
- It is based on the department's approved Program Activity Architecture structure as reflected in its MRRS;
- It presents consistent, comprehensive, balanced and reliable information;
- It provides a basis of accountability for the results achieved with the resources and authorities entrusted to it; and
- It reports finances based on approved planned spending numbers from the Treasury Board Secretariat.

Faye Smith
Chairperson

1.3 Summary Information

Reason for Existence

The mission of the Transportation Appeal Tribunal of Canada is to review the Minister of Transport's enforcement and licensing decisions through a two-level hearing process. The Tribunal has a commitment to openness and cooperation and is mandated to conduct informal, expeditious and fair hearings.

Financial Resources

(\$ thousands)

2006-2007	2007-2008	2008-2009
1,329.0	1,329.0	1,329.0

Human Resources

2006-2007	2007-2008	2008-2009
9	9	9

Agency Priorities

(\$ thousands)

	Type	Planned Spending			
		Expected Results	2006-2007	2007-2008	2008-2009
Strategic Outcome: To provide Canadian transportation community with the opportunity to have administrative or enforcement actions under federal transportation Acts reviewed by an independent body.					
Priority #1: Hold hearings expeditiously and informally	Ongoing	Access to an independent assessment governed by considerations of natural justice	1,259.0	1,259.0	1,259.0
Priority #2 Human Resources Plan	New	Ensure sustainability of human resources	5.0	5.0	5.0
Priority #3 Government on line	Ongoing	Improve access and service performance	65.0	65.0	65.0

1.4 Agency Plans and Priorities

The Transportation Appeal Tribunal of Canada replaces the Civil Aviation Tribunal which was established under Part IV of the *Aeronautics Act* in 1986. On the recommendation of the Minister of Transport, pursuant to section 73 of the *Transportation Appeal Tribunal of Canada Act*, assented to on December 18, 2001, being chapter 29 of the Statutes of Canada, 2001 the Act officially, came into force on June 30, 2003. The Transportation Appeal Tribunal of Canada, a multi-modal tribunal is available to the air and rail sectors, and at a later time, the marine sector. The *Transportation Appeal Tribunal Act* amends the *Aeronautics Act*, the *Canadian Shipping Act*, the *Marine Transportation Security Act* and the *Railway Safety Act* to establish the jurisdiction and decision making authorities of the Tribunal under those Acts. The Tribunal's jurisdiction, extending to the rail sector, is expressly provided for under the *Aeronautics Act* and the *Railway Safety Act* (section 2 of the *Transportation Appeal Tribunal of Canada Act*). The mandate of the Tribunal expands 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 is located 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 transportation communities to provide feedback to the Tribunal as to delivery of services to its clients.

The Tribunal will continue to provide determinations with written reasons quickly, allowing Transport Canada and 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 2004-2005 the average lapsed time between the conclusion of a review hearing and the issuance of a determination was 95 days for a review and 56 days for an appeal. The greater number of hearings and the increasing case complexity provide justification for the additional time needed by members.

Develop a Human Resources Plan

The Transportation Appeal Tribunal of Canada – TATC - continues its commitment to a sustainable workforce and a responsive workplace. A key risk for the TATC in delivering its priorities is related to its workforce of only 7 employees. The TATC's ongoing challenge is to maintain reliable back-up for its key staff. Succession planning measures are needed to ensure that service delivery of the Tribunal's expanding mandate will not be hampered by gaps created by the departure of staff members.

Over the coming year, priority will be given to ensuring the sustainability of our human resources. Our renewed investment in employee learning and well-being will be maintained as we implement the provisions of the new *Public Service Modernization Act*.

The TATC must be able to recruit on a timely basis and retain competent and dedicated employees. This increasingly requires a work environment conducive to training and development for all staff and managers. A renewed focus will be placed on more strategic management of human resources through the development of human resources plans. In 2006-2007, staff will be given the opportunity to develop a training plan and to have their performance assessed annually, based on this plan, thus providing valuable information for training and/or personal development.

Improve Management Practices

Building on the momentum and successes achieved under the Modern Comptrollership Initiative and continuing with the implementation of the Management Accountability Framework, the Transportation Appeal Tribunal of Canada is committed to continuous improvement of its management practices.

The Transportation Appeal Tribunal of Canada will continue to work in partnership with three other small quasi-judicial agencies: the Canadian Artists and Producers Professional Relations Tribunal, the Copyright Board and the Registry of the Competition Tribunal. The focus of this cluster group for 2006-2007 will be on implementing the new Internal Audit Policy; the new Policy on Learning, Training and Development; completing the implementation of the *Public Service Modernization Act*; improving on the management of government information by implementing information management tools being developed for small agencies; and looking at the feasibility of participating in the Travel AcXess Voyage Project, which is part of the Shared Travel Services Initiative.

Government On-Line

The Tribunal will seek to improve the delivery of its key services to the public for greater efficiencies and increased client satisfaction and to improve access and service performance by making major modifications to its Web site and by providing Internet links.

Social Union Framework Agreement (SUFA)

The Transportation Appeal Tribunal of Canada represents the only forum for ensuring that the document holders have access to an independent assessment governed by considerations of natural justice. There are approximately 73,953 licensed aviation personnel, 36,366 rail personnel in Canada and approximately 29,668 registered aircraft and 2,866 locomotives in service. Because of this volume, the number of infractions will rise. The level of enforcement action is entirely controlled by Transport Canada which in turn determines the workload of the Tribunal. The Tribunal is also affected by the department's rewrite of its aviation and rail regulations including the designation of a large number of offences under the designated provisions set out in the *Canadian Aviation Regulations*, the *Marine Transportation Security Act* and the *Railway Safety Act*.

It is anticipated that regulations relating to the marine sector will be implemented in the upcoming fiscal year. It is also anticipated that a number of offences under the *Railway Safety Act* will be designated as offences to which monetary penalties apply. As well, additional legislation respecting airports will be implemented over the next few years that will have the effect of greatly increasing the number of offences under the designated provisions which in turn will significantly affect the workload of the Tribunal. The TATC will be seeking additional funding for \$450,000 early in April 2006. These resources will permit training of 24 part-time marine members that will become part of the current staff early in the fall as well as the addition of 3 employees.

Our organization is funded through operating expenditures. On the assumption of an increased caseload of as much as 50% with the Tribunal's expansion to include the marine sector, the Tribunal will need additional funding to sustain its multi-modal mandate. The most significant upcoming challenge for the Tribunal will be its expansion as 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 trained. Existing employees will likely require additional training and more staff will have to be hired to ensure that current efficiencies will be maintained.

Section II: Analysis of Program Activities by Strategic Outcome

2.1 Detailed Analysis by Program Activities

Review and Appeal Hearings

The objective is to provide for the operation of an independent Tribunal to respond to requests from the transportation community for review of enforcement and licensing decisions taken by the Minister of Transport under the *Aeronautics Act*, the *Canada Transportation Act* and the *Railway Safety Act*; and to conduct hearings into such appeals.

Strategic Outcome:

The strategic outcome of the Tribunal is to provide the Canadian transportation community with the opportunity to have administrative or enforcement actions under federal transportation Acts reviewed by an independent body.

Financial Resources:

(\$ thousands)

2006-2007	2007-2008	2008-2009
1,329	1,329	1,329

Human Resources:

2006-2007	2007-2008	2008-2009
9	9	9

The Tribunal's only activity is the provision of an independent review process for aviation, and rail by providing document holders with the opportunity to proceed with a hearing. The Tribunal represents the only forum 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.

The Minister's enforcement and licensing decisions may include the imposition of monetary penalties or the suspension, cancellation, refusal to issue or refusal to renew documents of entitlement for reasons of incapacity or other grounds. The person or corporation affected is referred to as the document holder.

All hearings are held expeditiously and informally, according to 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 to the Minister for reconsideration.

In conducting its reviews of enforcement and licensing decisions of the Minister of Transport, the Transportation Appeal Tribunal of Canada provides a public interest program that is unique to transportation in Canada. The Tribunal's efficiencies provide visible validation and confirmation of Canada's transportation safety system. Moreover, the Tribunal process is able to quickly identify concerns in the transportation sector of a technical or legislative nature leading to necessary amendments to legislation for the benefit of all Canadians through the enhancement and maintenance of transportation safety in Canada.

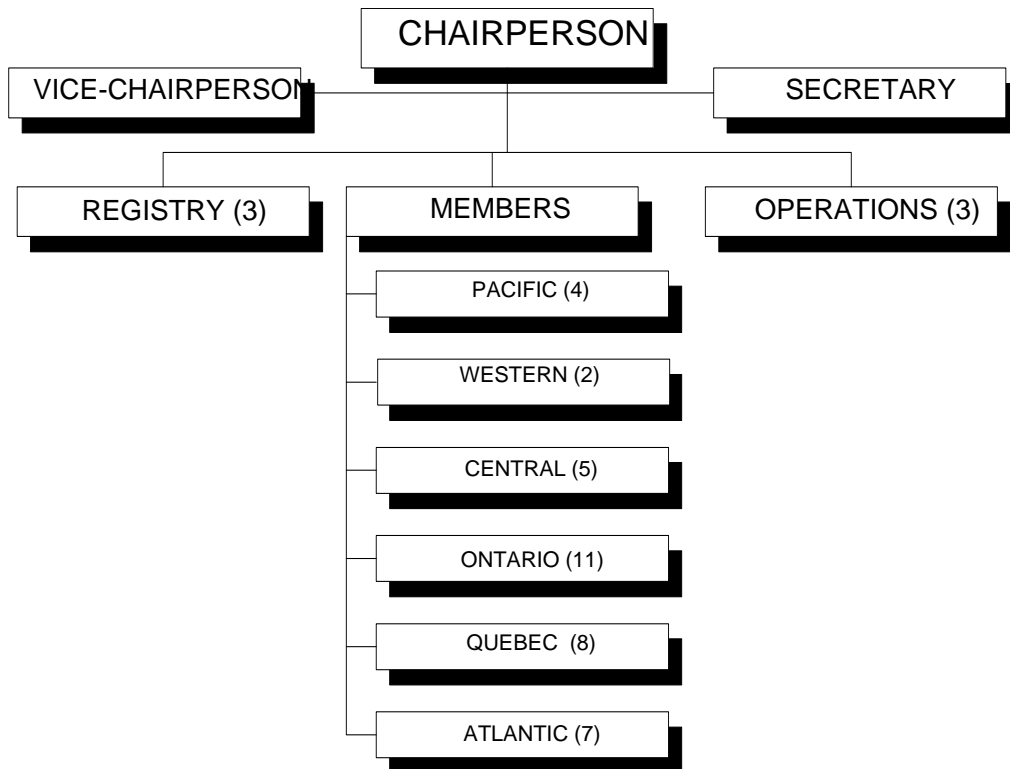
The program's effectiveness can be measured by its ability to provide the transportation community with the opportunity to have Ministerial decisions reviewed fairly, equitably and within a reasonable period of time. Tribunal hearings are readily accessible to the lay person without the attendant legal complexities and case backlogs which were visited upon the court system that prevailed prior to the creation of this Tribunal and its predecessor, the Civil Aviation Tribunal.

Section III: Supplementary Information

3.1 Organizational Information

The Tribunal's Chairperson is the 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 nine full-time equivalents. Thirty-seven part-time members were in office during 2004-2005. Members are drawn from across Canada and are appointed by Order in Council on the basis of their knowledge and expertise. At the end of 2005, ten part-time members were appointed; 9 in aeronautics and one in rail.

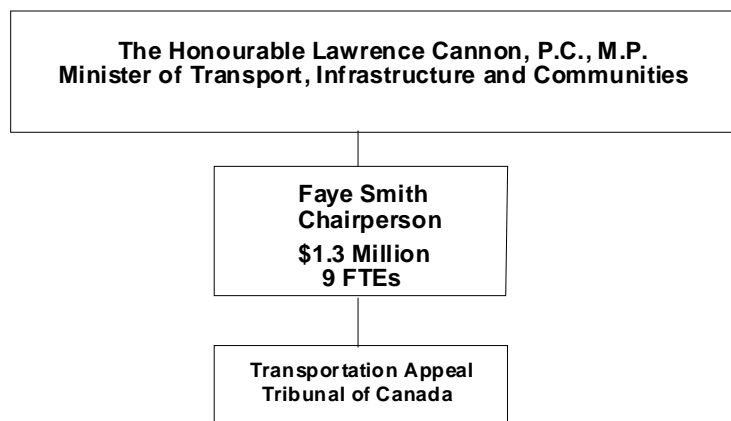


Note: Central and Western Regions reflect Prairie and Northern Region

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

The 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 conduct of the work of the Tribunal and
- the management of its internal affairs



3.2 Financial Tables

Table 1: Departmental Planned Spending and Full Time Equivalents

(\$ thousands)	Forecast Spending 2005-2006	Planned Spending 2006-2007	Planned Spending 2007-2008	Planned Spending 2008-2009
Review and Appeal Hearings				
Budgetary Main Estimates (gross)	1,303.0	1,329.0	1,329.0	1,329.0
Total Main Estimates	1,303.0	1,329.0	1,329.0	1,329.0
<i>Adjustments:</i>				
Decrease in Employee Benefits Plan	(13.6)			
Special warrants:	63.2	-	-	-
Decrease in Other Operational Costs	(67.8)			
Total Adjustments	(18.2)			
Total Planned Spending	1,284.8	1,329.0	1,329.0	1,329.0
Less: Non-Respendable revenue	-	-	-	-
Plus: Cost of services received without charge	223.9	221.9	223.1	225.3
Net cost of Program	1,508.7	1,550.9	1,552.1	1,554.3
Full Time Equivalents	9	9	9	9

Table 2: Program Activities

2006-2007					(\$ thousands)
	Budgetary	Non Budgetary			
Program Activity	Operating	Loans, Investments and Advances	Total Main Estimates	Adjustments (Planned Spending not in Main Estimates)	Total Planned Spending
Review and Appeal Hearings	1,329.0	0	1,329.0	0	1,329.0
Total	1,329.0	0	1,329.0	0	1,329.0

Table 3: Voted and Statutory Items listed in Main Estimates

2006-2007			
Vote or Statutory Item	Truncated Vote or Statutory Wording	Current Main Estimates	Previous Main Estimates
80	Program expenditures	1,200.0	1,173.0
(S)	Contributions to employee benefit plans	129.0	130.0
	Total for Agency	1,329.0	1,303.0

Table 4: Net Cost of Agency for the Estimates Year

(\$ thousands)	2006-2007
Accommodation provided by Public Works and Government Services Canada (PWGSC)	173.3
Contributions covering employers' share of employees' insurance premiums and expenditures paid by Treasury Board of Canada Secretariat (excluding revolving funds) employer's contribution to employees' insured benefits plans and expenditures paid by TBS	48.6
2006-2007 Services received without charge	221.9

Section IV: Other Items of Interest

Transportation Appeal Tribunal of Canada	Publications
<p>333 Laurier Avenue West Room 1201 Ottawa, Ontario K1A 0N5</p> <p>Telephone: (613) 990-6906 Fax: (613) 990-9153 e-mail: info@tadc.gc.ca Internet Web Site: http://www.tadc.gc.ca</p> <p>Faye Smith – Chairperson</p> <p>Allister Ogilvie – Vice-Chairperson</p> <p>Carl Poulin – Executive Services Manager</p> <p>Mary Cannon – Registrar (Ontario, Prairie & Northern and Pacific Regions)</p> <p>Monique Godmaire – Acting Registrar (Headquarters, Quebec and Atlantic Regions)</p>	<ul style="list-style-type: none">• Performance Report March 31, 2005• Annual Report 2004-2005• Guide to Tribunal Hearings• The Transportation Appeal Tribunal of Canada : pamphlet

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