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1.0 INTRODUCTION

1.1 Purpose

- (1) The purpose of this Civil Aviation Directive is to outline Civil Aviation's policy on safety partnership frameworks and to provide a standardized approach for considering the establishment of a safety partnership between Transport Canada Civil Aviation and an aviation organization for the purpose of delegating to that organization, in accordance with subsection 4.3(1) of the Aeronautics Act, certain aviation safety oversight activities.

1.2 Applicability

- (1) This document is applicable to Transport Canada Civil Aviation (TCCA) Headquarters and Regional personnel.

1.3 Description of Changes

- (1) Not applicable.

2.0 REFERENCES AND REQUIREMENTS

2.1 Reference Documents

It is intended that the following reference materials be used in conjunction with this document:

- (a) *Aeronautics Act*, subsection 4.3(1);
- (b) *Canadian Aviation Regulations (CARs)*;
- (c) Applicable policies and directives such as the *Cabinet Directive on Streamlining Regulations (2007)* published by the Treasury Board Secretariat on regulatory and non-regulatory activities;
- (d) *Flight 2010 A Strategic Plan for Civil Aviation*, TP14469;
- (e) Transport Canada's Program Activity Architecture (PAA), <http://www.tc.gc.ca/corporate-services/planning/paa/menu.htm>;
- (f) Civil Aviation Service Line Model (RDIMS 647020).

2.2 Cancelled Documents

Not applicable.

2.3 Definitions and Abbreviations

- (1) The following definitions and abbreviations are used in this document:
- (a) **Delegation** means authorization as per 4.3 (1) of the Aeronautics Act whereby any person or class of persons is authorized to carry out activities on behalf of the Minister.
 - (b) **Instrument(s) for government action** is "the means a government has at its disposal to achieve public policy outcomes". They set up the relationship between the state and its citizens (i.e. Regulations, standards, external delegations) - also known as 'instrument of choice'.
 - (c) **Safety partnership** means, for the purpose of this framework, an agreement with terms and conditions between the government and an aviation organization that will allow that organization to participate in activities relating to aviation safety oversight activities to further government policy or program delivery.
 - (d) **Aviation safety oversight activities** means those activities identified by the Transport Canada's Program Activity Architecture (PAA) and the Civil Aviation Service Line Model that support compliance by the aviation industry with the regulatory framework. Within the PAA, aviation safety oversight is broken down into two main categories:

- (i) Service to the aviation industry which includes personnel licensing, provision of operating certificates to organizations; and certification of aeronautical products; and
 - (ii) Surveillance of the aviation system, which includes assessments, validations, inspections and audits.
- (e) **NCAMX** means National Civil Aviation Management Executive, comprised of the Director General and Regional and Headquarters Directors.
- (f) **Aviation organization** means a legal entity incorporated under the laws of Canada.
- (g) **Majority** means more than 50 per cent.
- (h) **Transport Canada Program Activity Architecture (PAA)** means an inventory of all the programs and activities undertaken by a department or agency. The programs and activities are depicted in their logical relationship to each other and to the Strategic Outcomes to which they contribute. The PAA is the initial document for the establishment of a Management, Resources, and Results Structure.

3.0 BACKGROUND

- (1) Transport Canada Civil Aviation has a long-standing policy and practice of delegating regulatory authority to the aviation community. This policy was documented in past Transport Canada Civil Aviation strategic planning documents including Challenge '98, Flight 2005 and continued in the current plan, Flight 2010.
- (2) Subsection 4.3(1) of the Aeronautics Act reads as follows:
- The Minister may authorize any person or class of persons to exercise or perform, subject to any restrictions or conditions that the Minister may specify, any of the powers, duties or functions of the Minister under this Part, other than the power to make a regulation, an order, a security measure or an emergency direction.
- (3) The Cabinet Directive on Streamlining Regulations, published by the Treasury Board Secretariat, guides the development of policy, legislative and regulatory proposals. It also provides guidelines for selecting, assessing and implementing instruments of choice for achieving public policy objectives. As the government cannot deal with every situation, its involvement must be assessed in light of its responsibilities, its resources and the likely effectiveness of its involvement relative to that of a variety of actors such as other governments, the private sector, non-governmental organizations and the voluntary sector. Collaborative/consensual approaches, including formalized partnerships and less formalized networks, are but one of many instruments at the government's disposal to achieve policy outcomes.

4.0 PROGRAM OBJECTIVES

- (1) To provide a standardized approach for initiating and assessing a proposal for a safety partnership.
- (2) To set the out criteria, requirements, roles and responsibilities for agreements between the government and an aviation organization that will allow that organization to participate in activities relating to specific aviation safety oversight activities.

5.0 EXPECTED RESULTS

- (1) The roles, responsibilities and accountabilities for the initiation, review and determination (acceptance or rejection) of a safety partnership program in regards to aviation safety oversight activities, between Transport Canada Civil Aviation and an aviation organization, are clearly defined and understood;

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- (2) A Safety Partnership designed, delivered and managed in a manner that takes into account activities that represent a low level of risk in relation to aviation safety or where higher risk activities are mitigated to an acceptable level;
 - (3) A Safety Partnership that furthers Transport Canada's vision and Civil Aviation's key results.

6.0 ROLES AND RESPONSIBILITIES OF TRANSPORT CANADA AND AVIATION ORGANIZATIONS SEEKING SAFETY PARTNERSHIP APPROVAL

6.1 Aviation Organizations

- (1) The aviation organizations seeking a safety partnership agreement is responsible for meeting and submitting the following information before Transport Canada reviews the criteria at section 6.1.2:

6.1.1 - Prerequisites

- (1) The organization has a Canada status and is legally incorporated under the laws of Canada;
- (2) The activities of the organization are limited to aviation safety oversight activities;
- (3) The organization has conducted and documented the results of initial consultations with its membership and affected stakeholders on the notion of a safety partnership and delegated activities, and there is a majority of members and affected stakeholders in agreement to pursue the proposed safety partnership.

6.1.2 - Content Of Safety Partnership Proposal

- (1) Once Transport Canada Civil Aviation – Policy & Regulatory Services agrees that the prerequisites have been met, the aviation organization will prepare a proposal that will describe, demonstrate and substantiate the following:
- (2) Background Information
 - (a) Current activity, scope and membership of organization;
 - (b) The objectives of the safety partnership program;
 - (c) Why and how the safety partnership will result in the greatest overall benefit, how it will meet the stated objectives;
 - (d) Clearly defined proposed safety partnership activities and mandate of the organization.
- (3) Safety Record
 - (a) Safety record (including occurrences over at least the last five (5) years) of the industry segment;
 - (b) Safety culture of the organization and its members;
 - (c) Risk management (how inherent risks of the industry segment are and will be managed/mitigated);
 - (d) Safety management systems - well defined processes and procedures for activities;
 - (e) Ministerial responsibilities are met.
- (4) Resource efficiency and effectiveness/ tangible benefits, savings and costs
 - (a) Individual operators/members;
 - (b) Industry body;
 - (c) TCCA;
 - (d) Other (government, business, potential impact on the Canadian economy and its international competitiveness);

- (e) Ability to grow to meet additional responsibilities. How the organization will meet new requirements under the safety partnership: Is it adequately resourced both in terms of finances and competent and trained personnel/what are the processes and procedures to be put in place for monitoring and enforcing compliance?
- (5) Level of service and flexibility - How the safety partnership program will be delivered at the same or lower total cost/comparable or higher level of service compared to current TC program.
- (6) Public Perception - how the safety partnership is seen to improve safety
 - (a) How public and other interests are taken into account in the development of the standards, if applicable;
 - (b) Minimizes negative impact on others (health, safety, security, the environment and the social and economic well-being of Canadians).
- (7) Accountability
 - (a) Responsibilities and accountabilities are clearly defined;
 - (b) How conflict of interest issues will be addressed and resolved;
 - (c) How assessments will be conducted and reported;
 - (d) How non-compliance will be addressed and enforced;
 - (e) Associated liabilities are clearly defined and how they will be addressed.
- (8) Formal consultation plan and activities documenting and demonstrating interest, issues of contention (and how they will be addressed) and support among affected parties.
- (9) Formal Business and Implementation plan demonstrating that it can be implemented in a reasonable time frame and documenting the implementation activities and the anticipated effective date. The plan is to include phases (for example: definition, development and implementation) and the activities associated with each phase. The plan shall include how the organization shall address assessments and reporting, performance monitoring, non-compliance and corrective actions. The plan will be the basis for the detailed work plan.

6.2 Transport Canada Civil Aviation – Policy and Regulatory Services

- (1) Receives, verifies and confirms that the following pre-requisites found at 6.1.1 have been met by the requesting organization;
- (2) Reviews and analyzes the proposal to ensure that the intent of current policies is respected;
- (3) Verifies and confirms that requirements set out in section 6.1.2 are met;
- (4) Is the point of contact with the requesting organization and informs organization in writing of various outcomes and decisions;
- (5) Facilitates a risk assessment on the proposal in accordance with the principles and objectives set out in Civil Aviation Directive 30, and determines membership in consultation with Standards branch;
- (6) Submits the results of the risk assessment to NCAMX.

6.3 Transport Canada Civil Aviation - Standards

- (1) Assesses the safety partnership proposal and the risk assessment, and designs a regulatory program in accordance with CDSR principles;
- (2) Develops, using an assessment tool, an oversight, monitoring and evaluation plan, and an implementation plan that will help track the organization's progress.

6.4 NCAMX

- (1) Considers and either approves or denies the proposal of a safety partnership;
- (2) Directs the Executive Director - Standards to design the safety partnership program and develop the compliance, monitoring, assessment and evaluation plan in accordance with the CDSR;
- (3) Requests that additional information be provided if there are impacts that had not been previously identified;
- (4) Directs the Executive Director – Policy & Regulatory Services to inform the aviation organization of its decision.

7.0 CONTACT OFFICE

For more information, please contact the:

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Suggestions for amendment to this document are invited, and should be submitted via the Transport Canada Civil Aviation Issues Reporting System (CAIRS) at the following Internet address:

www.tc.gc.ca/CAIRS

or by e-mail at: CAIRS_NCR@tc.gc.ca

Original Signed by

Merlin Preuss
Director General, Civil Aviation