



Mandatory International Safety Oversight Minimum Requirements (ICAO Annex 19 – Safety Management - http://cockpitdata.com/Gallery/download/20)	Transport Canada	
	Pass	Fail
1. Primary aviation legislation		
1.1 Comprehensive and effective aviation law	✓	
1.2 Ensures access to aviation licence holders	✓	
2. Specific operating regulations	✓	
3. State system and functions		
3.1 The State shall establish an adequately financed agency with sufficient and qualified staff to meet stated safety objectives		✗ ₁
3.2 Recommendation only		
3.3 The State shall provide ethics, personal conduct and conflict of interest guidelines to its staff	✓	
3.4 Recommendation only		
4. Qualified technical personnel		
4.1 Establish minimum qualification standards for inspectors & provide initial and recurrent training		✗ ₂
4.2 Maintain training records		✗ ₃
5. Technical guidance, tools and provision of safety-critical information		
5.1 The State shall provide inspectors facilities, comprehensive and up-to-date technical guidance material and procedures, safety-critical information, tools and equipment, and transportation means, as applicable, to the technical personnel to enable them to perform their safety oversight functions effectively and in accordance with established procedures in a standardized manner.		✗ ₄
5.2 provide technical guidance to the aviation industry on relevant regulations	✓	
6. Licensing, certification, authorization and/or approval obligations		
The States shall implement documented processes and procedures to ensure that personnel and organizations performing an aviation activity meet the established requirements before they are allowed to exercise the privileges of a licence, certificate, authorization and/or approval to conduct the relevant aviation activity.		✗ ₅
7. Surveillance obligations		
The State shall implement documented surveillance processes, by defining and planning inspections, audits, and monitoring activities on a continuous basis, to proactively assure that aviation licence, certificate, authorization and/or approval holders continue to meet the established requirements. This includes the surveillance of personnel designated by the Authority to perform safety oversight functions on its behalf.		✗ ₆

8. Resolution of safety issues	
8.1 The State shall use a documented process to take appropriate corrective actions, up to and including enforcement measures, to resolve identified safety issues.	 7
8.2 The State shall ensure that identified safety issues are resolved in a timely manner through a system which monitors and records progress, including actions taken by service providers in resolving such issues.	 8

¹ Transport Canada fails to meet obligation 3.2 *“sufficient and qualified personnel and provided with adequate financial resources”*

Civil Aviation Inspectors do not have the mandatory training required to carry out duties on behalf of the Minister and a growing number no longer have a valid pilot licence. There are significant staff shortages and the department continually takes steps to reduce its oversight obligations to match shrinking personnel and budgets. Training and oversight activities are often modified, not scheduled or cancelled because of a lack of financial resources.

² Transport Canada fails to meet obligation 4.1 *“establish minimum qualification requirements for the technical personnel performing safety oversight functions and provide for appropriate initial and recurrent training to maintain and enhance their competence at the desired level”*

Transport Canada has established criteria for the Issuance of Official Credentials as they relate to TCCA inspector/officer functions and duties and these are documented in Civil Aviation Directive (CAD) [ADM-005](#) and Staff Instruction [SI-REG-014](#). But, TC Managers are authorizing the issue of full credentials when mandatory training has not been completed.

Nine of ten mandatory courses are currently not being provided to staff. [Abacus Data reports](#) that 45 % of Civil Aviation Inspectors have not received their mandatory training and 70% are required to carry out tasks they are not trained for.

After a 2012 Auditor General report found Transport Canada does not provide training inspectors need to do their jobs, an internal [Transport Canada audit in 2016](#) found the Department still had not acted to resolve these shortcomings.

³ Transport Canada fails to meet obligation 4.2 *“The State shall implement a system for the maintenance of training records.”*

Transport Canada does not keep adequate training records for their inspectors. The internal [Transport Canada audit in 2016 recommends](#):

“Civil Aviation should ensure it has the ability to verify in a timely manner that inspectors have met the mandatory training requirements for their Consolidated Records of Authority.”

⁴ Transport Canada fails to meet obligation 5.1 *“The State shall provide appropriate facilities, comprehensive and up-to-date technical guidance material and procedures, safety-critical information, tools and equipment, and transportation means, as applicable, to the technical personnel to enable them to perform their safety oversight functions effectively and in accordance with established procedures in a standardized manner.”*

Transport Canada sold off two-thirds of its aircraft and reduced flying hours on the few remaining aircraft. This has severely curtailed the ability of inspectors to get to air operators in a timely manner to conduct oversight. [Transport Canada's flying program budget was reduced 60% from 2008/09 to 2016/17](#). In the case of Edmonton, the Transport Canada office responsible for surveillance activities across Canada's northern Territories and Nunavut, all aircraft were sold and the base in Edmonton was closed. Essentially northern airports and air operators were taken out of the surveillance program due to lack of transportation to conduct on-site activities. Aviation oversight in Canada is not conducted in a standardized manner; not only does the risk-based methodology modify the system, lack of resources, shrinking budgets, time constraints and ease of access to an operator also affect decisions regarding the conduct of oversight.

⁵ [Transport Canada fails to meet obligation 6](#). *"The State shall implement documented processes and procedures to ensure that personnel and organizations performing an aviation activity meet the established requirements before they are allowed to exercise the privileges of a licence, certificate, authorization and/or approval to conduct the relevant aviation activity."*

Transport Canada issued an internal notice to staff in initiating a project that allows air operators to modify their "*Company Operations Manuals and associated chapters, Maintenance Policy Manuals, and maintenance control Manuals*" without having to comply with the requirements of the Canadian Aviation Regulations for changes to be approved by the Minister. The IPB provides operators "*with the authority to amend and implement changes to their manual immediately.*"

Transport Canada has announced that it plans to relinquish the responsibility for professional pilot qualification exams to industry. Also, Transport Canada's own pilot inspectors are not trained and qualified to carry out many functions in accordance with established requirements and regulations. Yet, Transport Canada continues to task inspectors to carry out tasks for which a valid licence or other currency is required when they are not trained and qualified in accordance with regulatory requirements.

⁶ [Transport Canada fails to meet obligation 7](#). *"The State shall implement documented surveillance processes, by defining and planning inspections, audits, and monitoring activities on a continuous basis, to proactively assure that aviation licence, certificate, authorization and/or approval holders continue to meet the established requirements. This includes the surveillance of personnel designated by the Authority to perform safety oversight functions on its behalf."*

Transport Canada cancelled the conduct of traditional audits and inspections. TC relies on SMS based processes, even for operators that are not required to have an SMS. By way of an internal notice to staff - [IPB 2016-09](#) - Transport Canada stated: "*No planned surveillance activities will be conducted*" on a significant portion of the industry including business aircraft, aerial work operators, heliports, aviation parts distributors, and the conduct of SMS assessments of certified airport operators. In briefings conducted with Industry associations in Nov 2016, Transport Canada also announced plans to withdraw completely from the checking of pilot proficiency.

⁷ Transport Canada Fails to meet obligation 8.1 *“The State shall use a documented process to take appropriate corrective actions, up to and including enforcement measures, to resolve identified safety issues.”*

Canada’s Aeronautics Act and Canadian Aviation Regulations provide Transport Canada with all the authority it needs to take appropriate corrective action. Transport Canada has abandoned traditional oversight tools and chooses not to use them. The [Transportation Safety Board commented](#) on this trend in their investigation of the Ornge medivac helicopter crash (TSB Aviation Investigation A13H0001):

“Transport Canada (TC), meanwhile, was aware that Ornge RW was struggling to comply with regulations and company requirements. However, the training and guidance provided to TC inspectors led to inconsistent and ineffective surveillance. In particular, despite clear indications that Ornge RW lacked the necessary resources and experience to address issues that had been identified months before the accident, TC’s approach to dealing with a willing operator allowed non-conformances and unsafe practices to persist.”

⁸ Transport Canada Fails to meet obligation 8.2 *“The State shall ensure that identified safety issues are resolved in a timely manner through a system which monitors and records progress, including actions taken by service providers in resolving such issues.”*

Transportation Safety Board recommendations are not addressed by Transport Canada. Often Transport Canada responds to recommendations in a positive manner but then does not act to implement corrective measures. Various reasons for lack of resolution are cited by Transport Canada. Regardless of the justification, the obligation of the state safety program is not being met.

From: <http://www.tsb.gc.ca/eng/surveillance-watchlist/multi-modal/2016/multimodal-02.asp>

“There are currently 52 recommendations directed to Transport Canada that have been active for more than 10 or even 20 years and that still have not been fully addressed.”

“Whatever the reason for the delay, the end result is that the TSB continues to find contributory factors and underlying risks in recent accident investigations that are similar to those that gave rise to long-standing recommendations. More timely safety actions are required to mitigate these risks, including, where appropriate, the adoption of short-term measures pending the implementation of permanent solutions”