



Canada's Civil Aviation Legislative Framework: An Overview

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Introduction

Provide an overview of Canada civil aviation safety and security legislative framework:

- I. Legal foundation
- II. Decentralization
- III. Oversight & Adjudicative Review
- IV. Challenges
- V. Legislative foresight
- VI. Final Thoughts



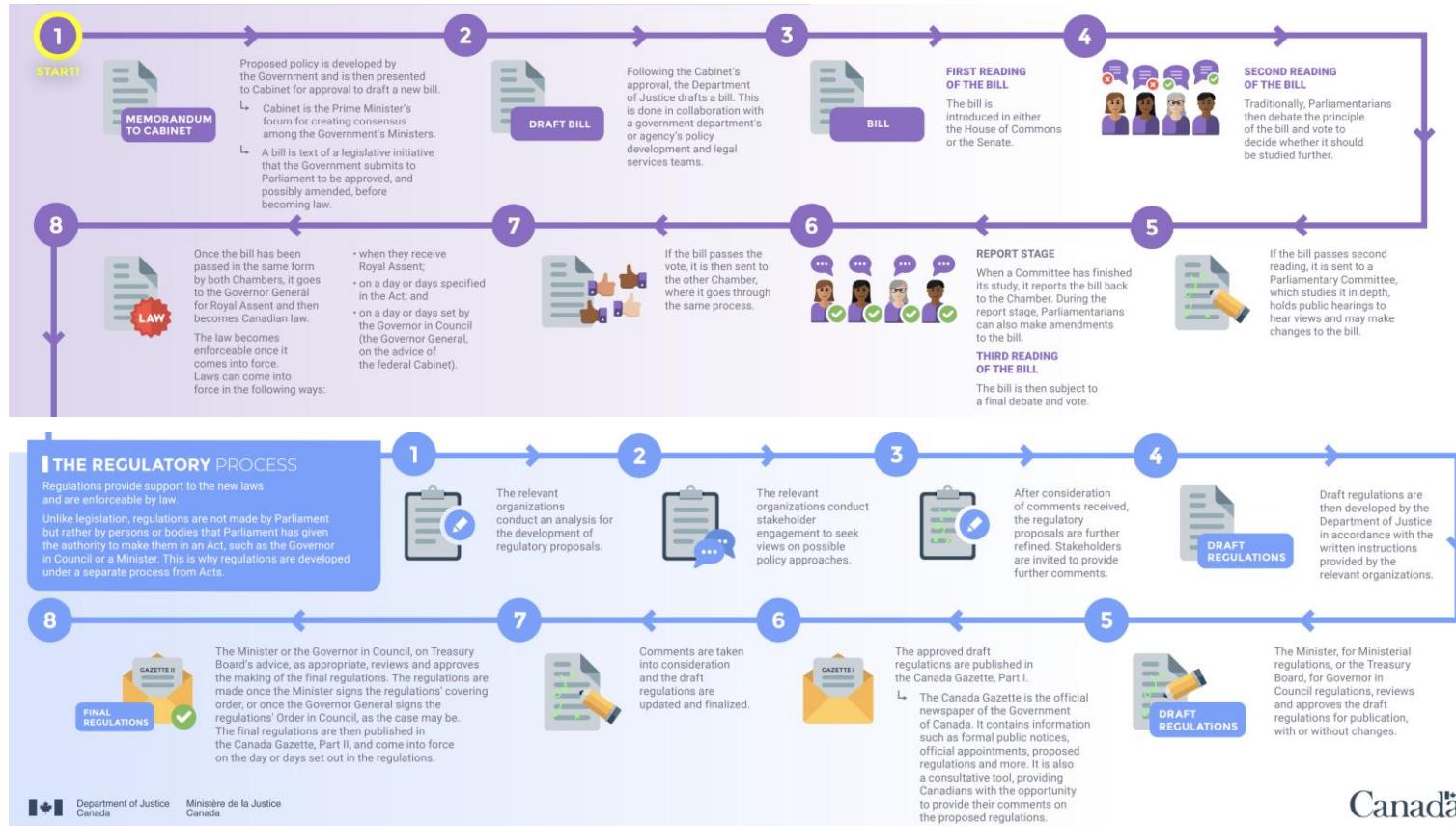


I. Legal foundation - Constitutional and Federal Context

- Canada is a federation with two orders of government: federal and provincial.
- The Constitution divides powers; aeronautics falls under exclusive federal jurisdiction.
- Federal responsibility ensures uniform national standards for safety, security, and operations.
- Provinces retain authority over local matters requiring coordination (e.g., land use, labour, environment).



I. Legal foundation - How laws and regulations are made





I. Legal foundation – Civil Aviation Legislative Framework

- *Aeronautics Act*: Core enabling statute.
- *Canadian Aviation Regulations* (CARs) and *Canadian Aviation Security Regulations* (CASRs) and associated standards implement domestic and international safety and security rules.
- Supporting statutory instruments: i.e. ministerial orders and directions.
- Guidance (policy).
- Together all of these form Canada's legislative ecosystem.





I. Legal foundation – Delegated Mandate and legal authority

- Parliament sets the mandate in the Aeronautics Act, creates powers to implement the mandate and authorizes the making of the regulatory framework.
- Most of the powers are conferred on the Minister of Transport.
- Ministerial powers are exercised through TC officials via statutory delegation and Common Law *Carltona* principles.
- This layered delegation ensures expertise and efficient administration.



II. Decentralization

- Transport Canada is the central regulator and policy authority over civil aviation in Canada.
- However, the governance model also includes decentralized approach where corporations, authorities and agencies carry out certain mandated functions:
 - NAV CANADA (NAV)
 - Canadian Air Transport Security Authority (CATSA)
 - Canada Transportation Agency (CTA)
- Demonstrates balance between operational independence and ministerial accountability.





III. Oversight & Adjudicative Review

- Transport Canada oversees compliance through inspections, audits and enforcement
- Decisions made by Transport Canada under the legislative framework are subject to review by courts and tribunals.
- The Transportation Appeal Tribunal of Canada (TATC) reviews most of the enforcement and certificate actions of Transport Canada;



IV. Challenges

International perspective:

- Prescriptive ICAO SARPs vs. domestic flexibility
- Alignment and equivalency pressures

Domestic perspective:

- Legislative and Regulatory process speed
- Resource demands



V. Legislative foresight

- Build flexibility to enable innovation into the Legal Framework
- Institutionalize Collaboration
- Enable Safe Innovation
- Pilot, Learn, and Scale
- Promote flexibility in design while maintaining International Alignment





VI. Final Thoughts

A sound civil aviation framework is not defined by the number of laws and regulations, but by how clearly law, policy, and practice align to ensure safety, security, fairness, and accountability.

Staying current is not about reacting faster – it's about designing governance systems that learn, adapt and evolve without losing sight of safety and security and the rule of law.



Thank you!

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