

Rural & Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates May 2014

Infrastructure and Regional Development

Question no.: 263

Program: n/a

Division/Agency: Civil Aviation Safety Authority

Topic: AFM Data

Proof Hansard Pages: 143-144 (26 May 2014)

Senator Fawcett, David asked:

Senator FAWCETT: The runway length required really then comes down to the AFM data factored appropriately—I think it is 1.2 for short grass runways and 1.25 for certain weights of aircraft, and there are a couple of factors go in there. But the bottom line is that it is a greater number than is in the AFM itself and that is the legal requirement for operators to operate to.

Mr Leeds: I could not quote those figures exactly. I do not have that information to hand but those other factors do exist.

Senator FAWCETT: With a situation like the master plan for Essendon, where they are proposing to shorten runways, the assurance to the aviation community is that it is a process that will be considered. When CASA provides its input to that process, is that the kind of process that your people will be going through to say that the minimum strip length, particularly for those non-transport category aircraft, is not just what the AFM has but it includes all those factors that an operator is required to consider to operate the aircraft safely?

Mr Leeds: Yes, we would be looking at those sorts of things consistent with the ICAO standards for aerodromes but the exact details I would have to take on notice.

Senator FAWCETT: What I am getting at is, if the proponent for a master plan said the AFM says, 'We need 1,000 metres,' that the aircraft operator would be quite legitimately be able to say, 'What CASA requires is the AFM minimum plus the factors,' which might make it 1,200 metres, that that is actually the minimum strip length required or the accelerate stop distance available, as opposed to the 1,000 metres from the AFM.

Mr Leeds: Again, I am not familiar with the exact science. I would have to take that on notice.

Answer:

In relation to a particular aircraft's suitability to operate to a particular runway at an aerodrome, Civil Aviation Order (CAO) 20.7.4 is applicable to aeroplanes, not above 5700 kg, conducting regular public transport operations (single-engine aeroplanes only), private operations, aerial work operations (excluding agricultural operations) and charter operations. The take-off distance required can be determined for a level, short, dry, grass surface with factors of between 1.15 and 1.25 applied to the distance in the Aircraft Flight Manual for certain maximum take-off weights.

However, where there is an approved foreign flight manual or manufacturer's data manual (such as a Pilot's Operating Handbook) that sets out the take-off distance for that aeroplane, that data may be used. CAO 20.7.4 cautions pilots that the data in some manufacturers' data manuals are unfactored, and should be treated with caution.

Determining whether the take-off distance available is adequate to ensure safe operation of an aircraft is the responsibility of the pilot in command.

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Question no.: 264

Program: n/a

Division/Agency: Civil Aviation Safety Authority

Topic: Archerfield Case

Proof Hansard Page: 144 (26 May 2014)

Senator Fawcett, David asked:

Senator FAWCETT: Could I take you to the Archerfield case, where there was a proposal to change the orientation of one of the grass runways and make it essentially north-south. My understanding is that CASA has endorsed the consultant's calculation of strip length based on the AFM data as opposed to the factored data. Are you able to shed any light on whether CASA did in fact apply the factors so that the end result is a clear indication of what the operator legally has to have to take off and land—with landing it is even greater—or was that advice purely on the AFM data?

Mr McCormick: I will have to take that on notice for Archerfield. We will get back to as soon as we can. I know where you are going with this.

Senator FAWCETT: Okay, take it on notice, but as a principle the operator's requirement is to comply with his ops manual, which has to take into account engine failure situations in terms of the take-off and landing length available.

Mr McCormick: Certainly for the accelerate stop distance available when we are talking about balanced fields length, I should imagine. The grass case is one where I am not too sure what we have said about the grass orientation. I agree with you, and we will take that on notice and get it back to you as soon as possible. We do not have Archerfield in front of us, unfortunately.

Answer:

An airport operator can build a runway to the length they wish and it is the responsibility of the pilot of the aircraft to assess if that length, with the given environmental factors on the day of operation, is adequate for the aircraft to take off and/or land on the runway in question.

CASA advised Archerfield Airport Limited (AAL) that in their report "*Archerfield Airport Planning Issues*" they calculated the required minimum runway lengths correctly. The recommendations of the report found the most critical aircraft for calculation of minimum runway take-off length, being the Cessna 208B Caravan 1 Super Cargomaster, would only require a minimum 890 metres and AAL allocated a minimum of 900 metres. There was no requirement to factor in the AFM data into the determination of runway length.

Where there is an approved foreign flight manual or manufacturer's data manual (such as a Pilot's Operating Handbook) that sets out the take-off distance for that aeroplane, that data may be used. Civil Aviation Order 20.7.4 cautions pilots that the data in some manufacturers' data manuals are unfactored, and should be treated with caution.

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Question no.: 265

Program: n/a

Division/Agency: Civil Aviation Safety Authority

Topic: AAT: O'Brien Tribunal

Proof Hansard Page: 145 (26 May 2014)

Senator Fawcett, David asked:

Senator FAWCETT: ...

Mr McCormick, may I move on to answers that you gave at estimates last year about the costs associated with an AAT case relating to colour vision deficient pilots. You indicated that, as of 1 December 2013, the costs were \$43,500. Can you tell me, in terms of forecast costs, how many expert witnesses CASA plans to call for that inquiry or tribunal?

Mr McCormick: Are you talking about the upcoming O'Brien tribunal in July?

Senator FAWCETT: Yes.

Mr McCormick: I will ask the manager of the legal branch to give you that figure, Senator.

Mr Rule: There will obviously be a number of specialist witnesses called to give evidence.

Senator FAWCETT: Two? Ten? Fifteen?

Mr Rule: I am not across the precise number that would be—

Senator FAWCETT: Would I be wrong if I said 12?

Mr Rule: I could not say that that number is wrong. We are out of the ballpark, but I cannot give a confirmed number at this stage. The exchange of evidence between the parties only just finished at the end of last week, I believe, so there will be some to-ing and fro-ing as to which evidence and which witnesses are required. I can certainly take that on notice and provide a more settled estimate of that for you, if that would assist.

Answer:

Fourteen persons (five being current or former CASA officers, four with current or past experience as aviation regulators and five medical specialists with expertise in relation to colour vision) have provided expert reports or statements at the request of CASA for the purpose of the Tribunal proceedings.

With the exception of Dr Navathe, it is unclear at this stage which of the medical or other expert witnesses will be required to give evidence in person to the Tribunal. A directions hearing was held on 24 June 2014 and CASA has, in accordance with current directions made by the Tribunal, initiated discussions with the applicant's legal representatives in an effort to identify and potentially narrow the scope of the evidence at the hearing. The hearing has now been rescheduled to commence on 21 October 2014.

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Question no.: 266

Program: n/a

Division/Agency: Civil Aviation Safety Authority

Topic: AAT: O'Brien Tribunal

Proof Hansard Pages: 145-146 (26 May 2014)

Senator Fawcett, David asked:

Senator FAWCETT: ...you must also have metrics from previous inquiries. Knowing what expert witnesses charge for their appearances, the travel and accommodation costs, the whole cost of conducting the inquiry in terms of transcript fees et cetera, have you made a provision in your budgeting for how much you anticipate this AAT case will cost?

Mr Rule: Obviously, we do forward estimates of how much we think a case is likely to cost. Generally we do it across quarterly budget considerations, so total cost can get washed out as you conduct these cases piecemeal.

Senator FAWCETT: I am happy to add the figures up, Mr Rule, if you could give me the figures across those quarterly milestones.

Mr Rule: We can certainly take that on notice and provide those figures.

Answer:

To date (18 June 2014), CASA has incurred the following expenses:

Barrister fees	\$8,566
Medical/ expert reports	\$34,550
TOTAL	\$43,116

Based on an expected five day hearing, CASA estimates it will incur the following additional expenses:

Barrister fees	\$20,000
Expert witness attendance fees	\$15,000
Expert witness travel/accommodation	\$4,000
Transcript fees	\$3,000
TOTAL	\$42,000

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Question no.: 267

Program: n/a

Division/Agency: Civil Aviation Safety Authority

Topic: Mandate the CAD Test

Proof Hansard Pages: 146-147 (26 May 2014)

Senator Fawcett, David asked:

Senator FAWCETT: I understand. You did also say in that period that you did not believe there was any intention to mandate the CAD test and that was not the direction CASA was going. But I have subsequently seen a couple of examples where CASA refused to renew the medical of people who previously had multiple renewals of their medical unless they sat the CAD test. Does that not contradict your comment that that is not CASA's intended direction?

Mr McCormick: I will go back and check what I actually said at the time, my recollection of the conversation was that we were talking about using the CAD test as the principal test rather than the Ishihara test or something like that. As I said, I will check that on notice.

Answer:

As discussed during the Estimates Hearings on 24 February 2014, it is not CASA's present intention to mandate the use of the CAD test in the regulations. Consistent with the applicable provisions of Subpart 67.C of the Civil Aviation Safety Regulations 1998, CASA has used the CAD test as its third-level test in recent times, on a case-by-case basis. CASA will continue to utilise the CAD test as one of the testing options for the third-level test, on a case-by-case basis.

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Infrastructure and Regional Development

Question no.: 268

Program: n/a

Division/Agency: Civil Aviation Safety Authority

Topic: Life Rafts on B737-800s

Proof Hansard Page: Written

Senator Xenophon, Nick asked:

I have recently been corresponding with CASA regarding the issue of life rafts on B737-800s, and I note the information provided to me by CASA. I note that Australia's regulations require life rafts to be carried in B737s when travelling beyond 400 nautical miles of the shore, and that this is consistent with ICAO guidelines.

1. When were these regulations last reviewed? Are there plans to review them in the near future?
2. What is the safety case for the regulations in their current form?
3. What communications has CASA had with Qantas in this regard?

Answer:

1. The relevant regulations have been reviewed over the past few years as part of the regulatory reform program and are still under review as part of the development of Civil Aviation Safety Regulation (CASR) Part 121 *Australian Air Transport Operations - Large Aeroplanes*.
2. Civil Aviation Order (CAO) 20.11 *Emergency and lifesaving equipment and passenger control in emergencies* specifies the regulatory conditions surrounding the carriage of life rafts and requires sufficient life raft places to be provided for each person on board a turbine powered aircraft which is operated at a distance equal to 120 minutes at normal cruising speed or 400 nm, whichever is the lesser. The distance of 400nm (or around one hour in a jet aircraft) is consistent with other exposure time limits for modern turbine powered aircraft, such as the distance a twin engine aircraft can operate from an emergency diversion aerodrome before special procedures are required. The safety risks associated with the carriage of life rafts have been reviewed as part of the development of CASR Part 121.
3. Qantas participated on the working group for CASR Part 121, so have been consulted on the proposed requirements as a normal part of the development of the regulations.

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Question no.: 269

Program: n/a

Division/Agency: Civil Aviation Safety Authority

Topic: Qantas Staff Job Losses

Proof Hansard Page: Written

Senator Xenophon, Nick asked:

I have previously written to CASA following concerns that were raised with me by Qantas staff regarding the impact the company's job loss announcement has had on them. Can you please advise what steps CASA has and is taking to ensure safety standards are maintained and that people are not working under undue stress or distraction?

Answer:

CASA commenced enhanced oversight of Qantas from 27 February 2014 (the date of the Qantas staffing announcement) to monitor the ongoing performance of the organisation, including the impact of staff reductions.

CASA has undertaken over 90 surveillance activities focussing on change management, implications for safety performance of the operation and the Qantas Safety Management System. CASA is satisfied that Qantas is managing the change appropriately and that safety of the operation continues to meet acceptable standards. CASA continues to monitor Qantas' ongoing activity in regard to the staffing reductions and aircraft activity.

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Question no.: 270

Program: n/a

Division/Agency: Civil Aviation Safety Authority

Topic: Loss of Separation Assurance Incident

Proof Hansard Page: Written

Senator Xenophon, Nick asked:

CASA would be aware of a report released in late February by the ATSB regarding a loss of separation assurance incident in March 2012, involving two Garuda Airbus A330s. The ATSB was very critical of Airservices' response to the safety issues in the report, and obviously this follows CASA's audit of Airservices.

1. What actions is CASA currently involved in to improve the procedures within Airservices?
2. When can we expect to see a reduction in loss of separation incidents as a result of such improvements and better oversight?
3. Is CASA also working with Airservices in relation to their oversight of the provision of weather advice, with particular reference to the Mildura incident in 2013?
4. CASA would also be aware that the ATSB has just released a report into fume and smoke incidents in Australian aircraft. What steps will CASA be taking to respond to this report?

Answer:

1. CASA continues with ongoing surveillance of Airservices using a risk based software surveillance tool and regular reviews of air traffic service related incident data in order to streamline and best focus its operational surveillance activities. This includes, as necessary, a sampling of Airservices' contingency and business continuity plans. CASA also holds regular meetings with Airservices to review and enhance existing air traffic procedures as well as to introduce new procedures where appropriate.
2. CASA will maintain effective oversight of Airservices, identifying issues requiring attention and action, and taking such further steps as may be necessary to ensure those issues are effectively addressed.
3. CASA is providing information to the ATSB investigation of the Mildura incident. In addition, both CASA and Airservices are participating in the development of a Bureau of Meteorology Aviation Weather Strategic Plan.
4. The report was a joint research project undertaken by CASA and the ATSB as members of the Joint Agency Aviation Safety Analysis Coordination Group (JAASACG). There is no requirement to formally respond to the report; however CASA has undertaken to act on the relevant recommendations.

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Question no.: 271

Program: n/a

Division/Agency: Civil Aviation Safety Authority

Topic: CAO 48.1 Instrument 2013

Proof Hansard Page: Written

Senator Xenophon, Nick asked:

1. Following the introduction of CAO 48.1 Instrument 2013 and up to the end of May 2014, please advise:
 - a. the number of operators by classification of operations who have adopted the new prescriptive rules,
 - b. the number of operators by classification of operations who have applied to commence FRMS trials, and
 - c. the number of operators by classification of operations who have had their FRMS approved.
2. Given that many operators will rely on various forms of software to manage their compliance and safety obligations when rostering the flight crew members, how does CASA intend to verify that each application produces consistent and compliant outcomes? Has CASA developed independent software verification regimes?

Answer:

1. a. As operators are not specifically required to apply to CASA in adopting Appendix 1 through 6 of CAO 48.1, figures are not available. CASA will conduct oversight of how an operator manages fatigue and which appendix (or combination of appendices) they are using in the normal course of surveillance activities.
- b. Ten operators have advised of their intent to request CASA approval of a FRMS and three operators have submitted their application for approval of a FRMS.
- c. Nil.
2. CASA will not independently assess software programs provided by operations management software providers. However, CASA will ensure (through audit) that whatever program an operator uses effectively captures the required limits and reliably registers and reports the operations that are conducted. CASA has proactively engaged with software providers to encourage a timely software development process and address any issues with interpretation of the requirements. This is an ongoing process.

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Question no.: 272

Program: n/a

Division/Agency: Civil Aviation Safety Authority

Topic: Virgin Groups International Operations

Proof Hansard Page: Written

Senator Xenophon, Nick asked:

In regard to the Virgin Group's international operations:

1. Has CASA issued AOCs to Virgin Australia International Airlines Pty Ltd and Virgin Australia Airlines (SE Asia) Pty Ltd?
2. For each of those companies, who are the key personnel for the purposes of s 28(1) and s28BF of the Civil Aviation Act 1988?
3. In each case, are those key personnel employees of the company or are they acting under some form of third party contractual service provisions?
4. In each case, what operational assets are directly and exclusively controlled by the company?

Answer:

1. Virgin Australia International Airlines Pty Ltd has been the holder of an Air Operator's Certificate (AOC) since its inauguration in February 2009. CASA has not issued an AOC to Virgin Australia (SE Asia) Pty Ltd.
2. Key personnel of Virgin Australia International are:
 - Chief Executive Officer: Mr John Borghetti
 - Head of Flight Operations: Captain Paul Doherty
 - Head of Airworthiness and Maintenance Control: Mr Ricardo Dela Cruz
 - Head of the Training and Checking: Captain Stuart Weston
3. All the above personnel are employees.
4. Virgin Australia International Airlines Pty Ltd currently operates a fleet of ten aircraft that are directly controlled by the company (five B777-300ER aircraft and five B737-800 aircraft).

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Question no.: 273

Program: n/a

Division/Agency: Civil Aviation Safety Authority

Topic: Cost of Investigations

Proof Hansard Page: Written

Senator Fawcett, David asked:

1. What was the cost of the investigation 'Antidepressant Usage and Civilian Aviation Activity in Australia 1993-2004'?
2. What has been the financial cost to CASA of the last five AAT Hearings in which CASA has been involved? Please provide the following:
 - a. Staff involved;
 - b. Number of witnesses called;
 - c. Length of time;
 - d. Legal fees;
 - e. Consultant fees; and
 - f. Estimated cost.

Answer:

1. The study "*Anti-depressant use in CASA medical certificate holders*" was undertaken in 2004-2005. It was a joint CASA-ANU research study with a portion funded by the ANU. The costs estimated in the approved business case for CASA were \$96,000. CASA no longer has the expenditure records of this age and cannot verify CASA actual costs or the costs borne by the ANU.
2. The details of CASA's last five AAT hearings are:

**1. Ekinci and Civil Aviation Safety Authority – AAT. Hearing held May 2014
(Decision made 27 June 2014)**

- a. 2
- b. 8 called by CASA, 11 called by the applicant
- c. 8 hearing days
- d. \$47,937 (excluding GST)
- e. \$0
- f. See above

2. Hoore and Civil Aviation Safety Authority [2014] AATA 292 (Decision made 13 May 2014)

- a. 3
- b. 2 called by CASA
- c. 1 hearing day
- d. \$0
- e. \$0
- f. See above

3. Walker and Civil Aviation Safety Authority [2014] AATA 169 (Decision made 28 March 2014)

- a. 3
- b. 4 called by CASA, 3 called by applicant
- c. 3 hearing days
- d. \$47,382 (excluding GST)
- e. \$8,050.00 (excluding GST)
- f. See above

Rural & Regional Affairs and Transport Legislation Committee

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4. Confidential and Civil Aviation Safety Authority [2013] AATA 927 (Decision made 20 December 2013)

- a. 3
- b. 3 called by CASA, 1 called by applicant
- c. 2 hearing days
- d. \$8,633 (excluding GST)
- e. \$0
- f. See above

5. Milton Jones and Civil Aviation Safety Authority - Hearing held December 2013. Decision reserved.

- a. 2
- b. 1 called by CASA, 5 called by applicant
- c. 4 hearing days
- d. \$27,657
- e. \$0
- f. See above