

Rural & Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Additional Estimates 2014 - 2015

Infrastructure and Regional Development

Question no.: 167

Program: n/a

Division/Agency: Civil Aviation Safety Authority

Topic: Wind Farms – CASA Powers

Proof Hansard Page: 97 (24 February 2015)

Senator Back, Chris asked:

Senator BACK: I just want to draw your attention to the Yass Valley Wind Farm—Final Report of a Peer Review of Aviation Impact Assessments and Consultation, prepared for the New South Wales Department of Planning and Environment by The Airport Group in consideration of an application for the Yass Valley Wind Farm. Is that a report with which you are familiar, by any chance?

Mr Skidmore: I am not familiar with the report.

...

Senator BACK: On notice, having had a chance to consider the report, could you provide this committee with some advice on your comments on it? Could I take you to a couple of points and ask for your response? In the executive summary of their report to the department, they raise the question as to whether CASA needs additional powers. If I can quote:

Current legislation in Australia does not allow CASA to satisfy this ICAO requirement... the current Australian aviation legislative framework does not satisfy ICAO requirements with respect to the identification and management of man-made obstacles that are located away from the vicinity of aerodromes.

Before I ask you to comment, the report and recommendations of this particular group, The Airport Group, was that this particular wind farm should not proceed, based on a number of what they saw as obstacles, I think, associated with safe aviation.

...

Mr Mrdak: ... I am happy to look at that report and come back with a full response to you in relation to it. We have the next meeting of Commonwealth state group, the NASAG group, coming up. We will ensure that we come back to you with a full report on how that is traversing.

Answer:

This question was answered at page 97 of the Hansard transcript.

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Question no.: 168

Program: n/a

Division/Agency: Civil Aviation Safety Authority

Topic: Approved Testing Officers

Proof Hansard Page: 94 (24 February 2015)

Senator Fawcett, David asked:

Senator FAWCETT: Is that grandfathering open-ended? Is there a time frame on that?

Mr Crosthwaite: I cannot recall, Senator, whether that instrument goes to the end of the transition period or whether it was a shorter period. I cannot recall. I will take that on notice if you like. But it will certainly provide us with some time to deal with how we manage those flight reviews, and who can conduct them.

Mr Skidmore: Would you like us to get back to you with the actual numbers of ATOs, Senator?

Senator FAWCETT: Yes, that would be useful. I am particularly interested in the geographic distribution...

Answer:

The instrument CASA 289/14 “Approval — for Approved Training Pilot approval holders under CAO 29.10 to conduct flight tests for a low-level rating, low-level endorsement and mustering endorsement”, came into effect on 23 December 2014 and expires on 31 August 2017, which is when the transition provisions for helicopter licensing and flight training operators ends.

ATO's and Location

Location	Number of ATOs	Helicopter Mustering Numbers*
ACT	153	0
NSW	223	2
NT	28	5
QLD	262	4
SA	37	0
TAS	11	0
VIC	162	0
WA	117	1
Other [#]	21	0
Total	1014	12

[#]Location unknown or overseas.

*These people are currently registered to conduct a flight test for low-level ratings, low-level endorsements and aerial mustering endorsements.

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Question no.: 169

Program: n/a

Division/Agency: Civil Aviation Safety Authority

Topic: Remotely Piloted Aircraft Systems

Proof Hansard Page: 96 (24 February 2015)

Senator Fawcett, David asked:

Senator FAWCETT: Okay. This is the last question that I have in this area. It appears that the commercial sector have self-regulated and under 101 have done quite a good job of their training and licensing. There appear to be a number of people who are running businesses using UAS as a platform, particularly around photography. Where there is commercial activity by someone who is not a licensed commercial operator, are you taking any enforcement action in those spaces?

Mr Boyd: That is probably not a question for me; but I am sure that, when we find out, we do and we have. But that is probably more—

Senator FAWCETT: Can I ask you to take that on notice, then? I would be interested to know what positive steps you have taken if it is within your remit or, if you do not believe you have the head of power to take action, what advice you have provided to government so that, collectively, government can take an appropriate response.

Mr Skidmore: We will take that on notice, if I understand the question correctly, Senator, and we will work on getting you an answer to that. I think it comes down to the fact that we can only enforce what we have become aware of in regards to violations. We are not out everywhere, we cannot be policing everything, so we do rely on the information being provided to us.

Answer:

Although it is within CASA's remit, CASA has not undertaken enforcement action against someone performing a commercial activity who is not a licensed commercial operator. CASA's enforcement actions against Remotely Piloted Aircraft (RPA) controllers have principally been focussed on those persons operating a RPA within 30 metres of a person.

CASA is currently reviewing CASR Part 101 with the joint CASA/Industry Unmanned Aircraft Systems Standards Sub-committee focussing on:

- Developing up to date Advisory Circulars to provide better guidance to the industry; and
- Reviewing and amending CASR Part 101 to:
 - bring the terminology in line with ICAO;
 - clarify the current requirements for remote pilot training and certification; and
 - remove redundant requirements and simplify the process for approval.

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Question no.: 170

Program: n/a

Division/Agency: Civil Aviation Safety Authority

Topic: AAT Decision and Colour Vision Deficiency

Proof Hansard Page: 96 (24 February 2015)

Senator Fawcett, David asked:

Senator FAWCETT: Sure, I understand that. I will ask you to take this on notice as well. Since the committee last met with you in estimates, the AAT has handed down its decision in the case of Mr John O'Brien, with regard to colour vision deficiency. CASA lost that case. Mr O'Brien has been given the privileges of exercising the airline transport pilot licence on the basis that he has a safe flying history as a co-pilot and they do not anticipate any increase in risk to the travelling public or others with him exercising the privileges of being a captain. I would be interested in your answer, on notice, about how you plan to move forward with this issue, in that this is twice now that the AAT has found against the CASA position. The AAT's judgement recognises, during the very long period under Liddell and Brock and other principal medical officers within CASA, the very proactive and positive approach to enabling people to fly with appropriate individual assessments. I guess I would like you to, on notice, explain to the committee how you plan to respond to not just this judgement about Mr O'Brien as an individual but also the very clear statements that came out of the AAT around their concerns about the broad application of the CAD Test and the fact that, essentially, each individual should be given the opportunity to demonstrate their competence and safety, regardless of the clinical diagnosis of CVD that may be identified through various forms of testing.

Mr Skidmore: You quite correctly identified that we have only just received the response in regard to Mr O'Brien from the AAT. There is still time for us to appeal that response, and we will provide the information you requested in regard to that. But I would state that the AAT response was in regard to Mr O'Brien, and they did say it was in regard to Mr O'Brien only.

Answer:

CASA will be reviewing the implications of the individual judgement made by the Administrative Appeals Tribunal decision in relation to Mr O'Brien for its wider assessment of applicants for pilot licences with colour vision deficiency (CVD).

CASA notes the need for consistency in the safety assessment of pilot licence applications while recognising the different individual circumstances of each applicant with CVD and its potentially variable impact on their operating performance.

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Question no.: 171

Program: n/a

Division/Agency: Civil Aviation Safety Authority

Topic: European Airline Blacklist

Proof Hansard Page: 100 (24 February 2015)

Senator Heffernan, Bill asked:

Dr Aleck: There are five Indonesian airlines on the black list. Two of those would have operations into Australia. Indonesia AirAsia X is on the black list.

CHAIR: Can you table these?

...

CHAIR: Could you table to this committee the documents that backed up the black listing of those places that fly into Australia that are black listed in Europe?

...

CHAIR: But there are still two airlines flying into Australia, as I understand it, that do not have the rights to fly into Europe?

Mr Mrdak: Before we are definitive, let me go and check that and give you an accurate piece of information on that evidence so far. Let us take that on notice and come back to you.

Mr Skidmore: We can take it on notice and confirm to you exactly the numbers there, but Australia still conducts its own assessment in regards to the application put forward to it.

...

Mr Mrdak: Perhaps if we come back to the committee with some advice in relation to, firstly, foreign air operators certificate requirements and then our safety surveillance program in relation to foreign carriers. If necessary, we can happily provide a briefing to the committee on those matters.

CHAIR: I was just going to suggest that it may be appropriate to prepare a set of documents to brief this committee.

...

CHAIR: Anyhow, you will organise a briefing?

Mr Mrdak: I think that is the best way to handle it.

Answer:

A separate brief on these issues is at [Attachment A](#).

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Attachment A

CASA's general requirements for Foreign Airlines

Foreign carriers conducting commercial operations into and out of Australia on an ongoing basis utilising aircraft registered in a country other than Australia must hold a Foreign Aircraft Air Operator's Certificate (FAAOC).

The requirements for an FAAOC holder are broadly consistent with the standards specified in the relevant Annexes to the Convention on International Civil Aviation (Chicago Convention),¹ are set out in the *Civil Aviation Act 1988* (the Act). Essentially, they require that the operator's organisation:

- has an appropriate chain of command;
- has a sufficient number of suitably qualified and competent employees;
- has key personnel with appropriate experience in air operations;
- has sufficient facilities;
- has suitable procedures and practices;
- engages flight crew members who hold appropriate authorisations; and
- is otherwise suitable,

having regard, in all cases, to the safe conduct of the operations involved (subsection 28(1) of the Act).

Where an applicant for a FAAOC holds an AOC issued by a Contracting State, the assessment process need not be as extensive as it is for an Australian applicant for an AOC in the first instance.

This is because Civil Aviation Safety Authority (CASA) may normally and properly rely on the integrity of the entry control processes employed by the authority of the Contracting State that issued the AOC. In these cases, CASA's assessment process ordinarily involves a validation of the documentation provided to ensure general compliance with the standards specified in the relevant Annexes to the Chicago Convention.

However, additional rules (introduced to the Act in 2009) do apply in relation to FAAOCs, under which CASA may have regard to a range of safety-relevant information about the maintenance and operation of the aircraft to be used in operations under the FAAOC. These additional requirements enhance CASA's ability to assess applications for FAAOCs where closer scrutiny may be necessary or appropriate. In accordance with these provisions, applicants may be obliged to provide (or to facilitate the provision of) information and evidence concerning:

- serious safety deficiencies in relation to the applicant's operations in its 'home' or another country;
- the applicant's ability and willingness to address those safety deficiencies;
- the authority or authorities responsible for the safety oversight of the applicant's operations and the registration, certification and airworthiness of the aircraft to be used under the FAAOC; and
- the management and control of the applicant's operations.

Examples of the kind of information and evidence CASA may require in relation to the matters are set out in the Act.

Without limiting their scope, they include:

- reports identifying serious safety deficiencies;
- information related to the applicant's failure to address deficiencies identified during inspections carried out by the aviation authority of other countries;
- information relating to an accident or serious incident indicating systemic safety deficiencies in relation to the applicant's operations;
- how the applicant responds to CASA's requests for safety-related information;

¹ See especially Annex 1, Personnel Licensing; Annex 6, Operation of Aircraft—Part I, International Commercial Air Transport; and Annex 8, Airworthiness of Aircraft.

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- how any relevant aviation authority responds to concerns raised by CASA in relation to the safety of the applicant's operations, the aircraft used by the operator (or by any other carrier licenced or certified by or that authority);
- information relating to the fitness and propriety of a person who is participating in, or is likely to participate in, managing the applicant's operations; and
- information relating to the fitness and propriety of a person who has, or is likely to have, effective control over the applicant's operations.

The Act unequivocally provides that CASA *must* issue an AOC (or a FAAOC) 'if and only if' CASA is satisfied that the applicant has complied with, or is capable of complying with, all applicable provisions of the legislation. Included amongst the considerations CASA may properly take into account in determining whether it can be so satisfied in connection with an application for a FAAOC (or a related permission), and of particular relevance to the issues of concern to the Committee, are:

- in respect of any serious safety deficiencies that may have been identified in relation to the applicant's operations, if the applicant has proposed or presented a plan for corrective action to CASA, the aviation authority of another country or group of countries, or any other relevant body or organisation, whether the plan is appropriate and sufficient;
- in respect of a relevant aviation safety authority, that authority's reputation for implementing and enforcing relevant safety standards—including:
 - audits and related corrective action plans established under ICAO's Universal Safety Oversight Audit Programme or any other similar program; and
 - whether the applicant's authorisation to conduct air operations is not, or is no longer, recognised by another country or group of countries; and
- the fact that another country or group of countries has imposed an operating ban on the applicant because of deficiencies relating to international aviation standards.

In considering the particular matters mentioned immediately above, CASA may properly have regard to:

- whether the applicant is on the European 'black list', and if the applicant has been expressly exempted from that list, the basis on which that exemption has been given; and
- the categorisation of the State responsible for applicant's operations by the United States Federal Aviation Administration (FAA) as a Category 1, Category 2 (or unclassified) State under the FAA's International Aviation Safety Assessment (IASA) program.

Consistent with its obligations under the Act, CASA must exercise a measure of discretion in determining whether an applicant qualifies for a FAAOC.

In doing so, the factors mentioned immediately above may (and do) properly inform CASA's assessment, giving rise to appropriate requests for the provision of further and better particulars about those matters. In the absence of statutory authority to do so, however, CASA may not lawfully base a decision to *refuse* an application for a FAAOC solely on the ground that another State (or group of States) or national aviation authority has done so, or has otherwise banned or limited the carrier's operations in their jurisdiction. CASA must form its own view exclusively on the basis of air safety.

The FAAOC assessment process systematically considers various organisational and operational factors, including those mentioned above, requiring and requesting relevant information and supporting documentation as the circumstances warrant.

CASA is reviewing its assessment procedures and guidance material for applications for FAAOCs (and related permissions), with a view to the introduction of appropriate enhancements to those processes before the end of 2015. In the process, CASA is examining the policies and practices of other leading aviation authorities, and conferring with individual authorities with a view to better informing any changes that may be introduced.

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CASA's general safety surveillance program in relation to foreign carriers

In addition to its consideration of matters related to the efficacy of the national aviation authority (NAA) of the State of the operator, CASA's general approach to the surveillance of foreign carriers considers the demonstrable safety record of the carrier itself, having particular regard to the carrier's Australian operations, if any.

If a FAAOC or related permission is issued, once operations commence under that authorisation, ramp inspections are regularly conducted in all cases, with additional inspections being conducted to an appropriate scope and depth.

CASA is developing a program for the regularised conduct of additional 'en-route surveillance' activities (on operations under a FAAOC or Non Scheduled Flight Permission (NSFP), as well as other operations conducted by the carrier), simulator surveillance, on-site audits of operators' bases and facilities, informed by an appropriate risk assessment. As a practical matter, such steps are already being taken on an ad hoc basis where circumstances warrant.

Indonesian Airlines with Australian FAAOC

Airline with FAAOC	EU Blacklist Status (as at December 2014)	FAAOC Issued by CASA
PT Garuda Indonesia	No	1990
PT Airfast Indonesia	No	2004
PT Indonesia AirAsia	No	2009
PT Indonesia AirAsia Extra	Yes	2015

Note 1— As at 11 December 2014, all Indonesian air carriers are automatically included on the EU 'blacklist', and thus banned from conducting operations in the European Union, with the exception of *Garuda Indonesia*, *Airfast Indonesia*, *Mandala Airlines*, *Ekspres Transportasi Antarbenuta* and *Indonesia Air Asia*, which have been expressly exempted from that ban by the European Commission (EC) on the basis, in part, of submissions lodged with the EC.

Note 2 — CASA has confirmed that Indonesia Air Asia X was included in the current list of Indonesian carriers automatically banned from operating in the European Union because it (along with three other operators) obtained its Indonesian AOC at a time when all Indonesian carriers (other than previously exempted carriers) were, in effect, automatically subject to the ban. Further to its ongoing consideration of Indonesia AirAsia X's continuing eligibility to hold a FAAOC, CASA has taken steps to obtain information and evidence related to any submission that carrier may make to the EC with a view to obtaining an exemption from inclusion on the 'blacklist', as well as any information provided by the EC to the operator in relation to the Commission's consideration of such submissions.

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Question no.: 172

Program: n/a

Division/Agency: Civil Aviation Safety Authority

Topic: Pel-Air Chief Pilot

Proof Hansard Page: 103 (24 February 2015)

Senator Xenophon, Nick asked:

Senator XENOPHON: I am happy to ask you further questions on this, because it was quite a seminal report about aviation safety investigations and interrelationship between the agencies. Further, in respect of that report, you may be aware of the significant regulatory failures found within Pel-Air by CASA after the ditching, both in that special audit and in the Chambers report. Does the former chief pilot of Pel-Air, who was with the company when these breaches occurred, now hold, or has he held recently, a regulatory compliance position within CASA?

Mr Skidmore: I cannot answer that with my estimation—

Senator XENOPHON: Mr Farquharson may know.

Mr Farquharson: I am aware that he did.

Senator XENOPHON: This is something that Senator Heffernan was particularly interested in, in terms of the former chief pilot of Pel-Air working with CASA.

Mr Farquharson: I am aware that he did join CASA. I am not sure whether he is still with us.

Senator XENOPHON: Could you take that on notice, please, and if he did leave, on what date did he leave?

CHAIR: That was with regard to the downgrading of the incident judgement call.

Senator XENOPHON: Yes. What due diligence did CASA undertake to ensure this individual was not responsible for the many and significant breaches found within Pel-Air and was arguably unsuitable to hold such a role within CASA? I am happy if you take it on notice, but it is a key—

Mr Skidmore: I think we will have to take it on notice.

Answer:

The relevant officer is still employed by CASA in the Operations Division.

The response to this matter was provided for in Question on Notice: *CASA08* provided to the Rural and Regional Affairs and Transport References Committee after the Inquiry into Aviation Accident and Investigations (Pel-Air) hearing on 22 October 2012 and referenced in the Hansard for the 22 October 2012 hearing from pp. 33-52.

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Question no.: 173

Program: n/a

Division/Agency: Civil Aviation Safety Authority

Topic: Cessna Upgrades

Proof Hansard Page: Written

Senator Williams, John asked:

1. I am getting complaints about the costs involved in upgrading Cessnas under the SIDS programme. One owner tells me he has heard of people having to spend up to \$200,000 to comply as it involves essentially dismantling the aircraft and rebuilding them. In the case of the owner I have spoken with, he had a quote of \$60,000 and was debating whether to just stop flying because of the cost. The common complaint seems to be these aircraft are no more unsafe than any other - same materials, same ages, common motors – yet Cessna owners feel they are being victimised. I understand Cessna itself has instigated this programme but is the cost of compliance a concern that has been raised with CASA?
2. How many complaints have CASA received about the new regulations?
3. Are you able to determine if any aircraft are no longer flying in Australia due to this new compliance regulation?
4. Can CASA tell me if anywhere in the world a wing has fallen off a Cessna in the 1, 2 or 3 series category?

Answer:

1. Yes.
2. The Aviation Ruling did not introduce new regulatory requirements; it simply clarified the existing regulatory requirements. CASA has received a number of comments since the Aviation Ruling came into effect in April 2014. The comments have been diverse with approximately only twelve being considered by CASA as a complaint with regard to certain aspects of the Aviation Ruling.
3. No.
4. CASA is not aware of any.

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Question no.: 174

Program: n/a

Division/Agency: Civil Aviation Safety Authority

Topic: Cirrus Report #ATS-0125061

Proof Hansard Page: Written

Senator Xenophon, Nick asked:

1. At the time CASA reviewed Airservices Cirrus report #ATS-0125061 was it aware that approximately 3 hours had elapsed between the time the reported breakdown of communication occurred and the time it was detected and corrected?
2. At the time CASA received ATSB's advice that no loss of separation or separation assurance had occurred as suggested in REPCON AR201300090 was it aware that approximately 3 hours had elapsed between the time the reported breakdown of communication occurred and the time it was detected and corrected?
3. When and how did CASA become aware of the three hour time delay between the error referred to in Cirrus #ATS-0125061 occurring and its subsequent detection and correction?
4. Did CASA independently review the Cirrus #ATS-0125061/REPCON AR201300090 radar tapes or did it rely on the advice of Airservices and ATSB that no loss of separation or separation assurance had occurred over the three hour period?
5. CASA's response to ATSB with regards to REPCON AR201300089 states in part, "... CASA is aware that the Melbourne Surface Movement Control (SMC) position is a complex and high workload area. CASA has recommended that Airservices conduct a review of the SMC position post INTAS transition. CASA will be monitoring the results of this review." CASA's answer to QoN #257 regarding its recommended Melbourne Surface Movement Control review states, "... CASA is aware Airservices Australia conducted a Post Implementation Review (PIR) of the Melbourne Tower Integrated Tower Automation Suite (INTAS) and was not specifically required to provide it to CASA". The answer further states, "... CASA is satisfied that the PIR conducted by Airservices Australia covers the intent of CASA's recommendation for a review as stated in REPCON AR201300089".
6. How did CASA satisfy itself that the INTAS PIR conducted by Airservices covered the intent of CASA's Melbourne Surface Movement Control review recommendation and also fulfil its monitoring assurances without obtaining a copy of the Airservices PIR?

Answer:

1. No.
- 2-3. CASA became aware of the three hour period when it received the REPCON AR201300090 from the ATSB on 9 December 2013.
4. CASA relied upon the advice from Airservices.
- 5-6. CASA sought a copy of the PIR from Airservices, which was received on 5 May 2014, which satisfied CASA that Airservices had undertaken the recommendation for a review.

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Question no.: 175

Program: n/a

Division/Agency: Civil Aviation Safety Authority

Topic: Maintenance and Airworthiness

Proof Hansard Page: Written

Senator Xenophon, Nick asked:

1. In relation to CASA's answer to Questions on Notice number 245 (Supplementary Estimates) - CASA says that unlicensed personnel have been able to certify for the airworthiness of their tasks a result of the changes to Parts 42 and 145 of the Civil Aviation Safety Regulations.
 - a. What were the changes to Parts 42 and 145 that permitted this and when did they occur?
2. Guidance Material (GM) provides explanations and amplification of a CASR policy intention. Guidance Material (GM) was published with the Regulations and Manual of Standards for Part 145 and was last updated in April 2014 and is still current. This Guidance Material MOS GM 145.A.30 (f) says that unlicensed personnel aren't to certify for airworthiness and this must be done by the holder of a licence that covers the work.
 - a. Why does the Guidance Material say that airworthiness determinations and certifications must be made by a licenced engineer but CASA says that the changes to Part 42 and 145 removed this requirement?
 - b. Did CASA inform the industry when they were making the changes to Part 42 and 145 (referred to in their answer) that the effect of the changes would be to remove the requirement for an airworthiness signature for a non-licenced persons work?
3. In relation to CASA's answer to Questions on Notice number 245 - CASA says that unlicensed personnel have been able to certify for the airworthiness of their tasks a result of the changes to Parts 42 and 145 of the Civil Aviation Safety Regulations. What were the changes to Parts 42 and 145 that permitted this and when did they occur?
4. Guidance Material (GM) provides explanations and amplification of a CASR policy intention. Guidance Material (GM) was published with the Regulations and Manual of Standards for Part 145 and was last updated in April 2014 and is still current. This Guidance Material MOS GM 145.A.30 (f) says that unlicensed personnel aren't to certify for airworthiness and this must be done by the holder of a licence that covers the work.
 - a. Why does the Guidance Material say that airworthiness determinations and certifications must be made by a licenced engineer but CASA says that the changes to Part 42 and 145 removed this requirement?
 - b. Did CASA inform the industry when they were making the changes to Part 42 and 145 (referred to in their answer) that the effect of the changes would be to remove the requirement for an airworthiness signature for a non-licenced persons work?

Answer:

1. The introduction of Parts 42 and 145 was by addition in 2010, via amendment order No 328, registered by FRLI on 14 December 2010. These regulations provided for use of *specialist* maintainers to certify for maintenance.
2. a. and b. This is incorrect, as the airworthiness determination situation has not changed by virtue of the amendments to guidance material or the recently disallowed Manual of Standards amendment. Previously specialist maintenance (e.g. welding and non-destructive testing) was carried out by the holders of airworthiness authorities (not licences).

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While specific terminology has changed and the number of specialisations expanded, Licensed Aircraft Maintenance Engineers (LAMEs) have always relied on maintenance provided by such specialists. LAMEs have always provided the overall airworthiness determination for systems/subtasks involving specialists and in providing the certificate of release to service for the aircraft (airworthiness determination for the aircraft).

CASA consults with industry for the instruction and amendment of delegated legislation in accordance with the requirements of the *Civil Aviation Act 1988*. CASR Parts 42 and 145 were fully consulted via joint CASA industry workgroups, CASA's Standards Consultative Committee and Notices of Proposed Rulemaking.

3. Refer to answer 1.
4. Refer to answer 2.

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Question no.: 176

Program: n/a

Division/Agency: Civil Aviation Safety Authority

Topic: Regulatory Reform Program

Proof Hansard Page: Written

Senator Sterle, Glenn asked:

I refer to Corporate Strategy 1.2 which relates to ongoing completion of the regulatory reform program in place at the start of 2013-4.

1. I note two ticks to indicate substantially completed – where are we in the three phases regulatory reform program that was in place at the start of 2013-4?
2. Where are we with Phase 3 of the reform program? Is this still a priority?

Answer:

1. The phases referred to in Corporate Strategy 1.2 refer only to the Maintenance Regulations, which had only two phases: Phase 1 – Regular Public Transport (RPT) sector and Phase 2 – non RPT sectors.
2. As at 15 March 2015, CASA has made 43 CASR Parts (in whole or in part) of the reform programme. Finalising the reform programme is still a priority for CASA.

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Question no.: 177

Program: n/a

Division/Agency: Civil Aviation Safety Authority

Topic: Approved Maintenance Organisations

Proof Hansard Page: Written

Senator Sterle, Glenn asked:

I refer to an answer CASA gave to QoN 252 from the 2014-15 Supplementary Budget Estimates round:

Question no.: 252

Program: n/a

Division/Agency: Civil Aviation Safety Authority

Topic: Misleading and False Information

Proof Hansard Page: Written

Senator Sterle asked:

If CASA became aware that an Approved Maintenance Organisation has provided misleading and false information to them during an investigation what actions would CASA take?

Answer:

CASA would firstly consider whether information provided to it was false or misleading. Secondly, it would determine if the organisation intentionally provided false or misleading information.

CASA would also consider the nature of the false or misleading information, that is, the gravity or nature of the information and any safety consequences of the information being false or misleading.

In appropriate cases, CASA would consider taking action against the organisation, which could range from involving a counselling notice or referring the matter to the Commonwealth Director of Public Prosecutions (CDPP) for prosecution. In some cases, the most appropriate action would be to refer the matter to the Australian Federal Police (AFP) for investigation.

1. Is CASA aware of any Maintenance Organisations that were under investigation by CASA that had provided false or misleading information to them?
2. What action did CASA take? If no action was taken why not?
3. Were any of these Maintenance Organisations based overseas?
4. What administrative actions are CASA able to take against an overseas based Maintenance Organisation that have breached aviation regulations?
5. What are the powers of the Commonwealth Director of Public Prosecution and the AFP in a foreign jurisdiction?
6. How is an offence of Strict Liability prosecuted in a foreign jurisdiction?
7. When an Australian aircraft is undergoing maintenance in a overseas based Maintenance Organisation with a CASA approval are the employees of the Maintenance Organisation working under the Australian aviation regulations and offence provisions or the regulations and offence provisions of the country in which the maintenance is being undertaken?
8. Did CASA receive misleading information during an investigation into ST Aerospace in Singapore in relation to Scribe Line inspections using an SDMS measuring system?
9. If so what actions did CASA take?

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Answer:

1. No.
2. N/A.
3. N/A.
4. CASA can take action to cancel or suspend an Approved Maintenance Organisation's (AMO) Part 145 Certificate.
5. This is a matter for the Commonwealth Director of Public Prosecution and the AFP.
6. The prosecution would not take place in a foreign jurisdiction. The regulator in that jurisdiction may be able to take action if there was an offence committed against the aviation legislation of that jurisdiction.
7. The *Civil Aviation Act 1988* and regulations made under it, will apply to the overseas based AMO. Whether, as a separate matter, the regulations and offence provisions of the country in which the maintenance is being undertaken also have application depend upon the legislation in that country.
- 8-9. CASA received an allegation from a third party in 2014 and enquiries into that allegation are ongoing.