

Rural & Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates May 2013

Infrastructure and Transport

Question no.: 91

Program: n/a

Division/Agency: (CASA) Civil Aviation Safety Authority

Topic: Staffing

Proof Hansard Page/s: 95 (29/05/2013)

Senator Fawcett asked:

Senator FAWCETT: Mr McCormick, I ask about the CASA staffing level. In looking at the most recent annual reports and budgets I noticed from 2006 through to the most recent figures that corporate services have gone from 342 people with an additional 74 people to 416; senior management has increased by 43 positions and yet the coalface, in terms of flying operations for airlines, has decreased by four and for general aviation it has decreased by nine. In terms of value to the aviation industry, can you talk to the committee about why those disparate changes are occurring and where you are investing your resources?

Mr McCormick: The actual breakdown on the numbers I can take on notice and get back to you. What we have tried to do with our frontline staff, as with our backline staff, is that the current percentage is about 39 per cent of our people are not frontline staff. Frontline staff also include legal officers, aerodrome inspectors and some other people other than the flight operations inspectors as such. The target that I have given the organisation to head towards is 30 per cent of back-office staff to front-office staff by the end of this calendar year. In general terms, if you are in private enterprise, you would say 25 per cent would be about the breakdown in numbers, but that is almost unattainable and it is more or less an aspirational goal. So we are shifting the focus to the front end of the organisation as best we can and GA and air transport—even though the breakdown there is by their category, which is by pay—are combined into teams so we are looking at more cross-functional operations. I can give you more detail on notice.

Senator FAWCETT: Can that information come back, rather than on notice, perhaps within the next day or so of what your strategy is for investment because on notice is going to be probably during the election campaign, which is not much use to anyone.

Answer:

The numbers referred to by Senator Fawcett refer purely to employment classification of staff within CASA. The table below shows classifications and numbers from 2005/6 to 2011/12.

	05/06	06/07	07/08	08/09	09/10	10/11	11/12
Flying Operations Inspector (General Aviation)	71	64	57	50	56	58	62
Flying Operations Inspector (Air Transport)	33	24	23	27	29	28	29
Air Transport Inspectors & Safety Systems Specialists	N/A	11	22	19	21	19	23
Flight Safety Adviser/ Aviation Safety Adviser	N/A	5	11	12	11	12	11
Flight Training Examiner	N/A	N/A	1	5	9	7	9
SUB-TOTAL – Flying Operations	104	104	114	113	126	124	134
Airworthiness & Aerodrome including Other Inspectors***	185	155	145	149	94	97	94
	N/A	N/A	N/A	N/A	54	78	85
SUB-TOTAL – Airworthiness & Aerodrome including Other Inspectors	185	155	145	149	148	175	179
Corporate (People, IT, Finance, Property & Support to Operations)	341	319	329	346	350	410	416
Professional Services **	14	14	11	13	15	16	21
Senior Manager (SMG D to SMG A)	25	23	54	55	63	61	68*

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- * Currently 45 frontline, 23 non-frontline as at June 2013.
- ** Professional Services include Air Traffic Controllers, Doctors, Lawyers and any classification that is a professional role that does not readily fit into the corporate or operational stream.
- *** Up to 2009, Dangerous Goods Inspectors, Cabin Safety Inspectors and Manufacturing Inspectors and other miscellaneous inspectors were grouped under Airworthiness and Aerodrome inspectors for reporting purposes.

Changes in staffing numbers, including those related to senior management, are mainly to align CASA's functions with the *Civil Aviation Act 1988*. This alignment has also seen some changes in position titles and reporting lines for staff.

The current workforce data for 2012/13 indicates that 65% of CASA's available total workforce is directed at front line functions and the Director's aim is to have that at 70% within the calendar year.

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Question no.: 92

Program: n/a

Division/Agency: (CASA) Civil Aviation Safety Authority

Topic: Industry advice

Proof Hansard Page/s: 95 (29/05/2013)

Senator Fawcett asked:

Senator FAWCETT: Given that Robinson themselves in July 2006 issued safety notice 40 indicating that there had been a number of cases where the people who survived the accident went on to be severely burned or killed by the fire and they strongly recommended that all occupants, not just the regular pilot but all occupants, wear fire-retardant Nomex flight suits, gloves, hood and helmet, did CASA take any action at that time to advise industry of the risk of this operation in this aircraft?

Mr McCormick: I would have to take that on notice for 2006. It predates the information I have available.

Answer:

Safety Notice (SN-40) was not a requirement mandated by the Robinson Helicopter Company (RHC). It was a non-mandatory notice issued via the manufacturer to all Robinson helicopter owners. In CASA's view SN-40 was well distributed within the helicopter community via the RHC aircraft owner distribution system, released on the RHC website and via amendments to the relevant flight manuals.

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Question no.: 93

Program: n/a

Division/Agency: (CASA) Civil Aviation Safety Authority

Topic: CASA IT tool

Proof Hansard Page/s: 97 (29/05/2013)

Senator Fawcett asked:

Senator FAWCETT: Can you tell me the final overall cost of the system as of this budget?

Mr McCormick: For the CASA IT tool Sky Sentinel business and technical implementation, development implementation and the new CASA surveillance manuals from March 2011 to June 2013, the total cost was \$2,419,157, but we do not have the breakdown of the Sky Sentinel out of that at this stage.

Senator FAWCETT: Can you come back to the committee today, if you can, or tomorrow with that figure? I would be interested to know how much that was.

Mr McCormick: Certainly.

Answer:

The original software/IP was purchased for \$35,750 (GST inclusive) knowing additional work would be required in regard to the subsequent development into a functioning system and deployment throughout CASA. The total development costs of the system (including the purchase of the software and IP) was \$1,027,848.

As advised at the hearing on 29 May 2013, the total overall cost was \$2,447,184 which as well as the above, includes associated costs such as preparation of a user manual, training of staff and managers involved in surveillance and business implementation.

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Question no.: 94

Program: n/a

Division/Agency: (CASA) Civil Aviation Safety Authority

Topic: Pentana PAWS system

Proof Hansard Page/s: 97 (29/05/2013)

Senator Fawcett asked:

Senator FAWCETT: Lastly, I noticed that Airservices Australia use the Pentana PAWS system. They also list CASA on their website as a customer. Have you been in contract with them previously to use their system?

Mr McCormick: We did have a contract with PAWS which we discontinued before we moved into this system.

Senator FAWCETT: Did you ever have the system? Did you ever trial it or modify it?

Mr McCormick: We certainly had Pentana but my recollection of the time, and I will take it on notice, was that the system was not delivering what we wanted it to deliver.

Senator FAWCETT: Did CASA ever attempt to modify it?

Answer:

CASA's review of Pentana showed the system could not be modified to meet CASA's needs within reasonable costs and timeframe, and was thus unsuitable for CASA's use.

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Question no.: 95

Program: n/a

Division/Agency: (CASA) Civil Aviation Safety Authority

Topic: Reg 309A

Proof Hansard Page/s: 98 (29/05/2013)

Senator Fawcett asked:

Senator FAWCETT: Mr McCormick, can you confirm that under reg 309A it is actually a strict liability offence to disregard instructions of a crew member?

Mr McCormick: I will take that on notice. I do not have the regs with me at the moment.

Answer:

Yes, Regulation 309A of the Civil Aviation Regulations 1988 is an offence of strict liability.

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Question no.: 96

Program: n/a

Division/Agency: (CASA) Civil Aviation Safety Authority

Topic: Personal electronic devices

Proof Hansard Page/s: 98 (29/05/2013)

Senator Fawcett asked:

Senator FAWCETT: The other question for CASA is that I notice that in 2001 you started a process for personal electronic devices, a notice for rule-making, where it was strict to control. I also notice there have been a number of drafts and consultations of that, but I do not actually find anywhere an approved regulation around personal electronic devices. With that process that started in 2001, has CASA actually issued a regulation control on these devices yet?

...

Mr McCormick: I am not aware of that, but I will take it on notice and give you a breakdown of what has happened. Did you say since 2001?

Senator WILLIAMS: That was the original notice, yes. If you could confirm that the head of power that the flight crew operate under to tell people to turn phones off is 309 Alpha, which is a strict liability offence.

Answer:

Draft regulations covering the use of personal electronic devices are just one small part of a major update to Civil Aviation Safety Regulation (CASR) Part 91 the draft of which went out for public and industry comment in March 2011. Following extensive comments from industry on the draft regulation and cognisant of industry's capacity to transition to and implement regulatory changes, CASA will provide a final proposal on the new CASR Part 91 for public comment next year.

The 'head of power' for flight crew to operate under, in relation to providing instruction to passengers, is Regulation 309A of the Civil Aviation Regulations 1988.

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Question no.: 97

Program: n/a

Division/Agency: (CASA) Civil Aviation Safety Authority

Topic: OC or UAV controller certificate

Proof Hansard Page/s: 99 (29/05/2013)

Senator Ludlam asked:

Senator LUDLAM: It is. Senator Heffernan's intervention is always entertaining. How is CASA checking, testing and signing off new applicants for an OC or UAV controller certificate? How is that actually done?

Mr McCormick: It might be best if I give you that on notice.

Answer:

For Unmanned Aerial Vehicle (UAV) Operator Certificates (UOC), new applicants are required to submit an operations manual for assessment and approval. Once the manual is settled, the applicants are interviewed to ensure they understand their obligations as Chief Controller and Maintenance Controller. Applicants also undertake proving flights that include a standard set of exercises to determine their ability to operate the UAV safely, basic handling skills and a simulated mission scenario, based on the type of work the applicant intends to undertake. The Chief Controller is also required to obtain a UAV Controller Certificate.

For a UAV Controller Certificate, the applicant is required to complete the Private Pilot Licence theory test, a manufacturer's training course and have logged a minimum of five hours operating on type. The checking of their operating ability is normally conducted only as a part of the applicant's UOC proving flight, but where the individual does not intend to progress to the UOC (e.g. an individual working for an organisation with a UOC), they will be checked during the Controller Certificate process.

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Question no.: 98

Program: n/a

Division/Agency: (CASA) Civil Aviation Safety Authority

Topic: Breaches of aviation regs

Proof Hansard Page/s: 100 (29/05/2013)

Senator Ludlam asked:

Senator LUDLAM: Has ACUO provided CASA with information regarding breaches of aviation regs in Australia?

Mr McCormick: As an organisation or as members from that organisation?

Senator LUDLAM: As an organisation. You can take it on notice if you do not have it at the table.

Mr McCormick: I do not think that we have heard from that organisation, but we will check and if we have we will get back to you on notice.

Senator LUDLAM: Take it on notice if you like.

Answer:

The Australian Certified UAV Operators Inc (ACUO) has notified CASA of a number of alleged potential breaches of Part 101 of the Civil Aviation Safety Regulations 1998. The allegations are generally in the form of a list of websites that relate to operators and occasionally comments are made in relation to an alleged breach.

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Question no.: 99

Program: n/a

Division/Agency: (CASA) Civil Aviation Safety Authority

Topic: Taxis

Proof Hansard Page/s: 101 (29/05/2013)

Senator Nash asked:

Senator NASH: I know, but I am really keen to know why it is \$200,000. There might be a very good reason, but you are not giving us a reason here. All you are saying is, 'All taxi use must be acquitted in accordance with applicable policies and appropriate use in expenditure.' We get that. What we want to know is why there is almost a \$200,000 bill for taxis for CASA.

Mr McCormick: We will take it on notice and get some more information.

Answer:

CASA is unable to provide individual details of the purpose of each taxi use.

Of the \$184,000 in taxi fares that CASA incurred for the July 2012 to January 2013 period:

- \$145,000 (79%) relates to CASA's core activities (such as surveillance, audit, regulatory services, drug testing, enforcement, oversight of sports aviation organisations, safety analysis, flying standards, safety education and promotion and standards development and implementation)
- \$39,000 (21%) relates to support activities (such as finance, human resources, information technology, governance, executive management, industry complaints and, international activities such as representation at the International Civil Aviation Organization).

CASA's approval and acquittal processes for travel includes taxi fares and the total costs must be approved before and acquitted afterwards by the relevant manager. As part of this process, the specific reason for the taxi is not included in any searchable data field.

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Question no.: 100

Program: n/a

Division/Agency: (CASA) Civil Aviation Safety Authority

Topic: Aviation safety

Proof Hansard Page/s: 106 (29/05/2013)

Senator Xenophon asked:

Senator XENOPHON: I am not suggesting that, and I understand the heavy burden on CASA to oversee the aviation safety of this country. Can you take this on notice, because I am going to run out of time, there is a perception out there—

Mr McCormick: I acknowledge that.

Senator XENOPHON: not just from people I speak to—Senator Macdonald has spoken to many, Senator Nash and other colleagues in the Senate and in the lower house have raised this issue as well. There are too many stories from too many people. Could you at least take on notice to consider carefully: how can you defuse what appears to be a culture of fear amongst some within the aviation industry.

Mr McCormick: Certainly, Senator, and I do acknowledge that.

Answer:

CASA is aware of allegations by certain elements of the aviation industry that they have a ‘fear of retribution’ by CASA if they comment or report on safety matters. CASA does not tolerate regulatory actions based on any idea of ‘retribution’. CASA has existing measures in place to report safety issues, including the ability to report anonymously. Any issues arising from the behaviour of CASA staff should be raised with CASA’s Industry Complaints Commissioner who is independent of CASA’s regulatory and enforcement regimes.

CASA will review existing mechanisms for the reporting and handling of complaints to determine if any enhancements are required. The Director will also continue to visit various regions of Australia to listen to industry concerns.

CASA is committed to acting on proven examples of retribution and welcomes any information on such alleged actions.

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ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates May 2013

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Question no.: 101

Program: n/a

Division/Agency: (CASA) Civil Aviation Safety Authority

Topic: Fatigue risk management systems

Proof Hansard Page/s: 106 (29/05/2013)

Senator Xenophon asked:

Mr Boyd: As far as I am aware, the only feedback we have from pilots, for example, on the fatigue regulations is to do with the representation of the pilots' groups on the safety action groups that we have in the regulations for consultation around fatigue risk management systems.

Senator XENOPHON: Who represent thousands of pilots.

Mr Boyd: Indeed.

Senator XENOPHON: They are saying that these rules stink and that there is a real risk in terms of fatigue and with it aviation safety. So why would you not put a lot of weight on what the pilots are saying?

Mr Boyd: Senator, the feedback we are getting is not that the rules stink, as you put it.

Senator XENOPHON: But it is that they do pose a risk to aviation safety.

Mr Boyd: The only feedback we have from the pilots association is about that particular issue.

Senator XENOPHON: And will you be acting on that particular issue?

Mr Boyd: We have replied to the association to say that we are taking the ICAO approach, and that is what we have taken all the way through this development of the fatigue regulations.

Senator XENOPHON: Can you provide us with details of documents with respect to that?

Mr Boyd: Absolutely.

Answer:

A comprehensive briefing on fatigue and risk management systems (FRMS) and issues related to Civil Aviation Order 48 (CAO 48) was provided by CASA to members of the Rural & Regional Affairs and Transport Legislation Committee on Monday 24 June and Tuesday 25 June 2013.

Ultimately CASA must be satisfied that an airline's FRMS meets its rigorous safety requirements and CASA will monitor and audit industry compliance with their approved FRMS.

CASA has established a comprehensive implementation and awareness program to inform the aviation industry and its employees of the new rules. This program includes the use of:

- a wide ranging fatigue "question and answer" section on its website;
- a detailed fatigue booklet and implementation guide on its website;
- a fatigue risk management system handbook and process manual; and
- national face-to-face briefing sessions with industry and interested stakeholders which commenced earlier in May 2013.

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Question no.: 102

Program: n/a

Division/Agency: (CASA) Civil Aviation Safety Authority

Topic: Bankstown office surveillance

Proof Hansard Page/s: 107 (29/05/2013)

Senator Xenophon asked:

Senator XENOPHON: I have got two more questions. What prompted you to focus on the Bankstown office?

Mr McCormick: I will take this on notice, but from memory there were over 77 certificates being managed from a very small office. In other words, an enormous amount of surveillance was being done at Bankstown.

Answer:

As advised during the hearing, the CASA Bankstown Office was managing a large number of certificates at the time and they were also the office responsible for the oversight of Pel-Air.

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Question no.: 103

Program: n/a

Division/Agency: (CASA) Civil Aviation Safety Authority

Topic: Pel-Air reports

Proof Hansard Page/s: 107 (29/05/2013)

Senator Xenophon asked:

Senator XENOPHON: Was there any material associated with the report, such as a covering note or notes attached to that report, that CASA did not provide to the committee? You may want to take that on notice. In other words, as part of the extensive process of obtaining documents as part of the preliminary enquiry, the many boxes of documents, we got the report—

Mr McCormick: To my knowledge, what you got was all of the report. If there was an email that said, 'Here is the Chambers report attached', you would have had that email as well.

Senator XENOPHON: I would urge you to take this on notice, in fairness to you.

Mr McCormick: We will take it on notice.

Senator XENOPHON: Were there any covering notes or any associated materials with that report that were not provided to the committee?

Mr McCormick: Senator, as you know, we have provided well over 600 emails to you. The only difficulty I am having is knowing what we actually provided to you and saying whether we actually provided it or not. I will go back and look at the Chambers report and we will take it on notice.

Senator XENOPHON: My understanding is that there was not a covering note or any associated note with the report, but I would like to know whether there was one.

Mr McCormick: To my knowledge there was not, but we will take it on notice.

Answer:

CASA provided a copy of a covering Minute to the Director of Aviation Safety (advising that the “Chambers Report” was attached) to the Senate Standing Committee on Rural and Regional Affairs and Transport during the Aviation Accident Investigations Inquiry, which is available on the Inquiry website. CASA was not able to find any other covering or associated notes to this report in its records.

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Question no.: 104

Program: n/a

Division/Agency: (CASA) Civil Aviation Safety Authority

Topic: CAO 48

Proof Hansard Page/s: 107-108 (29/05/2013)

Senator Rhiannon asked:

Senator RHIANNON: Mr McCormick, does CASA expect tier 2 operators to operate to the flight and duty limits established in CAO 48? I was interested in looking at what some of the representations were that had been made to our office. But, in 1.12—I am sure you aware of it, but I want to give some context for why I am asking about it—the first dot point talks about the fatigue risk increases, then it goes on to say that the impact on performance 'eventually becomes unacceptable sometime after 16 hours awake'. We are talking about pilots being awake for more than 16 hours. Some of the representations made to us are that pilots may be operating for 19 hours. We are talking about the limits in CAO 48. Would you comment on that. Is that what you are expecting? If you have that there, do you actually expect that those limits will be what people work to?

Mr McCormick: Sorry, I will have to take that on notice and get back to you.

Senator RHIANNON: I can give it to you.

Mr Mrdak: Perhaps the way forward is to take your question on notice. During the dinner break, officials can look at the document just to ascertain what it is, if that is all right, Chairman. I am just trying to find a way forward to assist the senator.

Answer:

See answer to question number 101.

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Question no.: 105

Program: n/a

Division/Agency: (CASA) Civil Aviation Safety Authority

Topic: CAO 48/Air Operator's Certificate

Proof Hansard Page/s: 108 (29/05/2013)

Senator Rhiannon asked:

Senator RHIANNON: And the rest I will put on notice. If CASA does not expect operators to utilise the limits of the CAO 48 based on perceived individual operator risk, how does CASA intend to manage that risk? What head of power is CASA reliant upon in imposing further restrictions on the CAO limits? If CASA is imposing Air Operator's Certificate operations manual limitations, against what standard are those limits assessed and audited? Does CASA expect all, many or most of the tier-2 operators to have limitations imposed on them?

CHAIR: Mr McCormick, where possible, please could we have the answers as direct and short as possible. I know that is a big call for this committee.

Answer:

See answer to question number 101.

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Question no.: 106

Program: n/a

Division/Agency: (CASA) Civil Aviation Safety Authority

Topic: Qantas incident

Proof Hansard Page/s: Written

Senator Williams asked:

1. In relation to the investigation into the incident involving the Attorney-General refusing to turn off his mobile phone on a flight on the 23rd of April, are you aware if Mr Dreyfus has been reported for a similar offence in the past?
2. By not reporting the incident to CASA, has Qantas breached any regulations?
3. Will CASA continue to investigate this incident and release its findings publicly?

Answer:

- 1 & 3. The *Privacy Act 1988* prohibits CASA from releasing investigation findings or other personal information concerning individual persons.
2. No.

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Question no.: 107

Program: n/a

Division/Agency: (CASA) Civil Aviation Safety Authority

Topic: Civil Aviation Order (CAO 48)

Proof Hansard Page/s: Written

Senator Rhiannon asked:

1. Can you update me on the progress of the further review of current CASA standards and policies in relation to the management of fatigue risk?
2. What are the next stages of the process and what is the timing of the review process?

Answer:

1 & 2. See answer to question number 101.

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Question no.: 108

Program: n/a

Division/Agency: (CASA) Civil Aviation Safety Authority

Topic: Tier 2 Operators

Proof Hansard Page/s: Written

Senator Rhiannon asked:

1. In the case of Tier 2 Operators does CASA expect the operators to operate to the flight and duty limits established in CAO 48?
2. If CASA does not expect Operators to utilise the limits of the CAO 48 based on perceived individual operator risk how does CASA intend to manage that risk?
3. What Head of Power is CASA reliant upon to impose further restrictions on the CAO limits?
4. If CASA is imposing Air Operators Certificate Operations Manual limitations, against what standard are those limits be assessed and audited?
5. Does CASA expect all, many or most of the Tier 2 operators to have limitations imposed on them?
6. How many Tier 2 operators are there?

Answer:

1 – 6. See answer to question number 101.

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Question no.: 109

Program: n/a

Division/Agency: (CASA) Civil Aviation Safety Authority

Topic: Fatigue Risk Management System

Proof Hansard Page/s: Written

Senator Rhiannon asked:

1. Can you outline how CASA has established a flight and duty time limitation system that manages the fatigue risk associated with operating aircraft and is safe?
2. Does CASA expect many Tier 3 Operators to develop a Fatigue Risk Management System?
3. Is it the intent that a Fatigue Risk Management System acceptable to CASA would permit an Operator to utilise flight and duty limitations outside those contained in the appendices CAO 48?

Answer:

1 – 3. See answer to question number 101.

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Question no.: 110

Program: n/a

Division/Agency: (CASA) Civil Aviation Safety Authority

Topic: CAO 48 limits

Proof Hansard Page/s: Written

Senator Rhiannon asked:

1. I understand there are flight and duty time restrictions you expect to be imposed on a significant number of Tier 2 Operators that are inside the limits contained in CAO 48. Do you believe the limits contained in the CAO are safe when used in Toto? If not, why not?
2. If the answer is yes then why is there a necessity to impose further restrictions?
3. Why is it safe to permit Tier 3 Operators to use limitations outside the CAO?
4. Do you accept that fatigue is incurred after prolonged periods of wakefulness and duty and is only ameliorated by sleep? Do you accept that flight operations that occur across normal sleeping periods is fatiguing even when the pilots are able to rest during flight?
5. If CASA has insisted on restrictive limits inside the CAO for the majority of Tier 2 Operators how can the CAO 48 limits be safe?

Answer:

1 – 5. See answer to question number 101.

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Budget Estimates May 2013

Infrastructure and Transport

Question no.: 111

Program: n/a

Division/Agency: (CASA) Civil Aviation Safety Authority

Topic: Research on fatigue and application

Proof Hansard Page/s: Written

Senator Rhiannon asked:

1. It has been reported that Mr McCormick did a master's thesis specialising in fatigue. Is that correct?
2. Did Mr McCormick play a direct role in producing CAO 48?
3. In his previous role in Cathay Pacific Airways did he see evidence of fatigue affecting flight crew performance in that airline?
4. How did he manage the operational risk presented by the fatigue?
5. Did the airline operate to the limits of the Hong Kong Civil Aviation Department rules on flight and duty limits or did the airline apply self-imposed limits or apply limits as a result of industrial negotiation?

Answer:

1. Yes.
2. No.
3. Yes.
4. Management of fatigue was a joint undertaking between the Operator and its Flight Crew as was required by the Air Navigation (Hong Kong) Order (as amended).
5. The airline followed the Hong Kong Civil Aviation Department publication: HKG CAD 371 (as amended). Rostering limits were imposed utilising a combination of self-imposed limits (generally due to commercial requirements) and industrially negotiated limits.