



**Australian Government**

**Department of Infrastructure and Transport**

*File Reference: 11/7124*

Mr James Catchpole  
Committee Secretary  
Joint Standing Committee on Treaties  
Parliament House  
Canberra ACT 2600

Dear Mr Catchpole

**Hearing – Monday 31 October 2011 – answers to questions on notice and transcript corrections**

I refer to the questions on notice which the Department took at the appearance before the Joint Standing Committee on Treaties hearing on 31 October 2011. I am pleased to provide answers to the questions at Attachment A.

I have also included proposed corrections to the Hansard transcript.

Please let me know if I can assist the Committee further in any way.

Yours sincerely

Stephen Borthwick  
General Manager  
Aviation Industry Policy

9 November 2011

**Answers to question on notice**

1. Processing treaty actions (page 25)

*Question*

**Senator URQUHART:** What has been the average length of time in between the implementation of the MOU and the supplementary treaty?

**Mr Borthwick:** I am not sure.

**Senator URQUHART:** Has it all been eight years or has it been quicker than that?

**Mr Borthwick:** No, there has been a range of different times. I would have to take that on notice to give you a more definitive answer. But again, I reiterate that the department has changed its practices and we are endeavouring to bring all treaty actions before the committee in a very timely fashion...

*Answer*

In addition to the treaty actions currently being considered, since 2006, 11 treaties have come before JSCOT:

- **Brazil**, negotiated 8 July 2008, signed 21 April 2010 and reported on by JSCOT 21 March 2011.
- **Brunei**, negotiated 16 April 2007 and reported on by JSCOT 21 March 2011.
- **China**, negotiated 9 July 2003, signed 24 March 2004 and reported on by JSCOT 19 October 2006.
- **European Community** (horizontal agreement), negotiated in 2005, signed 29 April 2008 reported on by JSCOT 16 October 2008.
- **India**, negotiated 9 September 2004, signed 6 March 2006 and reported on by JSCOT 19 October 2006.
- **Mexico**, negotiated on 1 March 2005, signed 9 April 2010 and reported on by JSCOT 21 March 2011.
- **Spain**, negotiated 13 February 2007, signed 24 June 2009 and reported on by JSCOT 21 March 2011.
- **Switzerland**, negotiated 19 June 2003, signed 28 November 2008 and reported on by JSCOT 21 March 2011.
- **Tonga**, negotiated 14 August 2002, signed 23 August 2003 and reported on by JSCOT 15 May 2008.
- **Turkey**, negotiated 28 January 2010, signed 28 April 2010 and reported on by JSCOT 21 March 2011.
- **United Kingdom**, negotiated 6 July 2006, signed 10 July 2008 and reported on by JSCOT 21 March 2011.

2. Out of date treaty text

*Question*

**Mr Borthwick:** ...I would note to that, is for some of the older ones that we have not brought before the committee, they are now out of date and would be required to be

renegotiated before we brought them before you, because they contain outdated treaty text.

**Senator URQUHART:** And roughly how many of those would there be?

**Mr Borthwick:** I would have take that on notice, if I could.

**Senator URQUHART:** If you could do that, that would be great. Thank you.

*Answer*

There are three treaty actions that have not been brought before the committee as the text of some articles are required to be renegotiated (Korea from 2007, Malaysia from 2008 and Thailand from 1998).

There are also eight treaty actions on hold for European countries, pending completion of negotiations on an Australia-Europe Air Services Agreement (Austria, Finland, France, Germany, Italy, Luxemburg, Malta and the Netherlands).

#### Cost recovery for Civil Aviation Safety Authority (CASA) activities (page 26)

*Question*

**Senator FAWCETT:** Where CASA does those evaluations, whether it be a ramp inspection at this end or an initial evaluation to grant an AOC, is that a cost-recovery exercise for the airlines concerned or is that a provided good by Australia having signed this agreement?

**Mr Borthwick:** I am not sure. I would have to check on that. We are not members of CASA, so we do not have that information to provide ~~that information for to~~ you, but my understanding is that fees are payable. We would have to take that on notice to give you the specific detail. *(Includes transcript correction)*

*Answer*

CASA charges a fee for the assessment of a Foreign Aircraft Air Operator Certificate (FAAOC) application. This fee is estimated at \$AUD5000 and is payable by the airline/operator at the time the application is lodged. This estimate is based on the average time taken to assess and issue an FAAOC using a standard hourly rate (AU\$190 per hour). The final cost may vary according to the complexity of an application and the time taken to complete the assessment. If the application takes longer to process than the estimated rate allows an additional cost may be incurred. Likewise, CASA will refund the difference if the actual cost is less than the payment made in advance.

There is no fee charged for ramp inspections.

#### 4. CASA input into air services negotiations (page 27)

*Question*

**Senator FAWCETT:** Without commenting on either of these two countries in particular, is CASA one of your stakeholders in terms of consulting with them and asking if they are comfortable with the airworthiness and air safety record of a given country before you will look to sign an agreement with them?

**Mr Borthwick:** CASA is one of the organisations we consult ahead of every air services talks. They are free to provide whatever information they believe is relevant to the upcoming talks. **Senator FAWCETT:** Is that available—for example, if this committee wanted to see their recommendations on a particular country?

**Mr Borthwick:** I would have to take that on notice. Some of our stakeholders, when they submit a stakeholder comment, request that it remain confidential. I am happy to take that on notice and provide you with an answer.

*Answer*

CASA is invited to comment ahead of all air services talks, and usually provides general advice on the existing or proposed articles relating to safety and the recognition of certificates and licences, in order to ensure that the air services agreement provisions are compatible with Australia's aviation safety regime. Stakeholder input is generally not made available publicly, however, CASA would be pleased to provide further detail on its specific comments if the committee requested it.

5. Airservices Australia commercial arrangements (page 27)

*Question*

**Senator FAWCETT:** Lastly, with Vietnam in particular, I am aware that the company that has contracted to Airservices to do calibrations of our instrument aids has been doing similar work in Vietnam. Does that have any relationship with the MOU and agreement in place, or is that purely a commercial arrangement between the Vietnamese authorities and that company?

**Mr Borthwick:** I was not aware of that particular service being provided. It is not a requirement under the Airservices agreement for that to happen, but Airservices Australia has a range of bilateral relationships throughout the region in its capacity as one of the leading providers of air traffic management services. I will take that on notice, but my initial reaction would be it is more likely to be a commercial relationship or a capacity building relationship.

*Answer*

Any arrangements for flight testing and calibration of navigation facilities in Viet Nam are unrelated to international air services arrangements.

Flight inspection services in Australia are provided under contract to Airservices Australia by a commercial organisation, AeroPearl Pty Ltd. The agreement allows AeroPearl to provide similar services in their own name outside Australia when they are not required domestically.