

Question 1. I want to know what CASA has actually done. Maybe you can take this on notice and spell out: 'The legislation passed. That caused the board to do this. That flowed down to this activity being carried out and these new KPIs being set.' Maybe that can be done on notice.

Immediately after the legislation was passed, guidance was issued to CASA management and staff outlining the implications of the amendment, including its applicability and the legal meaning of terms. The CASA Board had previously been informed about the anticipated amendment and its implications. In parallel with the issuing of the guidance mentioned above, CASA initiated a review to refine the process for the development of aviation safety standards in the *Standards Development Procedures Manual*.

CASA also developed and promulgated additional guidance for staff involved in the development of new aviation safety standards providing a means for documenting the consideration of industry sector risk and economic and cost impact. Over time, the principles reflected in this guidance will foster the standardisation of the way in which the application of the provisions of subsection 9A(3) of the *Civil Aviation Act 1988* are managed.

In the meantime, and as a practical matter, CASA takes the view that, where a Regulation Impact Statement for a new standard has been prepared, that process effectively satisfies the requirements of subsection 9A(3) of the *Civil Aviation Act 1988*.

Question 2: I'd also like to know any objectives that have now been set.

See response to the question above.

Questions:

Senator PATRICK: If you wouldn't mind, please explain in a story what you've done as a result of that—meetings, objectives and what outcomes you have met. I will go back to one other point. It was raised in the hearing. It is clear that you were listening in. It's in relation to part 138. That is a regulation that I understand has been worked on post the changes to section 9.

Mr Carmody: The regulation was made in the manual of standards and has just been made, yes.

Senator PATRICK: This is a regulation that was put in place after the change to section 9 of the Civil Aviation Act. It was put to us that the technical working group went through a process and provided a dissenting report in respect of the propositions of CASA. I know you said that you engage in consultation. The evidence we've heard today in relation to that particular committee was that it was not necessarily 'consultation with' but 'consultation to'. You're allowed to push back on that, but what I would like to see—and I did ask the witness to provide us some information—from your side is perhaps if you could show us how you developed part 138. This is what I'm particularly interested in. I'd like for you to demonstrate to us how, in engaging with the technical working group, that might have brought about at least some changes to the regulation. I'd also like to see their dissenting report, if you could provide that to the committee. I want to understand that particular process, and I want to see how the engagement occurred and what the result of that engagement and consultation was.

Mr Carmody: Certainly. I listened to that dialogue today. Let be absolutely clear: there is nothing in that process that is not available to this parliament, so we will provide all of the material around the technical working groups.

Senator PATRICK: Thank you.

Mr Carmody: There was a discussion about 'would we, could we' before. Obviously, we would do that. There was some—

Senator PATRICK: I think the witness was just being cautious.

Mr Carmody: Yes, I believe so too. That technical working group has been, in one form or another, going for nearly 20 years. The technical working group did, at the end of the day, have a dissenting view, and that's not the first time we've had a dissenting view. The Aviation Safety Advisory Panel received that advice and discussed it. They came to the conclusion that they would recommend that—regardless of there being dissenting views and the amount of work that had gone on with the development of part 138, the significant work that had reduced it from 200 pages to 75 and the significant changes made during the discussion—the manual of standards be made. As a consequence that recommendation came to me, and then I made that manual of standards. Sitting behind that, I'm very happy to provide all the documentation that supports how it got to where it got to, and you'll see the changes, the iterations, the dissenting reports et cetera.

Senator PATRICK: That's what I'd like to see. I'm happy to do this in a de-identified way, but the proposition was put that the experience levels in terms of people who actually fly—people who own a business and so forth—was much, much greater on the technical working group than it might have been on CASA's side of the ledger. So I invite you to perhaps de-identify the people but say: 'These are the people involved. These are the levels of experience that these people have.' I'm only talking about over the last year or so.

Answer:

The record of how CASA achieved the work of the Part 138 MOS is publicly available on the CASA website:

- The Technical Working Group processes and reports can be accessed at: [Part 138 TWG - Aerial work operations | Civil Aviation Safety Authority \(casa.gov.au\)](#)
- The public phase of the consultation can be accessed at the CASA consultation hub: [Proposed new Manual of Standards Part 138 \(Aerial Work Operations\) and regulation amendments – \(CD 19190S\) - Civil Aviation Safety Authority - Citizen Space \(casa.gov.au\)](#)