

Rural & Regional Affairs and Transport Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Additional Estimates 2015 - 2016
Infrastructure and Regional Development

Question no.: 158

Program: n/a

Division/Agency: Civil Aviation Safety Authority

Topic: Shutdown calculations

Proof Hansard Page: 106 (8 February 2016)

Senator O'Sullivan, Barry asked:

Senator O'SULLIVAN: You may have to take this on notice: what data did you rely upon that had you draw the conclusion of the number of shutdowns calculated?

Mr Skidmore: We had data from ATSB, from Recreational Aviation Australia and from our own investigations. We should be able to get the exact data.

Senator O'SULLIVAN: Would you be able to do that?

Mr Skidmore: Yes.

Answer:

The data CASA relied on in determining appropriate action in respect of Jabiru engines was derived from the following sources:

- Jabiru Engine Failure Analysis in relation to Service Difficulties Reports received by CASA from 2007 to 2011;
- Investigation report into Jabiru Reliability and Continuing Airworthiness Support (13 March 2013) which focussed on previously identified through bolt failures relating to continuous airworthiness responsibilities;
- Research into Engine Reliability for Ultralight, Recreational and Light Sports Aircraft (January 2014) relating to the inflight shut down rate between 2012 and 2013, based on Recreational Aviation Australian (RA-Aus) accident, incident and defect reports for that period;
- Consolidated engine occurrence data from 1 January to 30 July 2014 collected from RA-Aus, Airservices Australia and the Australian Transport Safety Bureau; and
- United States Federal Aviation Administration Memorandum 'Risk Assessment for Reciprocating Engine Airworthiness Directives' (24 May 1999).

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Question no.: 159

Program: n/a

Division/Agency: Civil Aviation Safety Authority

Topic: FRMS changes

Proof Hansard Page: 109 (8 February 2016)

Senator Canavan, Matthew asked:

Senator CANAVAN: I have some very simple questions about the proposed FRMS changes. I understand it is moving away from industry exemption processes to CAO 48.1. Some in the industry have contacted me about concerns that there has not been a proper transparency about the reasons for this change, particularly the data that is relied on by CASA to justify the change. Have you provided the industry with all of this data?

Mr Skidmore: Yes, we have. Everything we based the 48.1 changes on is on the website.

Senator CANAVAN: When was that done?

Mr Skidmore: I do not know the exact date, but I can find out.

Answer:

A review of the case for change: Scientific support for CAO 48.1 Instrument 2013 was published on the Civil Aviation Safety Authority (CASA) website on 24 November 2015. Key aspects of this information were also provided in the Notice of Final Rule Making published in March 2013 and to industry attendees at various industry briefings conducted by CASA representatives prior to and after the commencement of CAO 48.1 Instrument 2013.

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Question no.: 160

Program: n/a

Division/Agency: Civil Aviation Safety Authority

Topic: Safety Concerns

Proof Hansard Page: 110 (8 February 2016)

Senator Sterle, Glenn asked:

Senator STERLE: Then why is CASA allowing Virgin, VARA, to operate without this technology, regardless of how far or in what area their services operate? I refer back to Perth-Albany and Perth-Esperance.

Mr Skidmore: Again, I am not sure of the specifics regarding that operator, but I will get the details regarding VARA for you. Off the top of my head, I cannot recall.

Senator STERLE: You cannot recall if they are operating those services?

Mr Skidmore: I cannot recall, if they have an exemption, what the exact reasoning behind that is. We have given a number of exemptions, and they are based on different reasons.

Answer:

The response to this question is provided on page 110 of the Committee Hansard of 8 February 2016.

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Question no.: 161

Program: n/a

Division/Agency: Civil Aviation Safety Authority

Topic: Exemption Process

Proof Hansard Page: 111 (8 February 2016)

Senator Sterle, Glenn asked:

Senator STERLE: Can you outline what happens throughout the exemption process? Who makes the ultimate decision over whether an exemption is granted or not?

Mr Skidmore: The applicant would put forward the information regarding the exemption. The requirement for an exemption is listed. I am not sure whether I am the best person to go through this process. I will find the best person to go through the process for you.

Senator STERLE: For the purposes of timing, I am happy for you to take it on notice if that can be provided.

Mr Skidmore: Certainly. We can do that.

Answer:

Subpart 11.F of the *Civil Aviation Safety Regulations 1998* (CASR 1998) deals with exemptions. Under subregulation 11.160(1), the Civil Aviation Safety Authority (CASA) may grant an exemption from a provision of the Civil Aviation Regulations 1988, CASR 1998 or a Civil Aviation Order in relation to a matter mentioned in subsection 98 (5A) of the *Civil Aviation Act 1988* (the Act).

Under subregulation 11.160 (2) of CASR 1998, an exemption may be granted to a person or a *class* of persons. Under subregulation 11.160 (3), CASA may grant an exemption on application, or on its own initiative. If a person applies to CASA for an exemption, Subpart 11.F of the CASR sets out the information that is required to be provided by the applicant to CASA.

For an application for an exemption, CASA must regard as paramount the preservation of an acceptable level of safety. For making a decision on its own initiative, CASA is guided by the requirement in subsection 9A (1) of the Act that in exercising its powers and functions CASA must regard the safety of air navigation as the most important consideration.

Under regulation 11.205, CASA may impose conditions on an exemption if necessary in the interests of the safety of air navigation. Under regulation 11.210, it is a strict liability offence not to comply with the obligations imposed by a condition. Under regulation 11.225, CASA must, as soon as practicable, publish on the Internet details of all exemptions under Subpart 11.F. Under subregulation 11.230(1), an exemption may remain in force for no more than three years or for a shorter period specified in the instrument.

CASA internal processes for the grant of an exemption

The CASA business unit which receives an application for an exemption, or considers that CASA should grant an exemption on its own initiative, will generally prepare a standard form recommendation (SFR) document that is directed to the relevant Executive Manager in CASA for consideration by that person as to whether to grant an exemption. The SFR will set out the reasoning for the exemption and the safety considerations associated with it. If the Executive Manager supports the grant of an exemption in principle, a request is made to CASA's Legal Services Division (LSD) to draft the exemption instrument. In doing so, LSD will consider whether the exemption can lawfully be granted. The General Counsel of CASA will provide the exemption instrument to the Executive Manager for signing, under cover of a minute.

In relation to a 'first of type' exemption, it has been CASA's policy and practice for the past six years, that only the Director of Aviation Safety can sign such an exemption. In such matters, the above processes will still apply. The person who signs an exemption makes the ultimate decision as to whether it should be granted.

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Question no.: 162

Program: n/a

Division/Agency: Civil Aviation Safety Authority

Topic: CASA legislation complaint

Proof Hansard Page: 111 (8 February 2016)

Senator Sterle, Glenn asked:

Senator STERLE: I understand that, as of 1 November 2015, there were only 98 aircraft in Australia not compliant with CASA's legislative requirements and that they had until 4 February 2016 to be compliant. Is that correct?

Mr Skidmore: The date is correct. I do not appear to have the exact numbers with me regarding the actual take-up.

Senator STERLE: That leads to my next question, because I said 98 by 1 November. I was going to ask if you could tell the committee what the number is currently. Obviously you do have that in front of you, Mr Skidmore? Is that right?

Mr Skidmore: We will ensure that we have that information for you.

Answer:

The mandate for flights in the Perth 500NM North East quadrant came into effect on 4 February 2016.

Airservices has advised CASA that an estimated 54 of the 601 applicable aircraft operating from aerodromes in the quadrant had not fitted ADS-B.

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Question no.: 163

Program: n/a

Division/Agency: Civil Aviation Safety Authority

Topic: Notice to comply with legislation

Proof Hansard Page: 112 (8 February 2016)

Senator Sterle, Glenn asked:

Senator STERLE: So when was all of the industry—or whatever part of the industry—notified that they had that date of 4 February? How much notice did they have?

Mr Skidmore: I would have to take on notice the precise period.

Senator STERLE: It is important. Is there no-one else who can help me out?

Mr Skidmore: Do you want the exact date of the legislation?

Senator STERLE: No, when they were told—when the industry was notified by 4 February 2016, 'You have to have this or you are not going to operate'?

Mr Skidmore: The original consultation, as far as I am aware, was 2005 to 2009, so there was certainly consultation and discussion going on with industry.

Senator STERLE: No, I have got that.

Mr Skidmore: I understand the regulation came into being in 2012. We can get the date.

Answer:

As indicated on page 120 of the Committee Hansard, CASA published the ADS-B booklet on its website and distributed it to industry in November 2012. The relevant Civil Aviation Order 20.18 Amendment Instrument 2012 (No.1) was signed on 16 August 2012.

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Question no.: 164

Program: n/a

Division/Agency: Civil Aviation Safety Authority

Topic: Regulation in effect

Proof Hansard Page: 113 (8 February 2016)

Senator Sterle, Glenn asked:

Senator STERLE: Okay, but the ones that we cover—what Virgin are doing out of Perth: Perth-Albany, Perth-Esperance, Ravensthorpe and then some chartered flights to Geraldton, Carnarvon and Paraburdoo—are obviously for a certain type of aircraft at a certain height or whatever. So when were they all put on notice? When do you reckon the ones that are doing this work now were put on notice?

Mr Cromarty: I will have to take that one on notice for you.

Mr Skidmore: It is something we would have to ask VARA. We would have put the legislation out, but it is Virgin who interpret that and make a determination.

Senator STERLE: No, but you are the boss.

Mr Skidmore: I am not the boss of Virgin.

Senator STERLE: I wish I could get away with that with the coppers when they were hassling the shit out of me as a truck driver. I wish I could use that excuse: 'You didn't ask me. Come and ask me first. I will tell you what speed I was doing.' You are the regulator. That is all I am asking.

Mr Skidmore: We put the legislation out and then we try and educate people and get them to follow the legislation and the regulations.

Senator STERLE: Right. So all I want to know is, when they knew that they had to come to 4 February—

Mr Skidmore: I can only assume that it was when the legislation was put in power and the dates were identified.

Senator STERLE: It is dangerous to assume here, Mr Skidmore, because people remember what you assume in further estimates down the track. Would you like to take it on notice and come back?

Mr Skidmore: We can come back and tell you when the regulation was put into power.

Answer:

See response to 163.

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Question no.: 165

Program: n/a

Division/Agency: Civil Aviation Safety Authority

Topic: Collision of aircrafts during flight

Proof Hansard Page: 114 (8 February 2016)

Senator Xenophon, Nick asked:

...

Senator XENOPHON: Because I have a whole range of other questions, could you take on notice the safety case? Mr Smith advises me that he does not think there has ever been a case of two aircraft colliding in cloud in this country.

Answer:

ADS-B was mandated following extensive consultation between the Civil Aviation Safety Authority (CASA), Airservices Australia (Airservices) and the Australian Strategic Air Traffic Management Group, which has representatives from a wide range of aircraft operators.

As required under Airservices' safety management system, Airservices produced several safety cases which covered different aspects of the design, implementation and operational use of ADS-B, which CASA considered as part of its oversight of the introduction of ADS-B technology in support of air traffic services.

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Question no.: 166

Program: n/a

Division/Agency: Civil Aviation Safety Authority

Topic: Process between CASA and Airservices

Proof Hansard Page: 117 (8 February 2016)

Senator Xenophon, Nick asked:

...

Senator XENOPHON: The restriction of the last operations in the evenings obviously has restricted the flow, but presumably that was as a result of a compelling safety case.

Mr Skidmore: It was as a result of our discussions with Airservices to say we were concerned with regard to the incident. They said they were taking steps to mitigate those concerns. Part of that was the suspension of LAHSO until we can get to a stage where we have a system in place that can manage it better.

Senator XENOPHON: I want to touch on another issue which I think is quite important. Could you, on notice, provide us with details of the correspondence, the process involved between CASA and Airservices Australia in relation to this? You know that I have a longstanding interest in Airservices.

Mr Skidmore: Certainly, Senator.

Answer:

The details of the correspondence between CASA and Airservices Australia in relation to this matter have been provided in the response to 181.

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Question no.: 167

Program: n/a

Division/Agency: Civil Aviation Safety Authority

Topic: FRMS changes

Proof Hansard Page: 118 (8 February 2016)

Senator Xenophon, Nick asked:

Senator XENOPHON: I know it is a bit complex, but in principle these regulations prohibit a pilot of a two-pilot aircraft flying more than eight hours per day and/or having a tour of duty—flying and ground time—of more than 11 hours. In other words, no flight should commence take-off unless the pilot in command can be reasonably certain that the flight will be completed within these regulatory flight and duty limitations—is that broadly correct?

Mr Skidmore: I do not have the exact details at the tip of my fingers but, yes, it is a rough—

Senator XENOPHON: I am happy for you to take it on notice. I understand there are circumstances where it may be necessary for a pilot to exceed the eight-hour flying limit to nine hours, and the 11-hour tour of duty limit to 12 hours if they are in flight and, say, an unexpected weather condition pops up.

Mr Skidmore: That is my understanding, yes.

...

Answer:

Under the rule-set for managing fatigue - Civil Aviation Order (CAO) Part 48 and exemptions - there are various time limits, two of which are a maximum tour of duty of 11 hours and maximum of 8 hours flight time in any tour of duty. However there are also provisions within the Order to allow these limits to be extended to 12 hours for maximum tour of duty and 9 hours for maximum flight time.

It is broadly correct that no flight should commence take-off unless the pilot in command can be reasonably certain that the flight will be completed within the regulatory flight and duty limitations.

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Question no.: 168

Program: n/a

Division/Agency: Civil Aviation Safety Authority

Topic: The effects of TEMPO and INTER on a pilots' flight and duty limits

Proof Hansard Page: 118 (8 February 2016)

Senator Xenophon, Nick asked:

...

Senator XENOPHON: Yes, that is fine. Again, I am happy for you to go back. That is my understanding as well. I am informed that Qantas interpret this regulation rather liberally. They state in their flight standing order 84/15, which is dated 1 July 2015 and which I have received a copy of—and, just in case my friends from Qantas are listening, they will not be able to track where it has come from—that ATC holding requirements or forecast weather conditions that are TEMPO or INTER, or require an alternative airport to be planned, are advisory and need not be considered for the purpose of applying RFDLs. Are you familiar with that?

Mr Skidmore: I am not familiar with that order.

Senator XENOPHON: I have a couple of copies. I wonder if Mr Skidmore can get a copy.

Mr Skidmore: If I understand you correctly, you are mixing fuel management with fatigue management. Then we have to understand how that is actually being applied inside that—

Senator XENOPHON: Fuel management in a sense—the amount of fuel you have—might relate to the number of hours you are in the air before you have to land.

Mr Skidmore: It always does in my book.

Senator XENOPHON: That is right. It is the law of gravity, I think! But you cannot divorce fuel management from fatigue management, can you?

Mr Skidmore: I have not got the document, obviously, but the way you said it then I could interpret it also to mean, with regard to the termination of the required flight duty limits, not to take planned events or possible events like a holding for an hour or holding for half an hour as a limit.

Senator XENOPHON: I am happy for you to reflect on this, because it concerns me. The carrying of additional fuel is a mandatory consideration for TEMPO or INTER or alternative airports.

Mr Skidmore: For flight planning?

Senator XENOPHON: Yes, for flight planning. But the TEMPO or INTER or alternative airports do not appear to be mandatory considerations with respect to fatigue. Can you see my point that you cannot divorce the two because there is a strict requirement as to how much fuel you must carry, which by implication relates to the amount of time that a pilot is likely to be on duty? But it seems from this Qantas directive to its application of flight time limitations—and it is signed off by the chief pilot—that it is not a mandatory requirement.

Mr Skidmore: I am happy to take it on notice and have a look at it and then we can have a discussion if you like.

Answer:

For the purposes of flight planning, scheduling and crew rostering all flights are planned to be conducted within the prescribed regulatory flight and duty limitations (RFDL). On the day of operations, the crew shall not depart on a flight unless the flight can be completed within the RFDL. This provision is reflected in Qantas' Flight Standing Order 084/15. In the en-route phase of a flight, the crew must make tactical decisions, taking into account a wide range of factors, including available RFDL and fatigue. The responsibility for making operational decisions in flight rests with the crew, and ultimately the Pilot in Command, because of the dynamic nature of flight operations. This is reflected in the Qantas Flight Standing Order 084/15 provisions for air traffic control holding requirements or forecast weather conditions that are TEMPO (temporary) or INTER (intermittent).

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The actual quantity of fuel carried on board is a strategic planning decision. The decision is made in collaboration between flight crew and the airline's flight planning section, so that regulatory requirements are met and operational efficiencies are maintained. The carriage of fuel is a parallel consideration to other factors, such as available flight and duty periods. The operational regulations set limits associated with minimum fuel carried for each flight, specifying a minimum amount of fuel based on the planned flight as well as additional fuel to cover periods when weather is forecast to be below specified minimum conditions for the destination airport and when air traffic control potentially require additional holding time in case of traffic congestion. There are also limits associated with when the captain must have a plan to divert to an alternate airport and when there must be sufficient fuel on board to fly to that alternate airport and land.

The Civil Aviation Safety Authority (CASA) provides operators with the discretion to consider the particular circumstances of the flight which includes any weather holding, air traffic holding and alternate airport requirements as well as the likelihood of any of these requirements materialising and to determine whether the flight can be contained within the original flight and duty limits (or the extended limits if the pilot considers themselves sufficiently fit for the proposed flight and the operator agrees with this assessment). The extension limit is available if the pilot and the operator consider that the pilot is fit for the extension, given the particular circumstances of the flight to be undertaken. When a duty period is extended, the subsequent crew rest period is augmented to take into consideration the preceding working period. Unlike running out of fuel, a pilot's alertness does not end abruptly but is impacted by a complex set of factors, one very important one being the length of the tour of duty and the amount of flight time they have accrued.

Treating flight and duty limits in the same way as the minimum fuel requirements would involve ensuring that *any* weather related or air traffic control related holding period be contained entirely within the maximum flight and duty limits in order to undertake the flight. There may be, however, many reasons why a crew would modify their expectation of a straightforward approach and landing at the destination, and weather is only one such reason. Rather than be overly prescriptive CASA is aware that pilots are trained to make these kinds of operational decisions and the rules should support such decisions rather than hinder them. Qantas has an approved safety management system and this system is required to consider all foreseeable hazards and manage the risk associated with these hazards to an acceptable level.

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Question no.: 169

Program: n/a

Division/Agency: Civil Aviation Safety Authority

Topic: TEMPO and INTER

Proof Hansard Page: 121 (8 February 2016)

Senator Xenophon, Nick asked:

Senator XENOPHON: The question I am putting to you on notice is: does the pilot not need to add to their flight and duty limits if there are INTER and TEMPO conditions?

Mr Skidmore: It might not happen.

...

Senator XENOPHON: So, essentially, you will take on notice whether you consider that TEMPO and INTER fuel advisories should be applied to duty time. That is the nub of the question, isn't it? That is the question I am asking.

Mr Skidmore: I will take it on notice to investigate that question for you, yes.

Answer:

See response to 168.

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Question no.: 170

Program: n/a

Division/Agency: Civil Aviation Safety Authority

Topic: Privacy

Proof Hansard Page: Written

Senator Sterle, Glenn asked:

1. Is CASA aware that there are some concerns about privacy on its "Aircraft register data files" – that is the publishing of names and personal addresses?
2. Do registrants with concerns have an option for names and/or addresses not to be published online?
3. If yes, what options are there?
4. If no, why isn't there any options?
5. If no, does CASA acknowledge that the register could be changed to increase privacy?

Answer:

1. Yes.
2. No.
3. N/A.
4. The Civil Aviation Safety Authority (CASA) has a statutory requirement, under Part 47 of the Civil Aviation Safety Regulations 1998 (CASR), to keep an Australian Civil Aircraft Register (Aircraft Register). Part 47 of the CASR stipulates CASA must enter the aircraft owners and registered operators' name and address in the Aircraft Register. Part 47 also requires that the Aircraft Register be available for inspection by members of the public. CASA has identified the internet as the most efficient and effective way to publish the information in the Aircraft Register for public inspection.
5. No. CASA is acting in accordance with the CASRs. This practice is consistent with that of other major aviation regulators overseas.

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Question no.: 171

Program: n/a

Division/Agency: Civil Aviation Safety Authority

Topic: Aircraft movements over Melbourne

Proof Hansard Page: Written

Senator Rice, Janet asked:

1. In relation to the *2011 Aeronautical Study of Melbourne* recommendations:
 - a) Were any changes made subsequently to VFR access to airspace over inner city Melbourne? Did this result in increased VFR traffic over inner Melbourne?
 - b) If no substantial changes resulted from the recommendations of the *2011 Aeronautical Study*, what (if any) changes have been made to ease VFR clearance to enter Melbourne CTA?
2. In reference to the map provided as an attachment to these questions which I understand to represent an airspace control diagram ex Melbourne VPG, can you confirm that the classifications and boundaries set out on the attachment are current? If this diagram is not correct, please provide the current correct airspace control diagram for this equivalent area.
3. With regard to CASA's *Enforcement Manual Version 4.3* (Jan 2013), what has been the result of making an Airspace Infringement Notice inappropriate "where the offense was intentional and formed a pattern of breaches" and making an investigation contingent on proof beyond reasonable doubt that a pilot was "engaging in conduct, or showing an intention to engage in conduct, that constitutes dangerous flying"? Does this represent a change from the previous version of the Enforcement Manual? If so, has this regime led to more or fewer infringements, with regard to VFR pilots operating over metropolitan Melbourne?
4. Given that security is now being increased around large sporting facilities (for example, the MCG in Melbourne has installed a perimeter fence to assist in decreasing the on ground security risks arising from access to the facility), what consideration is given to the issue of airborne security protections, given that the airspace around the sporting complexes and the high density population areas in the inner Melbourne/CBD area is apparently largely uncontrolled?

Answer:

1.
 - a) There have been no airspace or procedural changes initiated by CASA over inner city Melbourne since the *2011 Aeronautical Study of Melbourne*.
 - b) No changes have been made which would ease VFR clearance to enter Melbourne CTA.
2. The map appears to be a copy of guidance material CASA used to produce in the form of the Visual Pilot Guide, which is being progressively replaced by 'OnTrack'. CASA produces material as guidance only, pilots must use current charts and other applicable information from Airservices Australia during flight.
3. The January 2013 version of the Enforcement Manual, as it relates to aviation infringement notices (AIN), has not been substantively changed from previous versions. There are occasions when an AIN is issued for intentional conduct. The requirement for evidence of a breach is expressed in the Manual.

If a person does not pay the penalty amount referred to in an AIN, CASA's general policy is to refer the breach to the Commonwealth Director of Public Prosecutions (because if no further action was taken in the absence of payment, there is no inducement to pay an AIN penalty). The manual highlights the propriety of only issuing an AIN when CASA has sufficient evidence of a breach.
4. The Melbourne Cricket Ground and much of Melbourne inner city are within the Melbourne Control Zone and therefore the airspace above it is controlled.

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Question no.: 172

Program: n/a

Division/Agency: Civil Aviation Safety Authority

Topic: Airspace Regulation

Proof Hansard Page: Written

Senator Rice, Janet asked:

1. On what basis does Office of Airspace Regulation (OAR) undertake an assessment for air space change and with whom does it consult?
2. If OAR determines there are environmental implications:
 - a) how many proponents have completed an Environmental Implications Form (Form 080) in the last 2 years?
 - b) what criteria were applied as part of those assessments?
 - c) how many assessments were referred to the Department of Environment for advice?
 - d) what were the results of the OAR assessments in the last 2 years, ie number with change confirmed, number with change confirmed but subject to modifications, number of change request rejected etc
 - e) what consultation was had with affected communities or locality areas as part of the above assessment processes? Did this occur in all circumstances and if not why not?

Answer:

1. Under the *Civil Aviation Act 1988*, the Civil Aviation Safety Authority (CASA) must regard the safety of air navigation as the most important consideration. The Australian Airspace Policy Statement sets out criteria for when CASA should complete an aeronautical risk review at a particular aerodrome. The criteria do not preclude CASA examining the requirement for airspace changes at other aerodrome locations should CASA consider such an examination is required, for example, on risk or safety grounds.

CASA also considers efficiency, equitable access, environment and national security when undertaking assessments for airspace change.

CASA may undertake assessments for airspace change which have been put forward by proponents from industry such as Airservices Australia, the security services, shooting clubs, mines (blasting), rocketry clubs etc.

Consultation is undertaken with the following:

- the aerodrome operator;
- the operators of nearby aerodromes;
- airlines utilising the aerodrome;
- Airservices Australia;
- the Department of Defence;
- charter operators utilising the aerodrome;
- local operators including flying schools, parachute operators and recreational and general aviation pilots;
- national organisations such as the Gliding Federation of Australia, the Australian Ballooning Federation, Recreational Aviation Australia, the Aircraft Owners and Pilots Association and the Australian Parachute Federation;
- the local Regional Airspace Procedures and Advisory Committees; and
- other identified aviation stakeholders and the general public.

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2.
 - a) Twelve proponents completed Form 080.
 - b) The *Environment Protection and Biodiversity Conservation Act 1999* indicates matters for consideration by proponents. CASA also provides information on its website to assist proponents.
 - c) In the last two years, one.
 - d) No airspace change proposal has been changed or modified as a result of CASA's assessment of the Environmental Implications Form or other similar media, and none have been rejected. However, the proponent may have modified the proposal prior to it being received by CASA.
 - e) CASA provides draft reports on its website for public comment prior to finalisation.

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Question no.: 173

Program: n/a

Division/Agency: Civil Aviation Safety Authority

Topic: Date of Regulation

Proof Hansard Page: 113-114 (8 February 2016)

Senator Sterle, Glenn asked:

Dr Aleck: What I will tell you is that in the normal course, when a regulation is made, it has an effective date in it. When that regulation is published then anyone who knows of the regulation—it is incumbent upon an operator to be aware of it—knows what is the effective date. But I will add that our process has always been that when we are introducing new legislation—generally well before the legislation is made, let alone when it comes into effect—there is a campaign to make sure that those who are going to be affected by it are made aware of it. We can put it out there. We can hold events and we can put it on the website. But whether it gets into somebody's brain or not ultimately is their responsibility. I should be very surprised if a major operator were unaware of the fact that a particular regulation that will affect their operations comes into effect on a certain date. What I cannot tell you offhand is what that date was.

Senator STERLE: Okay. But someone will be able to find out.

Dr Aleck: I am sure that is so, yes.

Answer:

See response to 163.