

**Rural & Regional Affairs and Transport Legislation Committee**  
ANSWERS TO QUESTIONS ON NOTICE  
Additional Estimates 2016 - 2017  
**Infrastructure and Regional Development**

**Committee Question Number:** 113  
**Departmental Question Number:** SQ17-000082

**Program:** n/a  
**Division/Agency:** Civil Aviation Safety Authority  
**Topic:** Approval of DFO at Essendon Airport  
**Proof Hansard Page:** 115 (27 February 2017)

**Senator Xenophon, Nick asked:**

**Senator XENOPHON:** Do you know when the building next to Essendon airport that was involved in the tragedy was approved ?

**Mr Carmody:** DFO was approved in 2004.

**Senator XENOPHON:** What role did CASA have in respect of that approval? Did you have any input into that?

**Mr Carmody:** I think our advice was sought, and it would normally be sought on these sorts of things?

**Senator XENOPHON:** What was your advice?

**Mr Carmody:** I am not sure. Can we take it on notice?

**Senator XENOPHON:** Mr Tiede, do you remember what your advice was?

**Mr Carmody:** Mr Tiede was not with us either. But I make the point Mr Tiede made before: the DFO, in terms of that runway, would be outside of the obstacle limitation surface parameter. If we had provided advice we would probably have provided advice that on that runway the DFO construction would be fine.

**Senator XENOPHON:** But the obstacle limitation constraints are quite different from the matters raised in numerous academic papers around the world, who say that there ought to be a public safety zones policy in respect of where you locate buildings in the event that there is an engine failure. In fact, no less than Senator Fawcett, with his background in aviation, did raise these issues of the ATSB back in the May 2012 estimates in respect of power loss or complete engine failure, so it is not as though this is something that has not been raised in the context of this process by no less than Senator Fawcett almost five years ago.

**Mr Carmody:** I can provide a response to that on notice and provide as much detail as I can.

**Senator XENOPHON:** Can you tell us what information CASA was provided with and what role did it have in respect of the development of Essendon Airport a number of years ago, and also I note an article in the Herald Sun on 21 February by Claire Bickers, which asserts that Australia has no guidelines on buffer zones to limit development around airport runways, unlike the United States and the United Kingdom, which have implemented public safety zones, and there is no such legislation here. Is that your understanding?

**Mr Carmody:** I think Mr Tiede outlined that before—the only legislation is in Queensland. But I would want to check that. I would be happy to respond to that on notice.

**Answer:**

Under the *Airports Act 1996*, the Minister must, in deciding whether to approve a Major Development Plan (MDP), have regard to the views of CASA in so far as they relate to safety aspects of the plan. CASA's advice is limited to matters concerning the safety of aircraft operations.

Consistent with those requirements, the Department consulted CASA on the MDP for Essendon Airport in mid 2004. CASA noted that the Airport is required to comply with the relevant civil aviation regulations.

In relation to Public Safety Zones, please refer to 114.

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**Committee Question Number:** 114  
**Departmental Question Number:** SQ17-000083

**Program:** n/a  
**Division/Agency:** Civil Aviation Safety Authority  
**Topic:** Public Safety Zones  
**Proof Hansard Page:** 116 (27 February 2017)

**Senator O'Sullivan, Barry asked:**

**CHAIR:** Do you think they might labour under the honest but mistaken belief that from time to time you might create advice and give it to the government of the day and indicate that perhaps they should look seriously at measures that might enhance air safety?

**Mr Carmody:** Certainly, Senator.

**CHAIR:** All right. In the history of CASA, are you able to tell us whether ever this question has been visited upon and advice been developed and given to any government at any time?

**Mr Carmody:** I would have to take it on notice. All I can say is that we provide advice on safety all of the time, but public safety zones at the ends of runways, I am just not certain about. I know that we provide comment on airport master development plans and all of the changes to the federally-leased airports on a regular basis, so we are in that space; that is what we do. But I am just trying to work out how far this public safety zone requirement would extend.

**Answer:**

CASA participates in the National Airports Safeguarding Advisory Group (NASAG) providing advice on matters that relate to the management of risks to the safety of aircraft operations, such as advice on the CASA aspects of the development of draft National Airports Safeguarding Framework (NASF) guidelines including in relation to the development of draft guidelines on public safety zones. However, CASA does not provide advice to NASAG on land use planning matters.

NASAG, which is chaired by the Department of Infrastructure and Regional Development and which includes representatives of state, territory and local governments, developed the NASF, which was agreed by Transport Ministers in 2012. The NASF improves safety and amenity by ensuring aviation safety requirements are recognised in land use planning decisions. It comprises principles and guidelines for regulating and managing risks associated with: aircraft noise; building generated windshear; wildlife strikes; wind turbine farms; lighting distractions; intrusions into protected operational airspace; and protection of communications, navigation and surveillance equipment. At the most recent NASAG meeting on 14 March 2017, members agreed to brief their respective Ministers on a draft Public Safety Zones Guideline that has been developed by the Commonwealth and Queensland Governments in consultation with other NASAG members. Subject to Ministers' agreement, NASAG will conduct targeted stakeholder consultation on the draft Guideline in the second half of 2017. The draft Guideline would then be released for wider public consultation prior to being presented to the Transport and Infrastructure Council for endorsement.

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**Committee Question Number:** 115  
**Departmental Question Number:** SQ17-000084

**Program:** n/a  
**Division/Agency:** Civil Aviation Safety Authority  
**Topic:** Upgrading of Uncontrolled Airspace  
**Proof Hansard Page:** 123 (27 February 2017)

**Senator Rice, Janet asked:**

**Senator RICE:** How many examples would there be in, say, the last five years of where uncontrolled airspace has been upgraded to class B or C?

**Mr Tiede:** To give you a fair answer, I will take that on notice. You might be aware that we are working with Ballina at the moment. On 1 March they will start a certified air-ground radio service to provide additional traffic information and meteorological information as a mitigation for traffic density. This was triggered out of an Office of Airspace Regulation review a couple of years ago.

**Senator RICE:** Can you take on notice where you have done those reviews in recent years and how many upgrades there have been?

**Mr Tiede:** Yes.

**Senator RICE:** If a community felt that the density of aircraft in their uncontrolled airspace was too high, what would be the process and how would you respond to that concern? Would that automatically trigger a review?

**Mr Tiede:** It would be an input to the Office of Airspace Regulation that would be aggregated with the other risk pieces for that particular airspace or that aerodrome. Once a review is initiated it goes for a public comment period. If we have people on the books who have made a comment, we would go back to them and say, 'Here's a public comment period. Please let us know what your concerns are.' Following the public comment period, the concerns are reviewed, aggregated and incorporated into the report or documented and argued out of the discussion. From there we go to a final report.

**Senator RICE:** Could you also take on notice how many requests for upgrade of airspace there have been from communities and what the final response of the department has been?

**Mr Tiede:** Certainly.

**Answer:**

Australia does not currently use Class B airspace. There has been one upgrade from Class G to Class C airspace (Rockhampton, May 2013).

There have been four occasions where airspace changes have been made following an Aeronautical Study or Airspace Review:

- Class C airspace around Darwin was lowered by 1,000ft in November 2010 following a request from the aviation industry.
- A Class D tower service (replacing Class G airspace) commenced at Karratha in November 2010.
- A Class D tower service (replacing Class G airspace) commenced at Broome in November 2010.
- The Class C tower service at Avalon (Victoria) was changed to a Class D tower service in 2009, with Class E airspace from 700 feet above ground level (replacing Class G airspace) when the tower is closed.

There have been two requests to permanently change controlled airspace since 2012 from members of the aviation community. One was approved by CASA and the other one is currently being assessed.

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**Committee Question Number:** 116  
**Departmental Question Number:** SQ17-000135

**Program:** n/a  
**Division/Agency:** Civil Aviation Safety Authority  
**Topic: Review of CAO48.1**  
**Proof Hansard Page:** Written (14 March 2017)

**Senator Xenophon, Nick asked:**

It is understood that CAO 48.1 (fatigue management) is under review.

1. Why is the review taking place (e.g. self-initiated, in response to feedback on industry, etc.)

Representation has been made to me that this should not be a one size fits all regulation – that airlines that fly on a regular schedule with a roster of pilots are in a different class of pilots to those who might fly in the bush governed by e.g. Agricultural seasons, stop-start work, weather, etc.

2. Is a one size fits all approach being adopted, or perhaps something more flexible, depending on the type of flying conducted, as I understand they do in the US and NZ?

**Answer:**

1. The CASA Board initiated an independent review of the fatigue rules based on feedback from industry. Additional details regarding the review including the terms of reference are available at: [www.casa.gov.au/standard-page/independent-review-aviation-fatigue-rules-operators-and-pilots](http://www.casa.gov.au/standard-page/independent-review-aviation-fatigue-rules-operators-and-pilots).
2. CAO 48.1 (Instrument 2013) includes a number of appendices with prescriptive rules aimed at different industry sectors. CAO 48.1 also includes the option of a Fatigue Risk Management System (FRMS) to allow operators to manage the fatigue risks specific to their operation. Both prescriptive rules and FRMS will be assessed during the independent review.

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**Committee Question Number:** 117

**Departmental Question Number:** SQ17-000138

**Program:** n/a

**Division/Agency:** Civil Aviation Safety Authority

**Topic:** Airspace Classification

**Proof Hansard Page:** Written (14 March 2017)

**Senator Rice, Janet asked:**

In responses to the committee's most recent estimates hearing, Mr Tiede stated (p 123 of the Hansard) that uncontrolled airspace is class E, however it was my understanding that class E applies over 8500 feet, Class G is uncontrolled and both IFR and VFR aircraft are permitted and neither require ATC clearance. Please confirm which is correct?

**Answer:**

Class E airspace is controlled airspace where IFR flights require an ATC clearance but VFR flights do not require an ATC clearance. Class G airspace is uncontrolled airspace where neither IFR nor VFR flights require an ATC clearance.

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**Committee Question Number:** 118  
**Departmental Question Number:** SQ17-000139

**Program:** n/a  
**Division/Agency:** Civil Aviation Safety Authority  
**Topic:** Factors Considered in Airspace Reviews  
**Proof Hansard Page:** Written (14 March 2017)

**Senator Rice, Janet asked:**

Given that the Office of Airspace Regulation (OAR) provides “environmental specialist expertise on airspace”, what factors (please provide a full list) does OAR take into consideration and draw conclusions against in undertaking a review (presume this is an airspace change proposal)? And is there any particular priority weighting applied to one or more of those factors? Please list cases, over the last five years, of areas where an upgrade of airspace has occurred and indicate which upgrades were initiated as a result of community concerns.

**Answer:**

Under the *Civil Aviation Act 1988*, CASA must regard the safety of air navigation as the most important consideration and the OAR, consistent with the Australian Airspace Policy Statement 2015, approaches the development of its advice on airspace regulation on the same basis.

Section 3 of the *Airspace Act 2007* states that ‘the object of the Act is to ensure that Australian-administered airspace is administered and used safely, taking into account the following matters:

- protection of the environment;
- efficient use of that airspace;
- equitable access to that airspace for all users of that airspace; and
- national security.

However, the *Airspace Act 2007* does not provide specific or explicit functions in respect of those considerations or formal weighting mechanisms.

There are two cases over the last five years where the OAR has received airspace change proposals from members of the community:

- Swan River Trust application to reduce C Class airspace south of Perth to allow Visual Flight Rules operations in class G airspace over the Swan River. This application is pending further information from the proponent.
- Tasmanian Hang Gliders request to reduce Class C airspace around Hobart to enable hang gliding and paragliding activity outside controlled airspace. This has been approved by CASA.

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**Committee Question Number:** 119  
**Departmental Question Number:** SQ17-000141

**Program:** n/a  
**Division/Agency:** Civil Aviation Safety Authority  
**Topic:** OAR and Aircraft Noise  
**Proof Hansard Page:** Written (14 March 2017)

**Senator Rice, Janet asked:**

- a) Given the evidence supplied by Mr Tiede (p 122 and 123 of the Hansard) on how OAR goes about undertaking a review, and the evidence by Mr Harfield and Mr Mrdak that there is no standard governing limits for in-flight aircraft noise, and given question 1:
- i) For VFR in uncontrolled airspace below 2000 feet and for inbound RPT up to 50km from the airport, how does OAR make an informed and meaningful assessment of the impact of noise on communities and the natural and human environment and reflect this in determining appropriate flight paths and altitudes over densely populated communities?
- ii) In view of Smart Tracking's substantially more concentrated flights due to reduced aircraft separation, how does OAR make an informed and meaningful assessment of the impact of noise on communities and the natural and human environment and reflect this in determining appropriate flight paths and altitudes over densely populated communities?

**Answer:**

- i) OAR has no explicit functions or powers in respect of the protection of the environment and does not conduct noise assessments for VFR aircraft operating in uncontrolled airspace below 2,000ft. However, in respect of *regarding the safety of air navigation as the most important consideration*, the following considerations are covered by the OAR when undertaking assessments:
- protection of the environment;
  - efficient use of that airspace;
  - equitable access to that airspace for all users of that airspace; and
  - national security.
- ii) Airservices Australia is responsible for designing air routes and along with other organisations are certified to design instrument flight procedures. The OAR is not required to assess the noise impacts of air routes or instrument flight procedures undertaken by Airservices or other certified organisations.