



Australian Government
Civil Aviation Safety Authority

OFFICE OF THE CHIEF EXECUTIVE OFFICER

CASA Ref: GI17/251

22 March 2017

Senator Barry O'Sullivan
Chair, Senate Standing Committee on Rural
and Regional Affairs and Transport
Parliament House
CANBERRA ACT 2600

Dear Senator O'Sullivan

Clarification of Statement made at Estimates Hearing on 27 February 2017

I write to clarify a statement I made in response to a question from Senator Rice, which was raised in the course of an exchange involving Senator Rice, Mr Mrdak and me, the pertinent portion of which appears on page 122 of the proof *Hansard* and is reproduced below.

Senator Rice: I want to move on to airport noise and CASA's role in protecting community amenity and the natural and human environment from the deleterious effect of airport noise.

Mr Mrdak: It is probably an issue managed by Airservices.

Mr Carmody: That would be an Airservices matter.

Senator Rice: CASA do not have a role at all?

Mr Carmody: We do not.

The functions of the Civil Aviation Safety Authority (CASA), as set out in section 9 of the *Civil Aviation Act 1988* (the Act), do not include either a specific environmental function related to the management or control of the effects of 'airport noise' or a more general environmental function related to 'protecting . . . the natural and human environment from the deleterious effect of airport noise'. On this basis, it is quite correct to say that CASA has no environmental 'functions' (or corresponding 'powers') of any kind under the Act, and that was certainly the import of my response to Senator Rice's question.

That said, subsection 9A(2) of the Act provides that 'CASA must exercise its powers and perform its functions in a manner that ensures that, *as far as is practicable*, the environment is protected from (a) the effects of the operation and use of aircraft; and (b) the effects associated with the operation and use of aircraft' (emphasis provided). This provision, however, is expressly subject to CASA's obligation to 'regard safety as the most important consideration'

The *Airspace Act 2007* similarly provides that the object of that Act is 'to ensure that Australian-administered airspace is administered and used safely' and specifies a range of considerations that are expected to be taken into account in the process. These include the efficient use of airspace, equitable access to airspace and national security, as well as protection of the environment. Significantly, CASA has no specific or explicit functions or powers in respect of those considerations, and there is no explicit reference in section 12 of the *Airspace Act* to fostering environmental protection.

Having regard to the affirmative roles the Department of Infrastructure and Regional Development and Airservices play in connection with environmental issues related to aircraft noise, I trust this explanation clarifies my statement about the very limited role CASA might play in that context.

I apologise for any confusion or misunderstanding my response to Senator Rice's question may have caused.

Yours sincerely

Shane Carmody
A/g Chief Executive Officer and
Director of Aviation Safety