

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

**Question no.:** 90

**Program:** N/A

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

**Topic:** Aviation Safety Regulation Review - Implementation

**Proof Hansard Page:** 89 (19 October 2015)

**Senator Fawcett, David asked:**

**Mr Skidmore:** The Aviation Safety Regulation Review report included 37 recommendations from memory, with 32 of those relating to CASA. In regards to the implementation of those, we are continuing to work on the recommendations. The implementation plan is incorporated in our corporate plan, and we are addressing the KPIs and the performance in regards to those and reporting back through the department to the minister on those. The overarching status of the recommendations is probably best covered by the department in regards to a departmental response, but I think CASA is still on line in regards to addressing those. I cannot say exactly which ones have already been implemented, but there are a number—HSB, MOU—we are working on the regulation development reform, as you have stated. There are 12 regulations still to be implemented or outstanding at this stage, if you want to specifically go down those. On the ASRR, I think we are tracking along in regards to meeting our recommendations.

**Senator FAWCETT:** Perhaps if you could take on notice with respect to the ones that are outstanding your time frame that you see to actually finish incorporating those, that would be useful?

**Mr Skidmore:** For the ASRR recommendations?

**Senator FAWCETT:** Yes. A broad comment, particularly around the statement of your regulatory philosophy, that has been broadly welcomed by most of the stakeholders I have engaged with the industry, so thank you for that. I look forward to seeing that pursued with some vigour. I will go to some detailed issues. With respect to CAO 48.1, my understanding is that several industry sectors have been engaging with CASA and particularly the EMS sector, looking to have a specific appendix drafted for them. My understanding is that most stakeholders had agreed on a form, but that seems to have been delayed in being issued. In terms of certainty, and particularly I am aware there are some who are looking to bid for contracts with state governments, the uncertainty around that is causing issues. Do you have an update on 48.1, and particularly for the EMS and air ambulance sectors?

**Answer:**

**Outstanding CASR Parts**

Most draft CASR Parts have already been through or are going through industry consultation, with only Parts 103, 105 and 149 yet to begin that process. CASA is aiming to have CASR Part 129 made in 2015 with Parts 119, 133, 135, 121, 138, 132 and 91 expected to be made in 2016. CASA is committed to finalising the Regulatory Reform Programme as soon as possible, but will focus on ensuring the remaining CASR Parts are progressed in accordance with effective consultation with industry and the Government.

**Aviation Safety Regulation Review (ASRR)**

Of the remaining ASRR recommendations CASA expects to complete 8a, 8b, 17, 28, 33/34 and 35 in 2015 and 8c, 9, 15, 16, 18, 19, 21/22, 23, 24/25/26, 29 and 32 in 2016.

**CAO 48.1**

Consultation will continue with industry on the draft CAO 48.1 to address feedback until CASA is confident that unnecessary impacts on the sector are minimised and the effectiveness of the risk controls within the rule-set are maximised. Once the Fatigue Risk Management System Working Group finalises their feedback on the draft CAO 48.1 amendment, CASA will consult more broadly with industry. This is expected to occur by February 2016.

Representatives of the medical transport sector will continue to be involved in preparing the draft appendix.

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**Question no.:** 91

**Program:** N/A

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

**Topic:** Fatigue – Industry Workshops

**Proof Hansard Page:** 90 (19 October 2015)

**Senator Fawcett, David asked:**

**Mr Weeks:** We have arranged an industry workshop that will be held in Melbourne in early November. With that workshop invitations have gone out to all operators that have expressed an interest in undertaking the trial for the fatigue risk management system. That workshop is designed to take them through the process, so it is very much what the trial is aimed to do and the information that they would need to provide during that trial. The purpose of the workshop in Melbourne is to take industry and provide industry with exactly that detail.

**Senator FAWCETT:** So, provide the detail or have industry help develop the detail? I am just wondering if an operator, for example, is based in Darwin, whether that is reasonable for the regulator to expect them to travel to Melbourne just to receive information, or is the workshop indeed a workshop for them to have input into the conduct?

**Mr Weeks:** I have not seen the final agenda yet so I do not know the exact detail that will be covered. That would be something I would need to take on notice and come back with what the agenda entails.

**Senator FAWCETT:** At a broad position though, if you are in charge of this process, then I would assume that you would know whether this was an information session where you are just telling operators what is required or whether your intent is that this is a co-regulatory approach where they help develop the requirements. Do you know, in a binary sense; is it information giving or is it a collaborative effort?

**Mr Weeks:** My understanding is that it will be collaborative because we have a number of speakers that are there. We have an expert coming out from New Zealand who will be presenting at the workshop as well. I do not have the detail. I would need to get that for you.

**Answer:**

The primary goal of the CASA Fatigue Risk Management System (FRMS) Forum which was held in Melbourne on 11 November 2015 was to build a shared understanding between industry and CASA regarding achieving approval for an FRMS trial. The Forum brought industry and CASA representatives together to discuss the important issues relating to establishing a fatigue risk management system.

The Forum was arranged into four discrete sessions with each session involving short presentations from independent experts, industry and CASA representatives, followed by a panel discussion with a question and answer session involving operators.

By providing periods for questions and answers and involving industry based experts, CASA took a collaborative approach to build shared understanding of the FRMS trial process. Additionally, the forum was preceded by a questionnaire to discover concerns and areas where more information is required and followed by a post-forum questionnaire to check whether questions were answered effectually. This approach will help identify if additional guidance material is required to support industry to effectively and efficiently engage in the FRMS trial process.

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**Question no.:** 92

**Program:** N/A

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

**Topic:** Part 61 Manual of Standards

**Proof Hansard Page:** 90 (19 October 2015)

**Senator Fawcett, David asked:**

**Senator FAWCETT:** That is probably a fair defence for a recent appointment. My understanding is that there was supposed to be a revised manual of standards issued in September for part 61 but that is not yet on the streets. Could somebody give me an update as to what is occurring there?

**Mr Skidmore:** I am not sure of the exact status of the time frame for the revised manual of standards. We would have to check that and get the information back to you.

**Senator FAWCETT:** My understanding is Mr Crosthwaite replied in May of this year that the amendment to MOS was planned by September this year.

**Mr Skidmore:** I can clarify that. The drafting structures were being written to address a number of issues and we are expecting an amendment to the part 61 MOS in December of 2015.

**Senator FAWCETT:** What is the corresponding time frame that you will be expecting industry to comply with the contents of the new manual of standards? My understanding is there have been some previous iterations where it was issued on Day X and Day X plus 1. Industry were being required to comply with it and we were seeing flying schools not able to conduct tests and other activities. I am interested to know what adjustment time you will be providing industry before they are expected to apply this?

**Answer:**

The legislative instrument that will amend the Part 61 Manual of Standards (MOS) has not yet been finalised but CASA will include transition provisions that ensure applicants who have embarked on a course of training would not be penalised by a change to the MOS.

The target date for making the MOS amendment was December 2015 but it is now expected by the end of March 2016. CASA has established a Part 61 Solutions Taskforce, informed by an industry advisory panel, as an initiative to address feedback received from the aviation community, including in relation to the Part 61 MOS.

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**Question no.:** 93

**Program:** N/A

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

**Topic:** Part 145 Manual of Standards – ALAEA proposal

**Proof Hansard Page:** 94 (19 October 2015)

**Senator Xenophon, Nick asked:**

**Senator XENOPHON:** But is there a proposal, and you might get a call in the next half hour after these estimates? Has the ALAEA put forward a proposal to adopt the European regulatory provisions to do with these standards?

**Mr Skidmore:** I would have to take that on notice. I think they have but I would have to check in regards to the correspondence that I have received.

**Answer:**

CASA is not aware of any formal submission from the ALAEA to adopt the European regulatory provisions dealing with the standards for specialist maintenance. However CASA notes that the ALAEA have used the European regulatory provisions as a comparison to Australia in some of their correspondence in 2015.

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**Question no.:** 94

**Program:** N/A

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

**Topic:** Comparison of Australian Part 145 with European Part 145

**Proof Hansard Page:** 94 (19 October 2015)

**Senator Xenophon, Nick asked:**

**Senator XENOPHON:** I will put some of these questions on notice because they are of a technical nature. Can I just ask broadly: does the Australian system of maintenance certification align or harmonise with the EASA system, which I understand is European?

**Mr Anastasi:** There are similarities, but there are differences as well.

**Senator XENOPHON:** Do the Europeans require all maintenance tasks to be overseen by persons qualified as licensed engineers before being released back to service?

**Mr Skidmore:** It might be easier for us to actually provide you with a comparison between our 145 and the EASA 145.

**Senator XENOPHON:** Yes.

**Mr Skidmore:** Would that be easier?

**Senator XENOPHON:** I think it might be more suitable to put those on notice and give answers.

**Mr Skidmore:** I am more than happy to take that on notice and discuss it with you later.

**Answer:**

See response to Question on Notice 103.

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**Question no.:** 95

**Program:** N/A

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

**Topic:** REPCON

**Proof Hansard Page:** 94 - 95 (19 October 2015)

**Senator Bullock, Joe asked:**

**Senator XENOPHON:** All right. I would like to go to question on notice 174 of the prebudget estimates. This is in the February estimates. This relates to the REPCON communications. This is about the REPCON in relation to the loss of separation or separation assurance in terms of the Melbourne airport and Essendon airport, if you are familiar with that. I was very dissatisfied with the answers given by the ATSB, which basically said that when they investigated it that CASA said, 'We relied upon the advice of Airservices' and the ATSB apparently used WebTrack. WebTrack is something that a 12-year-old goes online with to ask online where an aircraft is. I am concerned that you have been given very poor information by the ATSB in relation to what was a very serious incident. I am happy for you to take this on notice because I am very worried about this particular incident of what appears to be a loss of separation assurance between Melbourne and Essendon airports where aircraft were taking off at runways that are not parallel. They could potentially have intersected for what I think was several hours. Can you take on notice whether there has been a thorough investigation of the material that was provided to you by the ATSB, whether you are satisfied with that material, including the assertion that the ATSB relied on WebTrack, which I think in the aviation community is something that kids rely on online to see where aircraft are travelling? I put a number of questions to you back in May 2005. Mr Cromarty—and I want to put this on notice—was very helpful and did indicate that he wanted to speak to some of those air traffic controllers. Unfortunately at this stage they are not prepared to come forward, but could you give me some further information about whether you have dug deeper into the ATSB's answers or the information given to you as to whether you consider it adequate or not?

**Mr Skidmore:** I am certainly happy to do that.

**Answer:**

The information originally received from the ATSB on the incident (on 12 November 2013) was the REPCON AR201300090 dated 9 December 2013. When CASA received the REPCON it included a response from Airservices but did not contain any information from the ATSB.

CASR Part 172 only requires the Air Traffic Service Provider to retain surveillance data for a period of 14 days. So by the time CASA was made aware of the incident there was no data available for CASA to review.

However, in May 2015 CASA sought further information from Airservices and was provided a copy of a Short Investigation Bulletin (SIB) on 17 August 2015. The incident was covered in the SIB which reported Airservices reviewed the traffic movements during the occurrence period (2 hours and 7 minutes) and "there were no traffic conflicts identified during this period as there were no missed approaches from Essendon runway 26". The SIB concludes that there were no traffic conflicts during the period of this occurrence.

Airservices also provided CASA with data from their system and on reviewing this information, CASA has no evidence either to support or refute whether there was a loss of separation assurance.

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**Question no.:** 96

**Program:** N/A

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

**Topic:** KPIs

**Proof Hansard Page:** 95 (19 October 2015)

**Senator Bullock, Joe asked:**

**Senator BULLOCK:** Back in May I foolishly assumed that you had adopted as a KPI reducing the number of accidents per flying hours. You responded that you were actually reviewing the appropriateness of your KPIs and whether it was appropriate to have a KPI reducing the number of accidents. I asked you at the time how you were going for 2014-15—this is May—and you said, 'I don't have that information directly to hand but we can certainly gather that information for you and check on it.' After I put it on notice we got an answer and the answer was, 'The data for 2014-15 year is not yet available.' Is it available now?

**Mr Skidmore:** Unfortunately the data for the 2014 calendar year is still not available but we have been able, based on some of the historical data, to make an assessment in regards to the actual accidents and incidents levels.

**Senator BULLOCK:** So, you do not know how many accidents there were in the year ended 30 June and it is now October. CASA does not know how many accidents there were?

**Mr Skidmore:** We rely on the statistics being provided to us and we are still awaiting that information.

**Senator BULLOCK:** From the ATSB?

**Mr Skidmore:** It is not just ATSB. It is also to do with the flying hours because we normalise the number of events, accidents and incidents across flying hours to be able to make an assessment from year to year.

**Senator BULLOCK:** Yes. I understand you would have to know how many hours to do the sum. Could you keep looking for me?

**Mr Skidmore:** I certainly will.

**Answer:**

The Civil Aviation Safety Authority (CASA) received the Aviation Occurrence Statistics Report 2005-2014 (AR-2015-082) from the Australian Transport Safety Bureau in late December 2015. That Report does not include data on the number of hours flown in the general aviation sector for 2014, which is expected to be available from the Bureau of Infrastructure, Transport and Regional Economics in the first half of 2016. Once all the relevant data is available CASA will complete a proper analysis of accident rates for 2014.

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**Question no.:** 97

**Program:** N/A

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

**Topic:** RPAS – Engagement with Security Agencies

**Proof Hansard Page:** 96 (19 October 2015)

**Senator Dastyari, Sam asked:**

**Senator DASTYARI:** You said that you had not had a discussion recently with the Attorney-General's Department, and I appreciate that. If I was going to extend that to the security agencies, would you have the same answer?

**Mr Skidmore:** I have not had individual discussions with them. I am not sure whether anyone in my authority has so far.

**Senator DASTYARI:** Was that a no?

**Dr Aleck:** I personally have not.

**Senator DASTYARI:** If you can take that on notice. If the answer is no, if someone at mid-level comes to us in the next day and says, 'Actually, we have,' then I will understand that.

**Mr Skidmore:** We will take it on notice and then we will refer back any conversation.

**Answer:**

CASA has not had any direct discussions with security agencies in relation to Remotely Piloted Aircraft Systems.



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**Question no.:** 98

**Program:** N/A

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

**Topic:** Specialist Maintenance

**Proof Hansard Page:** Written

**Senator Xenophon, Nick asked:**

CASA provided advice that they “take the view” that any approval for additional Specialist Maintenance will require a legislative instrument. Where is this view reflected? Is it contained in a written policy or is this “requirement” to create an instrument also discretionary?

**Answer:**

This view is reflected in the November 2015 amendments to the *CASA Part 145 Approved Maintenance Organisation Technical Assessor Handbook*. The Handbook is used by CASA inspectors to assess an application for an Approved Maintenance Organisation certificate, including significant changes to the certificate/their exposition (procedures).

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**Question no.:** 99

**Program:** N/A

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

**Topic:** Specialist Maintenance

**Proof Hansard Page:** Written

**Senator Xenophon, Nick asked:**

Are there companies operating with approvals in their Maintenance Organisations Expositions for Specialist Maintenance of the kind that was disallowed by the Senate in March 2015? How many? When were the approvals issued?

**Answer:**

Yes, two. April 2014 and June 2014.

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**Question no.:** 100

**Program:** N/A

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

**Topic:** Specialist Maintenance

**Proof Hansard Page:** Written

**Senator Xenophon, Nick asked:**

As there have been no actual changes to the Part 145 MOS in respect of the discretionary provisions for Specialist Maintenance approval since the creation of the MOS, how were the approvals for additional Specialist Maintenance for individual company's Expositions made? Should they have been made under a legislative instrument? If so why weren't they? What actions have CASA taken to ensure this doesn't occur again?

**Answer:**

The approvals were given in the process of approving the expositions of the approved maintenance organisations in which the additional specialist maintenance activities were included.

It is considered that the specialist maintenance activities should also have been specified in a legislative instrument but due to a misunderstanding of requirements this did not occur.

Previously, CASA had no published policy or procedures as to the application and operation of para 145.A.30 (f) 3(vi) of the Part 145 Manual of Standards.

However, CASA has now implemented amendments to the CASA Part 145 Approved Maintenance Organisation Technical Assessor Handbook to make it clear that the approval of a new category of specialist maintenance under para 145.A.30 (f) 3 of the Part 145 Manual of Standards must include the creation of an instrument that is registered on the Federal Register of Legislative Instruments.

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**Question no.:** 101

**Program:** N/A

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

**Topic:** Specialist Maintenance

**Proof Hansard Page:** Written

**Senator Xenophon, Nick asked:**

In relation to the oversight of maintenance and differences between EASA and Australia – CASA indicated there were similarities and differences.

Does the European Aviation Safety Regulator require a licence qualified person to take an active role in all maintenance tasks and ensure they have been completed properly and signed off properly?

Is this the case in Australia, or is a non-licence qualified Specialist Maintainer permitted to sign off the maintenance?

**Answer:**

See response to Question on Notice 103.

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**Question no.:** 102

**Program:** N/A

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

**Topic:** Specialist Maintenance

**Proof Hansard Page:** Written

**Senator Xenophon, Nick asked:**

In her speech to the Senate on 18 March 2015 in opposition to a motion to disallow the Amendments to Part 145 MOS Senator Cash, representing the Minister for Infrastructure and Regional Development stated that CASA's position in relation to specialist maintenance is consistent with that being applied in major overseas jurisdictions including Europe. Was the information being relied upon by the Minister accurate?

**Answer:**

Yes.

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**Question no.:** 103

**Program:** N/A

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

**Topic:** Specialist Maintenance

**Proof Hansard Page:** Written

**Senator Xenophon, Nick asked:**

Can CASA supply a comparison of similarities and differences between the CASR system of certification and the EASR system, including any advice published by both EASA and CASA on their policy expectations?

**Answer:**

Yes, see Table 1 below.

The published information on the associated policy expectations is available from:

CASA: <<https://www.casa.gov.au/airworthiness/standard-page/legislation-and-guidance>>

EASA: <<https://easa.europa.eu/regulations>>

<b>Table 1: Comparison of the EASA regulations and CASR systems of certification</b>							
	Certificate of Release to Service (CRS) for Aircraft	Stage or individual step of maintenance certificated with a discrete 'maintenance certification'	Use of Support Staff	Certification Staff assessed as competent before being authorised to certify?	Use of Part 66 category A licence holders	Check all maintenance ordered is completed properly before signing a CRS	All maintenance signed by a Part 66 licence holder
<b>Base Maintenance</b>							
EASA	Part 66 – Category C licence holder	No (CRS may be used at the discretion of the AMO)	Yes (not required to certify for all individual maintenance tasks)	Yes	No	Yes	No
CASR	Part 66 – Category C licence holder	Yes	No	Yes	No	Yes	No
<b>Line Maintenance</b>							
EASA	Part 66 – Category A, B1 or B2 licence holder	No (CRS may be used at the discretion of the AMO)	No	Yes	Yes	Yes	No
CASR	Part 66 – Category A, B1 or B2 licence holder	Yes	No	Yes	Yes	Yes	No