

**Rural and Regional Affairs and Transport Legislation Committee**  
ANSWERS TO QUESTIONS ON NOTICE  
Additional Budget Estimates February 2010  
**Infrastructure, Transport, Regional Development and Local Government**

**Question No.:** CASA 01

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

**Topic:** Non-Scheduled Flight Permissions

**Hansard Page/s:** 136 (09/02/10)

**Senator Macdonald asked:**

**Senator IAN MACDONALD**—How frequently are permissions granted to foreign air carriers under the relevant section, which I assume is section 25. Is that right?

**Mr McCormick**—Do you mean ones that do not have foreign aircraft operator certificates?

**Senator IAN MACDONALD**—Yes.

**Mr McCormick**—The actual number I do not have in front of me. I do not expect it to be large. I can get that number for you, though, if you wish.

**Senator IAN MACDONALD**—If you could do that and tell me how many were granted in 2009 and in the last five years, if you are able to do that without too much rummaging.

**Answer:**

Non-Scheduled Flight Permissions are issued in accordance with Section 25 of the *Civil Aviation Act 1988*. CASA records Non-Scheduled Flight Permissions data by financial year, but records are not readily available for 2005 and 2006.

The table below shows the number of Non-Scheduled Flight Permissions issued between 1 January 2007 and 24 February 2010.

<b>Non-Scheduled Flight Permissions</b>	
<b>Period</b>	<b>Total</b>
1 July 2009 to 24 Feb 2010	78
1 July 2008 to 30 June 2009	127
1 July 2007 to 30 June 2008	97
1 Jan 2007 to 30 June 2007	75

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**Question No.:** CASA 02

**Division/Agency:** Civil Aviation Safety Authority  
**Topic:** Aviation Related Matters in the Court System  
**Hansard Page/s:** 141 (09/02/10)

**Senator Macdonald asked:**

**Senator IAN MACDONALD**—I have not been through it closely enough to even contemplate that. Perhaps I could put on notice to you, Minister, so that the department could just have a bit of a think about that: what is the situation where our safety authority says no but courts, acting on other very appropriate bases, decide yes? Could you perhaps give it some thought, Mr Mrdak.

**Senator Conroy**—That is a very valid question and we will certainly give it serious consideration when we take that on notice, Senator Macdonald.

**Answer:**

Paragraph 31(1)(a) of the *Civil Aviation Act 1988* specifies that CASA's decisions to refuse to grant a Foreign Aircraft Air Operator's Certificate, amongst other decisions, are reviewable in the Administrative Appeals Tribunal (AAT).

The legislation under which the AAT operates allows the Tribunal to supplant decisions of the kind involved in this case with its own decision.

CASA presents evidence and argument to the AAT to explain its original decision, and has the right to appeal a determination of the AAT to supplant CASA's original decision.

In early 2009, the Government amended the *Civil Aviation Act 1988* to enhance the effectiveness of CASA's decisions for the period of time they are subject to an AAT application. Previously, authorisation holders who applied to the AAT for review of CASA's decision to vary, suspend or cancel privileges received an automatic 90-day stay of the decision. CASA's decision now continues to have effect unless affected parties obtain a stay order from the AAT.

The Government will keep under consideration any need to make further changes to the current arrangements.

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**Question No.:** CASA 03

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

**Topic:** Status of CASA Regulatory Reform program

**Hansard Page/s:** Written Question

**Senator Nash asked:**

I notice that CASA receives \$15 million per year in the form of charges levied for regulatory services to industry.

1. What is the breakdown of those figures?
2. How much is provided by General Aviation?
3. How is the regulatory reform program going?
4. How many regulations relating to licensing, aircraft maintenance and flight operations are there?
5. What is the backlog in the regulatory development program?
6. How many regulations have to be rewritten?
7. How many are there to go?

**Answer:**

1. and 2. CASA's Annual Report for 2008-09 records an income \$13.918m received under the Civil Aviation (Fees) Regulations 1995, including revenue from the issuing of Aviation Security Identification Cards (ASICs).

Of the total \$13.918m, \$2.398m is fee recovery from General Aviation (aircraft below 5700 kg) and \$2.755m to Air Transport (aircraft above 5700 kg). This revenue is for appointments and delegations, certificates of approval and airworthiness and air operator certificates. The remaining revenue of \$8.765m is derived from CASA services to which no general aviation or air transport classification is provided. This primarily includes revenue from issuing licences, medical certificates and ASICs to individuals in the aviation industry.

3. to 7. The regulatory reform program includes 61 Parts of the Civil Aviation Safety Regulations 1998 (CASRs). To date, 33 CASR Parts have been made and implemented, 21 Parts are in the legal drafting process, and another 7 Parts are under development or consideration in CASA.

In terms of the 28 CASR Parts yet to be made, there are 4 Parts that relate to flight crew licensing, training and related issues, 4 Parts that relate to aircraft maintenance, including licensing and training, 7 Parts that relate to air transport operations, 2 Parts that relate to aerial work operations, 3 Parts that relate to sport and recreational aviation operations, and 5 Parts that relate to various specific kinds of aircraft operations. There are 3 other Parts yet to be made that address issues other than licensing, maintenance and flight operations.

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**Question No.:** CASA 04

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

**Topic:** Consultations on CASA Regulations

**Hansard Page/s:** Written Question

**Senator Nash asked:**

1. What are the public consultative arrangements conducted by CASA as part of the drafting process?
2. Is it correct that the maintenance regulations are to be completed by the first half of 2010?
3. How many of these regulations are to be written?
4. What does the first half of 2010 mean? March? June 2010?

**Answer:**

1. CASA consults with industry through its Standards Consultative Committee (SCC) and the SCC's sub-committees and project teams. The SCC provides comments on draft Discussion Papers, draft Notices of Proposed Rule Making, and draft regulatory text. CASA notifies the public of the release of, and invites comments on, Discussion Papers and Notices of Proposed Rule Making in *The Australian* newspaper and on the CASA website.
2. to 4. CASA expects the maintenance suite of Civil Aviation Safety Regulations (CASRs) to be made by the end of June 2010 and to come into effect on 1 November 2010.

The Maintenance suite of CASRs being drafted comprises Parts 42, 66, 145 and 147. Consequential amendments to other regulations will also be required.

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**Question No.:** CASA 05

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

**Topic:** Status of Licensing and Flight Operations Regulations

**Hansard Page/s:** Written Question

**Senator Nash asked:**

1. How confident are you that you will finish the licensing and flight operation regulations by the end of 2010?
2. What does by the end of 2010 mean? The last day of December? July?

**Answer:**

1. and 2. CASA expects to receive finalised legal drafts by December 2010.

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**Question No.:** CASA 06

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

**Topic:** Trial of Unicom System

**Hansard Page/s:** Written Question

**Senator Nash asked:**

**Trial of Unicom System**

I refer to the air-traffic situational awareness trial called Unicom that was conducted by Air Services Australia. This, I understand was an attempt to provide an alternative arrangement for regional airports catering for higher capacity jets now using aerodromes in regional Australia without the expensive infrastructure associated with licensed air traffic controllers and control towers.

I understand that CASA received the report written by Airservices Australia about the trial on 31 March 2009. Is that correct?

**Answer:**

Yes. CASA received the Unicom Trial Proof of Concept Report on 31 March 2009.

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**Question No.:** CASA 07

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

**Topic:** CASA Response to Airservices Australia's Enhanced Unicom Trial

**Hansard Page/s:** Written Question

**Senator Nash asked:**

I notice the extraordinary answer we received from a Question on Notice asked in the Supplementary Budget Estimates in October 2009. This committee asked when the Government will provide a response to this trial.

Your answer was, and I quote:

*CASA expects to provide a response to Airservices in relation to the trial shortly.*

So does it usually take eleven months for CASA to provide a report on a trial that involved the expenditure of the taxpayer's money of \$650,000?

What does 'shortly' mean? Before the election? Next year?

**Answer:**

On 31 March 2009, Airservices Australia provided a "Unicom Trial Proof of Concept Report" and a draft report entitled "Quantifying the Effectiveness of Unicom and Certified Air Ground Radio Service (CAGRS) as Control Barriers to a Mid-Air Collision – DRAFT" to CASA.

CASA followed up on both reports and in April 2009 obtained from Airservices the final version of the renamed and consolidated "Report on the Effectiveness of Unicom and CAGRS as Control Barriers to a Mid-Air Collision".

The Unicom trial was a low risk activity and CASA prioritised this activity accordingly, however CASA and Airservices continued to discuss both reports.

CASA's final response to Airservices was provided on 26 October 2009.