

Senate Standing Committee on Rural and Regional Affairs and Transport

ANSWERS TO QUESTIONS ON NOTICE

Supplementary Estimates October 2006

Transport and Regional Services

Question No.: CASA 01

Division/Agency: Civil Aviation Safety Authority

Topic: Functions of the Engineering Support Section

Hansard Page: 74-75 (30/10/06)

Senator O'Brien asked:

Senator O'BRIEN—What functions were undertaken by the engineering support section?

Mr Byron—There is a range of them.

Senator O'BRIEN—Do you call it a Branch or a Section?

Mr Byron—It is a Section. There is a range of them. I would have to on notice give you the full details but, for example, there would have been the assessment of industry STCs, supplementary technical certificates, if they required assessment. That sort of function is still available, it is just that it is not done by a section called ESB. If you would like I can give you a more detailed breakdown of the types of work that they performed.

Senator O'BRIEN—Yes, I would appreciate that; and an indication of where if anywhere that work has gone?

Answer:

The work undertaken by the Engineering Support Branch (ESB) included the assessment of Design Advices (DA), Type Certificates (TC), Supplemental Type Certificates (STC), Australian Parts Manufacturing Approval (APMA), Australian Technical Standard Order Approvals (ATSOA), CAR 35 (approval of design and modifications or repair) oversight and authorisation, manufacturer oversight and audit, approval of some modification and repairs and defect investigation.

Senate Standing Committee on Rural and Regional Affairs and Transport

ANSWERS TO QUESTIONS ON NOTICE

Supplementary Estimates October 2006

Transport and Regional Services

Question No.: CASA 02

Division/Agency: Civil Aviation Safety Authority

Topic: Abolition of the Engineering Support Section

Hansard Page: 75 (30/10/06)

Senator O'Brien asked:

Senator O'BRIEN—Is it fair to say that that work is now performed in Canberra?

Do you need to give me that answer on notice?

Mr Byron—I will need to give you an answer on notice on that. As an initial assessment I would say some is done in Canberra but certainly not all of it, but I will give you a detailed answer on notice.

Answer:

The work is now being undertaken by technical staff in the Manufacturing, Certification and New Technologies Office. Technical evaluations are undertaken by the technical specialists from the Airframes Section, Manufacturing Section and the New Technologies and Systems Section. The work is spread between staff in Melbourne, Sydney, Brisbane and Canberra according to expertise and availability, and is managed from Canberra within the Certification Policy and Programme Section.

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Supplementary Estimates October 2006

Transport and Regional Services

Question: CASA 03

Division/Agency: Civil Aviation Safety Authority

Topic: Abolition of the Engineering Support Section

Hansard Page: 75 (30/10/06)

Senator O'Brien asked:

Senator O'BRIEN—Is it the case that in this section there were 13 positions located in Brisbane, Melbourne and Sydney and that these staff were offered voluntary redundancies?

Mr Byron—There were a number of staff in the ESB that were offered redundancies as part of the restructuring of MCANTO. I would need to check the precise locations for you.

Answer:

Engineering Support Branch (ESB) had 13 technical positions and two administrative positions. The Branch was located in Brisbane, Melbourne and Sydney. All ESB staff were offered redundancies and the take up rate was as follows:

	Offered Redundancy	Accepted Redundancy
Bankstown	7	6
Melbourne	7	6
Brisbane	1	1
Total	15	13

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Supplementary Estimates October 2006

Transport and Regional Services

Question: CASA 04

Division/Agency: Civil Aviation Safety Authority

Topic: Abolition of the Engineering Support Section

Hansard Page: 75 (30/01/06)

Senator O'Brien asked:

Senator O'BRIEN—If you could, that would be helpful. Is it also true that of the 13 experienced engineering staff only two have elected to remain in the now retitled section on AWAs?

Mr Byron—The detail of that I will have to confirm with you on notice. I know that we certainly have retained a number of staff who are highly experienced.

Answer:

Of the 13 technical staff offered redundancies, two officers remained with CASA on Australian Workplace Agreements (AWAs) in two sections within the Manufacturing, Certification and New Technologies Office (MCANTO).

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Supplementary Estimates October 2006

Transport and Regional Services

Question: CASA 05

Division/Agency: Civil Aviation Safety Authority

Topic: Relocation of Positions

Hansard Page: 75 (30/10/06)

Senator O'Brien asked:

Senator O'BRIEN—Would you then be able to give the Committee a breakdown of numbers and qualifications of technical staff in Canberra and the field offices, showing me a comparison for the last three financial years?

Mr Byron—I can do that on notice, certainly.

Answer:

CASA provides tables in its Annual Reports concerning the location and classification of all staff. CASA prescribes mandatory technical qualifications for staff employed in the Flying Operations Inspector and Airworthiness/Aerodromes Inspector employment categories. The qualifications include those relating to engineering, manufacturing, airworthiness and test-piloting. The location and numbers of these staff over the past three financial years, are as follows:

Technical Staff	2003/04 Canberra	2003/04 Field Office	2004/05 Canberra	2004/05 Field Office	2005/06 Canberra	2005/06 Field Office
	82	203	96	204	92	197

Senate Standing Committee on Rural and Regional Affairs and Transport

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Supplementary Estimates October 2006

Transport and Regional Services

Question: CASA 06

Division/Agency: Civil Aviation Safety Authority

Topic: Lessbrook/TransAir Enforceable Voluntary Undertaking

Hansard Page: 78 (31/10/06)

Senator McLucas asked:

Senator McLUCAS—Did the company seek to amend it?

Mr Byron—I would need to take on notice whether they sought to amend the EVU. I am not sure of the answer to that.

Senator McLUCAS—I understand they can seek to, and you can refuse amendment. I think you are telling me there has been no amendment but they may have sought to.

Mr Byron—I will get advice on that.

Answer:

The company (*Lessbrook Pty Ltd* trading as *Transair Pty Ltd*) informally explored the question of an extension of time to meet some of its undertakings by telephone on 10 July 2006 and at a meeting with CASA on 27 July 2006. On both occasions, CASA informed the company that this was not possible under the *Civil Aviation Act 1988*. No formal request seeking an extension was received by CASA.

Senate Standing Committee on Rural and Regional Affairs and Transport

ANSWERS TO QUESTIONS ON NOTICE

Supplementary Estimates October 2006

Transport and Regional Services

Question: CASA 07

Division/Agency: Civil Aviation Safety Authority

Topic: Lessbrook/TransAir Enforceable Voluntary Undertaking

Hansard Page: 78 (31/10/06)

Senator McLucas asked:

Senator McLUCAS—So they sought an extension at the point of signing, on 4 May, or subsequently?

Mr Byron—Subsequently.

Senator McLUCAS—Can you tell me when, please?

Mr Byron—We will need to take that on notice.

Answer:

The company (*Lessbrook Pty Ltd* trading as *Transair Pty Ltd*) informally explored the question of an extension of time to meet some of its undertakings by telephone on 10 July 2006 and at a meeting with CASA on 27 July 2006. On both occasions, CASA informed the company that this was not possible under the *Civil Aviation Act 1988*. No formal request seeking an extension was received by CASA.

Senate Standing Committee on Rural and Regional Affairs and Transport

ANSWERS TO QUESTIONS ON NOTICE

Supplementary Estimates October 2006

Transport and Regional Services

Question: CASA 08

Division/Agency: Civil Aviation Safety Authority

Topic: Lessbrook/TransAir Enforceable Voluntary Undertaking

Hansard Page: 79 (30/10/06)

Senator McLucas asked:

Senator McLUCAS—Thank you. They were simply seeking an extension of the period of operation of the EVU?

Mr Byron—Yes.

Senator McLUCAS—Right.

Mr Byron—The period of the EVU.

Senator McLUCAS—We will get that on notice.

Mr Byron—We will get that detail to you.

Answer:

The company (*Lessbrook Pty Ltd* trading as *Transair Pty Ltd*) informally explored the question of an extension of time to meet some of its undertakings by telephone on 10 July 2006 and at a meeting with CASA on 27 July 2006. On both occasions, CASA informed the company that this was not possible under the *Civil Aviation Act 1988*. No formal request seeking an extension was received by CASA.

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Supplementary Estimates October 2006

Transport and Regional Services

Question: CASA 09

Division/Agency: Civil Aviation Safety Authority

Topic: Lessbrook/TransAir Enforceable Voluntary Undertaking

Hansard Page: 79 (30/10/06)

Senator McLucas asked:

Senator McLUCAS—How many undertakings were there in the EVU?

Mr Byron—We would need to take that on notice. There were a considerable number.

Answer:

Seven.

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Transport and Regional Services

Question: CASA 10

Division/Agency: Civil Aviation Safety Authority

Topic: Lessbrook/TransAir Enforceable Voluntary Undertaking

Hansard Page: 79 (30/10/06)

Senator McLucas asked:

Senator McLUCAS—Can you also confirm that the numbers of undertakings in the EVU are different to the number identified in the summary document on the website?

Mr Byron—I would need to check that level of detail. I have been advised that the content of the website certainly describes in broad terms the concerns of CASA that need to be addressed, but obviously all the detail is not there. I would need to check to make sure that each of the items within the EVU is adequately covered by the summary, which I think is the question you are asking me.

Answer:

The website summary of the Enforceable Voluntary Undertaking (EVU) provides:

'The issues (that are) the subject of the EVU relate to organisational structural problems, systemic documentation and reporting problems impacting on its maintenance procedures, and quality control and review.

Lessbrook has undertaken:

- *To review and adjust its organisational structure and infrastructure;*
- *To revise its system of maintenance;*
- *To review its maintenance tracking data;*
- *To conduct internal and external audits of its maintenance system and tracking processes; and*
- *To provide CASA with progress reports on implementation.'*

Each of the seven items within the EVU is adequately covered by the summary.

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Question: CASA 11

Division/Agency: Civil Aviation Safety Authority

Topic: Lessbrook/TransAir Enforceable Voluntary Undertaking

Hansard Page: 81 (31/10/06)

Senator McLucas asked:

Senator McLUCAS—That is what you have been advised. Thank you for that information. Please take on notice, Mr Byron, that I want a list of all actions that were undertaken by CASA following each of the four audits, and also in that list I would like an understanding of all actions that Transair undertook. Basically, you told them to do X. I want to know if they did it. If they did not do it, I want to know what action CASA undertook following that. And I wonder if you could you table a copy of the EVU?

Mr Byron—In terms of the actions that CASA took as a result of the audit, I will certainly take that on notice and give that to you.

Answer:

A chart of CASA audits was provided on 1 February 2007 to the Senate Standing Committee on Rural and Regional Affairs and Transport's Inquiry into the Airspace Bill 2006 and Airspace (Consequential and Other Measures) Bill 2006.

The chart describes twenty audits conducted by CASA on Transair, including the four audits mentioned by Senator McLucas (note the corrected reference to September 2001 rather than November 2001). The chart lists the issues raised by CASA in each audit, whether the issue was acquitted and the date on which it was acquitted.

A copy of this chart is **attached**.

A copy of the Enforceable Voluntary Undertaking offered by Transair was provided to the Standing Committee on Rural and Regional Affairs and Transport following the Supplementary Estimates Hearing in October 2006 (see DOTARS tabled document number 3).

[CASA 11 attachment]

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ANSWERS TO QUESTIONS ON NOTICE

Supplementary Estimates October 2006

Transport and Regional Services

Question No. CASA 12

Division/Agency: Civil Aviation Safety Authority

Topic: Lessbrook/TransAir Enforceable Voluntary Undertaking

Hansard Page: 81-82 (30/10/06)

Senator O'Brien asked:

Mr Byron—In terms of the detail of the EVU, I will just need to get advice as to what our legal position is on that.

Senator O'BRIEN—Doesn't the Act say that you have to publish the detail? I use the term 'the detail' because that is what is in the Act?

Mr Byron—I am advised that what the Act says is to publish 'the details', not 'the detail'. What our interpretation has been is that we provide a summary of it rather than word by word.

Senator O'BRIEN—Instead of the details, you provide a summary of the details?

Mr Byron—A summary that specifies what the detail is. If you do not mind, I am happy to take that one on notice and discuss that with our people. We believe we are acting in accordance with the requirements of the Act.

Answer:

Sub-section 30DK(4) of the *Civil Aviation Act 1988* states that 'CASA must publish details of the undertaking on the Internet'.

CASA's interpretation of this is that the substance of the EVU is required to be published on the Internet rather than the full text of the EVU.

CASA's view is that the information published on the Internet in relation to the EVU entered into by Lessbrook Pty Ltd accurately reflects the substance of the undertakings contained in the EVU and is therefore consistent with the requirements of the *Civil Aviation Act 1988*.

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ANSWERS TO QUESTIONS ON NOTICE

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Question: CASA 13

Division/Agency: Civil Aviation Safety Authority

Topic: Show Cause Notice

Hansard Page: 84 (30/10/06)

Senator McLucas asked:

Senator McLUCAS—Thank you. What was the first show cause on 14 August about? What were the issues in the show cause notice?

Mr Byron—There is quite a bit of detail in that. I will need to take that on notice. In summary, it is what I have said. We were not satisfied with the way they were progressing with the EVU so we issued them a Show Cause Notice.

Answer:

A copy of the Show Cause Notice was provided in camera on 1 February 2007 to the Senate Standing Committee on Rural and Regional Affairs and Transport Inquiry into the Airspace Bill 2006 and Airspace (Consequential and Other Measures) Bill 2006.

Senate Standing Committee on Rural and Regional Affairs and Transport

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Supplementary Estimates October 2006

Transport and Regional Services

Question: CASA 14

Division/Agency: Civil Aviation Safety Authority

Topic: Enforceable Voluntary Undertaking (EVU)

Hansard Page: 84 (30/10/06)

Senator McLucas asked:

Senator McLUCAS—Of the seven Undertakings, which ones were not complied with?

Mr Murray—I do not have the specific detail on that available at the moment, but I am very happy to take that on notice and will supply that.

Answer:

It is not appropriate at this time to address detailed questions that deal with CASA's oversight of Transair since the Lockhart River accident.

CASA has already made public considerable details of its regulatory oversight of Transair since the Lockhart River Accident. This includes the action on 4 December 2006, at Transair's request, to cancel Transair's Air Operator's Certificate, effectively terminating all their flying operations.

Senate Standing Committee on Rural and Regional Affairs and Transport

ANSWERS TO QUESTIONS ON NOTICE

Supplementary Estimates October 2006

Transport and Regional Services

Question: CASA 15

Division/Agency: Civil Aviation Safety Authority

Topic: Show Cause Notice

Hansard Page: 84 (30/10/06)

Senator McLucas asked:

Senator McLUCAS—Could we have a copy of the Show Cause Notice?

Mr Murray—Certainly, I have no problem with producing a copy of the show cause notice, or indeed the supplementary show cause notice, if we are in fact allowed to do that.

Answer:

A copy of the Show Cause Notice was provided in camera on 1 February 2007 to the Senate Standing Committee on Rural and Regional Affairs and Transport Inquiry into the Airspace Bill 2006 and Airspace (Consequential and Other Measures) Bill 2006.

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ANSWERS TO QUESTIONS ON NOTICE

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Question: CASA 16

Division/Agency: Civil Aviation Safety Authority

Topic: Enforceable Voluntary Undertaking (EVU)

Hansard Page: 86 (30/10/06)

Senator McLucas asked:

Senator McLUCAS—You will understand that I have a lot of difficulty when I hear that this company has been given the chance to fix problems that have been identified since November 2001. To be frank, I do not know how the families of the 15 people who are dead are going to cope with that. Did they provide a weekly update of their compliance—a weekly report—as they are required to?

Mr Murray—Initially, I understand that they did.

Senator McLUCAS—For how many weeks?

Mr Murray—I do not have that detail available at the moment.

Senator McLUCAS—Could you provide that for me?

Mr Murray—Certainly.

Answer:

A period of up to six months can be used to exercise the terms of an Enforceable Voluntary Undertaking (EVU). CASA met with the company (*Lessbrook Pty Ltd* trading as *Transair Pty Ltd*) and agreed on a timeline of sixteen weeks to meet the terms of the EVU. The company provided weekly reports for that sixteen week period.

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Supplementary Estimates October 2006

Transport and Regional Services

Question: CASA 17

Division/Agency: Civil Aviation Safety Authority

Topic: Enforceable Voluntary Undertaking (EVU)

Hansard Page: 86 (30/10/06)

Senator McLucas asked:

Senator McLUCAS—Did they comply with the three documents that they had to comply with on 3 July?

Mr Murray—I am not aware of that level of detail.

Senator McLUCAS—Could you provide that on notice, too?

Answer:

The company (Transair) was required to comply with a range of undertakings as part of an Enforceable Voluntary Undertaking. In its efforts to meet these requirements, the company supplied a corporate governance statement by 3 July 2006 and took steps to review and adjust its organisational structure and infrastructure.

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ANSWERS TO QUESTIONS ON NOTICE

Supplementary Estimates October 2006

Transport and Regional Services

Question: CASA 18

Division/Agency: Civil Aviation Safety Authority

Topic: Enforceable Voluntary Undertaking (EVU)

Hansard Page: 86 (30/10/06)

Senator McLucas asked:

Senator McLUCAS—There is another issue I need to get an understanding of. Mr Byron, you have indicated that you are going to tell me what actions CASA took following each audit. I want to know what similar elements were identified in each audit. In my view, if there were consistent non-compliance with certain elements, that information has to be presented to the Committee. Do you understand the issue that I am going to?

Mr Byron—I understand what you are asking for and we will do that.

Answer:

A chart of CASA audits was provided on 1 February 2007 to the Senate Standing Committee on Rural and Regional Affairs and Transport Inquiry into the *Airspace Bill 2006* and *Airspace (Consequential and Other Measures) Bill 2006*. A copy of this chart is attached.

[CASA 18 attachment]

Senate Standing Committee on Rural and Regional Affairs and Transport

ANSWERS TO QUESTIONS ON NOTICE

Supplementary Estimates October 2006

Transport and Regional Services

Question: CASA 19

Division/Agency: Civil Aviation Safety Authority

Topic: Enforceable Voluntary Undertaking (EVU)

Hansard Page: 86 (30/10/06)

Senator McLucas asked:

Senator McLUCAS—Thank you. I would also like to get an understanding of which aircraft owned by Transair were involved, particularly in terms of the maintenance schedule. There is a proper term for that. There is a schedule of maintenance and I want to know which particular aircraft were found to be noncompliant. I also want to know which aircraft the unlicensed maintenance person worked on. Is that possible?

Mr Byron—We can provide you with the answers to those questions on notice.

Senator McLUCAS—Is it possible? By looking back over the audits, can you identify which aircraft—by their signature—the unauthorised maintenance person worked on?

Mr Gemmell—We believe we can. We will have a look through our records and they should be good enough to be able to give you that information.

Answer:

An inspection of aircraft VH-UUN was carried out at Mascot on 6 February 2006. The inspection resulted in the following Request for Corrective Action being raised on 24 February 2006:

The operator or pilot in command had authorised or permitted maintenance to an aircraft by a person who was not permitted by the regulations to carry out maintenance. *Lessbrook Pty Ltd* operated aircraft VH-UUN under the 'Big Sky Express' name. This aircraft had several large self adhesive decals applied to the aircraft exterior to promote the Big Sky operation. Enquiries about the origins of these decals and the means by which they were applied revealed that they were fitted by a business in Inverell under an arrangement with the locally based aircraft crew employed by Lessbrook. Enquiries with the Managing Director and the Maintenance Controller of Transair revealed that they were both unaware of the decals until after they were attached to the aircraft. The Maintenance Controller had no records of the fitting of the decals and was unsure who actually carried out the work. The senior base pilot at Inverell advised that the decals were applied by the local business which manufactured them. The senior base pilot also advised that this work was carried out at Inverell airport but not under the cover of a Certificate of Approval (i.e. the work was conducted by a person not permitted by the regulations to carry out the maintenance).

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A chart of CASA audits was provided on 1 February 2007 to the Senate Standing Committee on Rural and Regional Affairs and Transport Inquiry into the Airspace Bill 2006 and Airspace (Consequential and Other Measures) Bill 2006. A copy of this chart is attached.

[CASA 19 attachment]

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ANSWERS TO QUESTIONS ON NOTICE

Supplementary Estimates October 2006

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Question: CASA 20

Division/Agency: Civil Aviation Safety Authority

Topic: Operators under Review

Hansard Page: 87 (30/10/06)

Senator McLucas asked:

Senator McLUCAS—That goes to the issue of—I forget the terminology for it—this list of people who are not doing very well?

Mr Byron—Fundamentally, yes. In terms of Transair, it is my understanding through the reports that came through to the CEO that Transair, up until the time of the accident, was not mentioned. I can double check that, but that was my understanding.

Senator McLUCAS—I would like you to check that.

Answer:

On 4 December 2006, at Transair's request, CASA cancelled Transair's Air Operator's Certificate, effectively terminating all their flying operations.

A detailed investigation report into the Lockhart River accident was released by the Australian Transport Safety Bureau on 4 April 2007. The report contains considerable details of CASA's oversight of Transair.

A coronial inquest into the accident is expected to start in June 2007.

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Question: CASA 21

Division/Agency: Civil Aviation Safety Authority

Topic: Operators under Review

Hansard Page: 87-88 (30/10/06)

Senator McLucas asked:

Mr Byron—We are talking about different things here. I have a monthly report, which is a formal report that comes to me every month. That is on the basis of all the consolidated information that the organisation has on a range of issues, which does include operators that need to be alerted to me—operators have action, pending action or concerns, that type of thing; operators under review. It is my understanding, and I will double check this, that Transair did not appear on one of those lists.

I think what you are referring to is a draft risk modelling exercise done by part of the organisation. It was an attempt to look at a different way of describing risk, but it certainly was not part of the formal reporting from the compliance part of the organisation to me.

Senator McLUCAS—Could you provide on notice clarification of whether Transair appeared on your monthly report prior to the crash?

Answer:

See answer to CASA 20.

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ANSWERS TO QUESTIONS ON NOTICE

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Question: CASA 22

Division/Agency: Civil Aviation Safety Authority

Topic: Operator Risk Model

Hansard Page: 88 (30/10/06)

Senator McLucas asked:

Senator McLUCAS—I would like you to go back and have a look at the earlier version of the operator risk model.

Mr Gemmell—I will certainly try, although I just note that the officers who built that system are not with CASA anymore, but we will see what we can find out about what information was put in there that was less than accurate.

Senator McLUCAS—I would like to know what information was accurate by category. I do not want to know what happens for aircraft X, Y or Z, but the categories of information that you know were accurate and the information that you ‘dummied up’—using your words. Thank you.

Answer:

In November 2004, an operator risk model was proposed for use in CASA. The model was never adopted for use in CASA and was never used to inform any decisions in CASA. The model was a research project and was never moved into the operational area of the organisation. CASA has not kept a record of inputs to the model that could distinguish mock-up (dummy) data from operator data.

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Question: CASA 23

Division/Agency: Civil Aviation Safety Authority

Topic: CASA's New System of Fees and Charges

Hansard Page: p. 91 (30/10/06)

Senator O'Brien asked:

Senator O'BRIEN—Mr Byron, in January this year CASA moved to a system of fees and charges for a range of services, some 180 I believe. A review was announced on 31 August. What training has been given to staff concerning this implementation?

Mr Byron—The detailed training I would have to check with my colleagues. First of all, what I can say is that in discussing this issue with management we first of all made clear that there was an awareness of the fact that we were proposing a new round of fees with staff and that we had to communicate that to staff first before we started communicating the proposal to industry. Given that the detailed fees for implementation in 2007 have not yet been finalised—we are just at the end of the consultation period—I think I am on pretty safe ground to say that my understanding would be that there has been no formal training of staff in the implementation of the new fees but that that certainly will occur prior to July 2007.

Answer:

Presentations to staff at regional offices by members of CASA's Pricing Group commenced in September 2006 and will be completed by the end of March 2007. Staff at regional and airline offices were also encouraged to attend the industry forums on cost recovery, which they did, at most locations. The Chief Financial Officer has also made presentations to the Airline Office Managers at their monthly meeting in Sydney in October 2006. Three information training sessions were held in December 2006 in Canberra for central office staff.

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Question: CASA 24

Division/Agency: Civil Aviation Safety Authority

Topic: Cost Recovery Model

Hansard Page: 93 (31/10/06)

Senator O'Brien asked:

Senator O'BRIEN—Which other entities under the Public Service Act and the Financial Management and Accountability Act operate under a cost recovery model?

Mr Byron—We need to take that on notice.

Answer:

The Department of Finance and Administration is responsible for identifying entities under the *Public Service Act 1999* and the *Financial Management and Accountability Act 1997* that operate under a cost recovery model.

The following quote is from the Department of Finance and Administration's Finance Circular 2005/09:

“Cost Recovery applies to all *Financial Management and Accountability Act 1997* agencies and also to those *Commonwealth Authorities and Companies Act 1997* bodies that have been notified, under sections 28 or 43 of the CAC Act, to apply the cost recovery policy”.

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Question No.: CASA 25

Division/Agency: Civil Aviation Safety Authority

Topic: Drug and Alcohol Testing

Hansard Page: 93 (30/10/06)

Senator O'Brien asked:

Senator O'BRIEN—Is there a standard presentation and, if so, can the Committee have a copy of it?

Mr Gemmell—There is a standard presentation and you would be most welcome to it.

Answer:

A copy of the Alcohol and Other Drugs presentation is **attached**.

[CASA 25 attachments A, B, C, D & E]

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Supplementary Estimates October 2006

Transport and Regional Services

Question No.: CASA 26

Division/Agency: Civil Aviation Safety Authority

Topic: Drug and Alcohol Testing

Hansard Page: 93-94 (30/10/06)

Senator O'Brien asked:

Senator O'BRIEN—Thank you. Mr Byron, with regard to the development of the regulation, I note that the Department in its report recommended, at point (b), 'Industry be encouraged to participate in the regulatory development process, including by way of participation in the Standards Consultative Committee, the Aviation Regulatory Standards and Service Industry Consultative Body.' I note also the Minister, in the *Media Release* of 2 May, said, 'I encourage the aviation industry to make full use of the consultative processes in place to ensure that the most appropriate form of regulation in an Australian context is achieved.' Given that the seminars are to convey information, how has CASA sought to consult with the aviation industry rather than just to make a series of presentations?

Mr Byron—Certainly there is the opportunity through the Standards Consultative Committee to provide points of view. That is our primary consultative mechanism. In relation to the drug and alcohol testing proposals, there has also certainly been information provided, as I understand, on our website, on which people are free to make comment. The Standards Consultative Committee, though, has proved to be probably the most effective forum for this sort of representation. As to the degree of feedback that we have had, I would have to check on that, but I imagine there would have been some discussion and certainly some comment comes back to us.

Answer:

Consultation used by CASA:

At the end of each of the National Awareness Workshops conducted in September and October across Australia, 30 minutes was set aside to allow for questions, which were used by the project team to obtain feedback on the proposals.

An email facility for anyone to offer input and ask questions about the project has been established as part of the project information on the CASA website - aodforums@casa.gov.au. All emails to the site have had a response from CASA.

The proposed testing framework will be fully consulted through the usual Standards Consultative Committee consultation process.

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Question: CASA 27

Division/Agency: Civil Aviation Safety Authority

Topic: Drug and Alcohol Testing – Standards Consultative Committee

Hansard Page: 134 (30/10/06)

Senator O'Brien asked:

Senator O'BRIEN—Which staff organisations were included?

Mr Gemmell—I will take that on notice, if I can. To my recollection, one of their complaints was that it was pretty well airlines, and it was operators rather than staff associations on that group. That was one of their complaints.

Answer:

Regulatory development project teams are kept as small as possible, with membership matching the relevant stage of the project.

The initial Drug and Alcohol Project Team membership included representatives from the aviation industry, the Department of Transport and Regional Services, and CASA.

Staff organisations were not included. This team considered the definition of Safety Sensitive Personnel and the general framework for a drug and alcohol regime.

An expanded team will be formed to provide input into the implementation details of the regime and take an active role in drafting the Notice of Proposed Rule Making. This team will work under the normal frameworks of the Standards Consultative Committee. Staff associations will be invited to participate.

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ANSWERS TO QUESTIONS ON NOTICE

Supplementary Estimates October 2006

Transport and Regional Services

Question: CASA 28

Division/Agency: Civil Aviation Safety Authority

Topic: Drug and Alcohol Testing – Standards Consultative Committee

Hansard Page: 134 (30/10/06)

Senator O'Brien asked:

Senator O'BRIEN—But there was not a staff organisation group?

Mr Gemmell—I believe that was one of the complaints, yes.

Senator O'BRIEN—Why not?

Mr Gemmell—I could not tell you. I would have to go back and ask.

Answer:

See response to CASA 27.

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Transport and Regional Services

Question: CASA 29

Division/Agency: Civil Aviation Safety Authority

Topic: Alcohol and Drugs Testing – Standards Consultative Committee

Hansard Page: 109 (30/10/06)

Senator O'Brien asked:

Mr Gemmell—I think you asked were there any minutes reported to the SCC and, no, it is not a reporting line like that. As to whether or not there is any record of those meetings, there may well be, but they are not reported to the SCC as—

Senator O'BRIEN—Can you check that?

Mr Gemmell—I certainly can.

Senator O'BRIEN—Can we see copies of the minutes if there are any?

Mr Gemmell—I am sure you can, yes.

Answer:

CASA advises that the meeting of government and industry to discuss issues around drug and alcohol testing in the aviation industry was an informal discussion group, established as a prelude to the normal Standard Consultative Committee (SCC) process and not as a part of the SCC reporting lines. The discussion group had no decision making powers, therefore no minutes were expected or required to be reported to the SCC.

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ANSWERS TO QUESTIONS ON NOTICE

Supplementary Estimates October 2006

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Question: CASA 30

Division/Agency: Civil Aviation Safety Authority

Topic: ICAO Proposals

Hansard Page: 112 (30/10/06)

Senator O'Brien asked:

Senator O'BRIEN—How many incidents have occurred where either of the pilots have been incapacitated necessitating the remaining pilot to take sole control?

Mr Byron—We would need to look at the safety data on that. We can look at that if you like.

Senator O'BRIEN—I would appreciate it if you could give us those figures for Australia and for the rest of the world. Presumably, it is all part of the justification for the system.

Answer:

CASA does not hold this information but the Australian Transport Safety Bureau has recently undertaken significant research on this issue and incorporated the results into a Research and Analysis Report (B2006/0170) released in January 2007. This report found that the Australian Transport Safety Bureau's accident and incident database showed 98 occurrences in which the pilot of the aircraft was incapacitated for medical or physiological reasons (16 accidents, one serious incident and 81 incidents) between 1 January 1975 and 31 March 2006. Such events accounted for only 0.6 per cent of all the occurrences listed in the Australian Transport Safety Bureau's database.

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Question: CASA 31

Division/Agency: Civil Aviation Safety Authority

Topic: ICAO Proposals

Hansard Page: 112-113 (30/10/06)

Senator O'Brien asked:

Senator O'BRIEN— The media statement that CASA put out on 17 October said that in Australia there will be a requirement for up to 70 hours flying training in aircraft out of 240 total flying time. Where does that figure come from?

Mr Byron—That would be a figure that our people have proposed, which may well be an amendment to the figure that I quoted out of 40 hours. I can ask -

Answer:

The Civil Aviation Safety Authority (CASA) has used the current requirements of at least 70 hours solo flying time for a Commercial Pilot Licence (CPL) as the upper limit of what might be required for a Multi-crew Pilot Licence (MPL) in Australia. The current requirements for a CPL include at least 70 hours solo flying time. This contrasts with the International Civil Aviation Organisation (ICAO) requirements for an MPL which includes a minimum 40 hour solo flying time.

Accordingly, CASA announced in a media release on 17 October 2006 that the Australian MPL will include up to 70 hours solo flying time.

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ANSWERS TO QUESTIONS ON NOTICE

Supplementary Estimates October 2006

Transport and Regional Services

Question: CASA 32

Division/Agency: Civil Aviation Safety Authority

Topic: ICAO Proposals

Hansard Page: 113 (30/10/06)

Senator O'Brien asked:

Senator O'BRIEN—How would that awareness have arisen?

Mr Byron—Probably in discussions about issues that CASA had. I will have to check that out.

Senator O'BRIEN—When would you be able to give us a definitive answer to that question—yes or no, and who?

Mr Byron—I can give you that this week.

Senator O'BRIEN—I would appreciate it, if you could.

Answer:

The matter was raised in CASA's Monthly Report to Minister Truss for April/May 2006.

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ANSWERS TO QUESTIONS ON NOTICE

Supplementary Estimates October 2006

Transport and Regional Services

Question: CASA 33

Division/Agency: Civil Aviation Safety Authority

Topic: ICAO Proposals

Hansard Page: p.113 (30/10/06)

Senator O'Brien asked:

Senator O'BRIEN—Who is on the working group?

Dr Edkins—There are 15 industry members on the working group and those members are from a variety of organisations. I am happy to provide that information on notice, but the working group is made up of some existing members of the SCC and other interested parties. With this particular type of licence, obviously not all members of the SCC are interested in this process. It may not be relevant to their part of the industry, so obviously we have to supplement additional people on that working group other than SCC members.

Answer:

Eighteen persons attended as a consortium to establish the framework for the working group. The working group was then convened and the current members are as follows:

Roger Crosthwaite (CASA) Chair

David Jackson (CASA) – regulatory oversight

Bryan Murray – airline pilot

Graeme Cleary – airline multi-crew operations

Keith Morgan – *ab initio* airline cadet training, training organisation

Robert Loretan – **ab initio** pilot training, simulation, competency based training

Keith Wallace – simulation, airline pilot

Mark Wolny – airline pilot, competency-based airline training, airline organisation

Phil Betts – *ab initio* pilot training

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ANSWERS TO QUESTIONS ON NOTICE

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Question: CASA 34

Division/Agency: Civil Aviation Safety Authority

Topic: Alteon Training

Hansard Page: p.116 (30/10/06)

Senator O'Brien asked:

Senator O'BRIEN—When did CASA obtain a copy of the proposed Alteon Syllabus, if you do have it?

Dr Edkins—We have received the first module, which I think is called the core module. I am not able to find the exact date of when that was provided, but we can certainly provide that on notice.

Answer:

CASA received the first draft of the Core Stage of Alteon's MPL Training Program on 1 June 2006. Since that date, CASA has received a number of revised versions of the Core Stage.

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Question: CASA 35

Division/Agency: Civil Aviation Safety Authority

Topic: Polar Aviation

Hansard Page: 117 (30/10/06)

Senator O'Brien asked:

Senator O'BRIEN—When are they due another compliance audit?

Mr Byron—I will need to take that on notice.

Answer:

The next Risk Assessment Surveillance Audit of Polar Aviation is to be conducted in the first half of 2007 at a date yet to be determined.

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ANSWERS TO QUESTIONS ON NOTICE

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Transport and Regional Services

Question: CASA 36

Division/Agency: Civil Aviation Safety Authority

Topic: Responses to October 2006 Supplementary Hearings Questions

Hansard Page: Written Question

Senator Ludwig asked:

With regard to each Agencies (and the Department itself) that fall inside the Department's Portfolio, could the Department indicate

What date the Agency's *2005-06 Annual Report* was tabled before Parliament?

Answer:

The 2005-2006 CASA Annual Report was tabled in session on Wednesday 1 November 2006.

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ANSWERS TO QUESTIONS ON NOTICE

Supplementary Estimates October 2006

Transport and Regional Services

Question: CASA 37

Division/Agency: Civil Aviation Safety Authority

Topic: Responses to October 2006 Supplementary Hearings Questions

Hansard Page: Written Question

Senator Ludwig asked:

If the Annual Report was not tabled by **31 October 2006**, could the Department indicate:

- a. When the Report was tabled, or if it remains un-tabled what date the Report is expected to be tabled by.
- b. Whether the Agency's own legislation provides an alternative timeframe for its Annual Report. If so, could the Department provide:
 - i. A description and reference to the relevant provision and legislation.
 - ii. An explanation of why the Agency cannot meet the general timeframe set out in the Department of Prime Minister and Cabinet's Requirements for Annual Reports, and so requires an alternative timeframe?
- c. Whether the Agency was granted an extension under section subsections 34C(4) - (7) of the *Acts Interpretation Act 1901*? If so, could the Department provide:
 - i. The date for finalizing the report as set out in the extension.
 - ii. The reason given for granting the extension.
 - iii. The date that the Minister tabled in Parliament a statement explaining why an extension was granted.
 - iv. A copy of the Minister's statement.
- d. Where the Agency's legislation doesn't provide for an alternative timeframe (as per question b) nor was the Agency granted an extension (as per question c) could the Department provide:
 - i. Explanation for why the Annual Report was tabled outside the timeframe set by DPM&C despite there being no provision alternative timeframe set out in the Agency's legislation nor there being any formal extension granted.
 - ii. Details of any other arrangement in place for the tabling of the Agency's Annual Report

Answer:

- a. The 2005-2006 CASA Annual Report was tabled in session on Wednesday 1 November 2006
- b. No.
- c. No.

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- d (i) Tabling of the Annual Report was not authorised until 31 October 2006, but the earliest it could be tabled was 1 November 2006.
- d (ii) There is no other arrangement in place for the tabling of the CASA Annual Report.

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ANSWERS TO QUESTIONS ON NOTICE

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Question No.: CASA 38

Division/Agency: Civil Aviation Safety Authority

Topic: Possible Parliamentary Questions

Hansard Page: Written Question

Senator Ludwig asked:

With regard to the preparation of Possible Parliament Questions Briefs or other such documents intended to brief Ministers on an issue specifically for Question Time, could the Department/Agency provide:

- (a) The number of such briefs prepared in each of the last three financial years (2003-04, 2004-05, 2005-06).
- (b) The number of staff who are responsible for coordinating such briefs and the salary level they are engaged at.
- (c) The name of internal unit/team that those staff belong to and a description of its other responsibilities.
- (d) The total budget associated with the unit/team referred to in response to part 3.

Answer:

- (a) During each of the financial years nominated in the question, CASA provided input to the Department of Transport and Regional Services for 3, 11, and 9 Question Time Briefs, respectively.
- (b) This function forms a small part of the duties of two of the staff in the Government and Industry Relations Section. The levels of the positions involved are CASA Level 4 with a salary range of \$75,300-\$83,400 and CASA Level 5 with a salary range of \$86,00-\$103,000.
- (c) Government and Industry Relations Section is responsible for: liaison with other government agencies such as DOTARS, Airservices Australia and the ATSB; the preparation and coordination of CASA correspondence, including Ministerial and Parliamentary correspondence; coordinating CASA's Senate Estimates and other briefings; Parliamentary questions; providing the secretariat for the Aviation Safety Forum and other industry consultation forums; coordinating the preparation of the Annual Report; and other coordination tasks as required.
- (d) The major component of the Section's budget are salary and on-costs. For 2005-06, this totalled \$215,184 for the six staff of the Section.

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Question: CASA 39

Division/Agency: Civil Aviation Safety Authority

Topic: Responses to October 2006 Supplementary Hearings Questions

Hansard Page: Written Question

Senator Ludwig asked:

What sum did the Department / Agencies spend during 2005-2006 on external

- (a) barristers and
- (b) solicitors (including private firms, the Australian Government Solicitor and any others).

Answer:

- (a) \$165, 188
- (b) \$368, 758

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Question: CASA 40

Division/Agency: Civil Aviation Safety Authority

Topic: Responses to October 2006 Supplementary Hearings Questions

Hansard Page: Written Question

Senator Ludwig asked:

What sum did the Department /Agencies spend on internal legal services.

Answer:

2005-06 \$3,114,118

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Transport and Regional Services

Question: CASA 41

Division/Agency: Civil Aviation Safety Authority

Topic: Legal Services Expenditure

Hansard Page: Written Question

Senator Ludwig asked:

What is the Department's/Agency's projected expenditure on legal services for 2006-2007?

Answer

CASA's projected legal costs are estimated at \$2.9m (internal) and \$0.5m (external), a total of \$3.4m.