

STANDARD FORM RECOMMENDATION

TRIM File Ref: EF10/496
TRIM Document Ref:

To: [Redacted]
[Redacted] Manager, Permissions Application Centre

cc: [Redacted]
[Redacted] Manager Legal Services Branch

From: [Redacted]
[Redacted] Manager, Sydney Region

Subject: [Redacted] ARN 519777 – Flight Crew Licence – Add reference to condition contained in document ED12/79980

Background

On 27 March 2012 a Delegate of CASA varied [Redacted] Flight Crew Licence (FCL) to add conditions requiring [Redacted] to undertake a Proficiency check prior to conducting commercial operations as pilot in command of a multi-crew aircraft. Those conditions were contained in the notice ED12/79980 however the conditions were not included on the Licence itself and neither was reference to the conditions contrary to the requirements of CASR 11.110(2)(b).

On 13 June 2012 CASA wrote to [Redacted] advising him of the omission and the requirement that the condition be referenced on his FCL. [Redacted] was afforded seven days to respond to the letter however CASA has not received any response from [Redacted].

Available options

- (a) Impose reference to the condition as required by CASR 11.110(2)(b); or
- (b) Do nothing

Recommended option/s

I have taken part in the Coordinated Enforcement Process and I recommend option (a) that you impose reference on [Redacted] ARN 519777 Flight Crew Licence, to the condition contained in the notice dated ED12/79980 27 March 2012.

Reasons for recommendation

Regulation 11.110(2)(b) of the Civil Aviation Safety Regulations (1998) requires that an authorisation sets out any conditions applicable to it. Manager Legal Services has advised that referencing the condition in the Flight Crew Licence meets this requirement.

Relevant Supporting Information

See electronic files EF10/496

See particularly electronic documents:

- ED12/79980 Notice of Conditions dated 27 March 2012
- ED12/136400 Letter to [Redacted] advising of proposed variation.

Recommendation & Certification

Certification:

- I am satisfied that the facts and circumstances set out in the draft are accurate and complete.
- I am satisfied that the details of the licence holder in the draft, including the ARN, address and facsimile number where appropriate are correct and have attached a copy of the licence holder's authorisation from AIRS.
- I am satisfied that the following is the correct address & email address for the licence holder:
- ARN [REDACTED]
ADDRESS [REDACTED] Unit 405
[REDACTED] Sylvan Avenue
[REDACTED] ALGOWLAH NSW 2013
- EMAIL [REDACTED]@cde.com.au
- This action has been cleared as to *legal content* by Legal Branch.
- I am satisfied that the correct attachments have been included and procedures provided in the Enforcement Manual have been followed and the attached Administrative Action Checklist followed and completed to the point of referral.

Recommendation of referring Manager

I recommend that:

1. That you apply the following statement on [REDACTED] Mr James FCL referencing the condition contained in ED12/79980 dated 27 March 2012.
Holder must pass a proficiency test before exercising the privileges of his Airline Transport Pilot (Aeroplane) Licence in accordance with the condition imposed by a delegate of CASA on 27 March 2012
2. That you provide a reprint of the FCL to [REDACTED] Mr James
3. That you include a copy of the attached ED12/79980 with the Licence reprint.
4. That you issue a CAR301 demand for [REDACTED] Mr James to return the previous FCL issued to him (Licence number 519777 issue 7 dated 02 April 2012).

Yours faithfully

[REDACTED]
[REDACTED]
[REDACTED] Legal Chambers
[REDACTED] Manager Sydney Region
[REDACTED] Operations Division

18 July 2012

Whether or not you agree with the recommendation you must ensure that you follow the Decision Maker's portion of the attached Administrative Action Checklist. This is essential to the integrity of the process and will ensure timely notification of your decision to all relevant parties.

Implications of taking recommended action

Mr James has been prepared in the past to make representations to CASA Executive and to the Ministers Office. I suggest a brief be prepared for Corporate Communications outlining the reasons for the decision.

Where intermediary has been asked to review the recommendation:

Name of intermediary.....

Date:

I agree/disagree (delete as appropriate) with the recommendation

Reasons:

If you agree with the recommendation, sign and date below

Name of Delegate.....

Signature of Delegate.....

Date:.....

OR

If you disagree with the recommendation, sign below and date, and state your reasons in the box below

Name of Delegate.....

Signature of Delegate.....

Date:.....

I disagree with the recommendation for the following reasons;

The Federal Government TimeSaver Initiative aims to assess the time taken to complete Government Forms. Please indicate the approximate time taken to complete this form.

Hrs Mins