

The Senate

Rural and Regional Affairs and
Transport Legislation Committee

Annual reports (No. 2 of 2004), including
final report on the administration of the
Civil Aviation Safety Authority

September 2004

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Committee Secretariat

Ms Maureen Weeks, Secretary
Mr Andrew Bomm, Research Officer
Ms Rosalind McMahan, Executive Assistant

Parliament House, Canberra
Telephone: (02) 6277 3511
Facsimile (02) 6277 5811

Internet: www.aph.gov.au/senate
Email: rrat.sen@aph.gov.au

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REVIEW OF ANNUAL REPORTS

Senate Standing Orders

1.1 In accordance with Senate Standing Order 25(21), annual reports of departments and agencies shall stand referred to the legislation committees in accordance with an allocation of departments and agencies in a resolution of the Senate. Each committee shall:

- (a) Examine each annual report referred to it and report to the Senate whether the report is apparently satisfactory.
- (b) Consider in more detail, and report to the Senate on, each annual report which is not apparently satisfactory, and on the other annual reports which it selects for more detailed consideration.
- (c) Investigate and report to the Senate on any lateness in the presentation of annual reports.
- (d) In considering an annual report, take into account any relevant remarks about the report made in debate in the Senate.
- (e) If the committee so determines, consider annual reports of departments and budget-related agencies in conjunction with examination of estimates.
- (f) Report on annual reports tabled by 31 October each year by the tenth sitting day of the following year, and on annual reports tabled by 30 April each year by the tenth sitting day after 30 June of that year.
- (g) Draw to the attention of the Senate any significant matters relating to the operations and performance of the bodies furnishing the annual reports.
- (h) Report to the Senate each year whether there are any bodies which do not present annual reports to the Senate and which should present such reports.¹

¹ *Standing orders and other orders of the Senate*, February 2002, pp. 27-28. (This Standing Order was amended 24 August 1994, 13 February 1997, 11 November 1998, 3 December 1998 and 13 February 2002).

Timing and presentation of reports on annual reports

1.2 Under Standing Order 25(21)(f), legislation committees are required to report on annual reports tabled by 30 April each year by the tenth sitting day after 30 June of that year. In this instance, that date is 1 September 2004. Committees are also required to report on annual reports tabled by 31 October each year by the tenth sitting day of the following year.

1.3 The Committee examines the annual reports of the Department of Agriculture, Fisheries and Forestry and the Department of Transport and Regional Services, in addition to the annual reports of those agencies reporting through those two ministerial portfolios.

1.4 This report considers those annual reports tabled between 31 October 2003 and 30 April 2004. This includes reports submitted by agencies to the relevant minister before 31 October, but tabled subsequent to that date and therefore not considered as part of the Committee's Report on Annual Reports No. 1 of 2004.

Purpose and requirements of annual reports

1.5 Annual reports provide information on the success (or otherwise) of departments and agencies in meeting targets outlined in the portfolio budget statements, their primary function being to assist in ensuring the public accountability of government departments and their agencies. This is undertaken through the tabling of annual reports in the Parliament; and their scrutiny by Senate Committees in accordance with Senate Standing Order 25(21). This process thus allows Parliament to make informed judgments on the executive's performance in administering government programs.

1.6 Departments of State and Executive Agencies present their annual reports pursuant to sections 63(2) and 70(2) of the Public Service Act, respectively. These are required to comply with the Department of Prime Minister and Cabinet's *Requirements for Annual Reports* (updated June 2004) and approved by the Joint Committee of Public Accounts and Audit on 23 June 2004.

1.7 Statutory authorities and government companies present their annual reports pursuant to their own enabling legislation and/or sections 9 and 36 of the *Commonwealth Authorities and Companies Act 1997* (CAC Act), respectively. These reports must be produced in accordance with the Commonwealth Authorities and Companies (Report of Operations) Orders 2002, the Finance Minister's Orders made under s48 of the CAC Act, stipulating the requirements for annual reports presented pursuant to the Act. Annual reports of government companies limited by shares are required to comply with Corporations Law requirements.

Timeliness

1.8 Standing Order 25(21)(c) requires the Committee to report to the Senate on the late presentation of annual reports.

1.9 Section 4 of the *Requirements for Annual Reports* states that annual reports are to be laid before the parliament on or before 31 October in the year the report is given. Section 9 of the CAC Act stipulates that the deadline for furnishing the Minister with the annual report is the 15th day of the 4th month after the end of the financial year, that is, 15 October where the end of the financial year is 30 June.

1.10 The Committee notes that government agencies reporting in accordance with their own legislation are often required to prepare for the relevant Minister their annual report 'as soon as is practicable' after a particular date. The Committee draws attention to sections 34C(2) and (3) of the *Acts Interpretation Act 1901*, which stipulate that: where no date for providing a report to a Minister is specified, the report needs to be presented no more than six months after the reporting period, and the Minister must provide the report to the Parliament within 15 sitting days after he receives it.

Murray-Darling Basin Commission

1.11 The Murray-Darling Basin Commission's (MDBC) 2002-03 Annual Report letter of transmittal was dated 24 February 2004 and tabled on 3 August 2004. The Committee notes that the transmittal letter was dated in excess of six months after the end of the reporting period, while the Minister also took a considerably long time to table it in parliament, providing he received it within weeks (and not months) of transmittal. From the Minister's perspective, this replicated the previous MDBC annual report, which was dated 31 December 2002 and tabled 12 August 2003.² The Committee considers the Murray-Darling Basin Commission's annual reports to be significant given the agency's role in facilitating current COAG water reform initiatives. The Committee expects the 2003-04 MDBC Annual Report will be tabled in a more timely fashion, while the 2002-03 report will be considered in Report No.1 of 2005.

Australian Dairy Corporation

1.12 The Committee is unclear as to whether the Australian Dairy Corporation was late in submitting its final annual report to the Minister for tabling, as the letter of transmittal included in the report was undated. Although this particular agency will not have the opportunity to rectify this omission (see paragraph 1.37 for further explanation), the Committee encourages other agencies to take care in respect of including, and dating, transmittal letters.

Torres Strait Protected Zone Joint Authority

1.13 The 2001-02 Annual Report of the Torres Strait Protected Zone Joint Authority was tabled in the Senate on 3 December 2003. The Committee notes that the report was considerably late in being tabled and urges the Authority to prepare its 2002-03 report for presentation to the parliament as soon as possible.

2 See No. 1 of 2004

Reports not examined

1.14 The Committee is not obliged to report on Acts, statements of corporate intent, surveys, corporate plans or errata. The following documents were referred to the Committee and not examined:

- *Air Passenger Ticket Levy (Collection) Act 2001* - Report to the Commonwealth for the period 1 April 2002 to 31 March 2003
- Airservices Australia Corporate Plan July 2003 – June 2008
- Airservices Australia National Equity and Diversity Program 2001-2004 Progress Report 2002-2003
- Australian Land Transport Development Programme Progress Report 2002-2003
- Australian Rail Track Corporation Limited Statement of Corporate Intent 2003-2004
- Grape and Wine Research and Development Corporation 2002-03 Annual Report – Errata
- *Local Government Financial Assistance Act 1995* – 2002-03 Report on the Operation of the Act
- *Stevedoring Levy (Collection) Act 1998* – Report to the Parliament for the period January to December 2003
- *Sydney Airport Demand Management Act 1997* – Quarterly Report 1 July – 30 September 2003
- *Sydney Airport Demand Management Act 1997* – Quarterly Report 1 October – 31 December 2003
- Victorian Regional Forest Agreements Annual Report for 2001
- Victorian Regional Forest Agreements Annual Report for 2002

1.15 Further, section 4A of the CAC Regulations 1997 prescribes the Minister for Finance and Administration as the Minister responsible for Bankstown Airport Limited, Camden Airport Limited and Hoxton Park Airport Limited, and their annual reports will not be considered by this Committee.

Comments on reports

1.16 In accordance with Standing Order 25(21)(a) the Committee is required to examine reports and inform the Senate as to whether they are 'apparently satisfactory'.

The Committee considers compliance with the reporting guidelines stipulated by the legislation under which various departments and agencies present their annual reports.

1.17 The Committee is pleased to note that the annual reports examined adhered satisfactorily to the relevant reporting requirements and were presented to a high standard. Where relevant, reports detailed programs and activities with a focus on performance measurement against outcomes and goals, in relation to forecasts listed in the Portfolio Budget Statements.

1.18 However, as a general reminder, the Committee wishes to emphasise that statutory authorities are required to present reports specifically in accordance with the guidelines made under section 48 of the CAC Act. The primary guidelines are:

- Certification (ie letter of transmittal);
- Enabling legislation and relevant Minister;
- Outline of organisational structure;
- Review of operations and future prospects;
- Judicial decisions and reviews; and
- Corporate governance practices.³

1.19 Particular mention should also be made of section 6(2) of the Commonwealth Authorities and Companies (Report of Operations) Orders 2002, which states that the report of operations "should be free of ambiguity, jargon and excessive use of acronyms and technical terms". Although a difficult task, the Committee appreciates agencies that attempt adherence to this requirement, believing that comprehensibility of annual reports is vital in allowing proper scrutiny of an agency's activities.

1.20 The Committee also commends those agencies that included in their reports a compliance checklist.

1.21 Subject to the issue of timeliness, the Committee considers that the annual reports examined in this report are 'apparently satisfactory'.

1.22 However, the Torres Strait Protected Zone Joint Authority appears unaware of its specific reporting obligations as a statutory authority. Along with issues of timeliness, the Committee expects that the Authority's compliance with relevant reporting guidelines will be rectified in their next report.

3 Commonwealth Authorities and Companies (Report of Operations) Orders 2002

Senate debate on annual reports

1.23 Senate Standing Order 25 (21) (d) directs the Committee to take into account remarks made in the Senate when considering annual reports.

1.24 On 23 March 2004, the Wheat Export Authority's (WEA) 2002-03 Annual Report was debated in the Senate by Senators McGuaran, Boswell, (Sandy) McDonald and Heffernan. Each emphasised the importance of retaining the existing single desk wheat marketing arrangements, controlled on behalf of wheat growers by Australian Wheat Board (AWB) Ltd, and monitored by the WEA. Senator Heffernan, however, also indicated that the WEA needed to be better equipped to monitor the performance of AWB Ltd in securing the best export arrangements for Australian growers.

Comment on significant matters (including final report on the administration of CASA)

1.25 Finally, in accordance with Senate Standing Order 25 (21) (g), the Committee is required to comment on significant matters raised in annual reports. The Committee has therefore considered the reports of the following agencies.

Civil Aviation Safety Authority

1.26 The Civil Aviation Safety Authority (CASA) is a statutory authority established in 1995 under the *Civil Aviation Act 1988* and given the responsibility of regulating Australian aviation safety and Australian aircraft operating overseas.

1.27 In 1999, the Committee determined to inquire into the administration of CASA under the provisions of Standing Order 25(2)(b). An interim report indicated that the majority of issues under the Committee's consideration were resolved and recommended that:

The Committee recommends that it concludes its inquiry into the administration of CASA by reporting its findings as part of the report it makes to the Senate in accordance with the provisions of standing order 25(21).⁴

The Senate adopted this recommendation on the tabling of the report on 5 August 2004. A list of those who made submissions to that inquiry is included in appendix 2.

1.28 During the Committee's inquiry, an issue raised in evidence was the availability of qualified Licensed Aircraft Maintenance Engineers (LAMEs). In evidence to the inquiry, President of the Aircraft Owners and Pilots Association Captain W. Hamilton stated that:

4 Rural and Regional Affairs and Transport Legislation Committee, *Interim Report: Administration of the Civil Aviation Safety Authority*, August 2004, p. 2

The availability of maintenance work for aviation is stretched at the best of times. In recent years, the apprentice schemes have collapsed. The average age of licensed aircraft maintenance engineers is between 53 and 54 years of age. We are ... in an extremely difficult situation for experienced maintenance engineers in the aviation industry.⁵

1.29 In response to a question taken on notice at Supplementary Budget Estimates in November 2002, CASA was not prepared to declare a shortage of LAMEs, instead providing details of a general increase in number from 5621 in 1992 to 6282 in 2002.⁶ The number of LAMEs quoted in CASA's 2002-03 Annual Report is 6222.⁷

1.30 CASA's 2001-02 Annual Report did, however, report the maintenance sector's problems with the supply and retention of LAMEs.⁸ Further, their earlier 2000-01 Report included the following, under the title 'Career Guides':

In November 2000, CASA launched a comprehensive aviation career and vocational information package aimed at school leavers and other prospective entrants. This package was developed in response to the growing demand for pilots and a shortage of Licensed Aircraft Maintenance Engineers (LAMEs) in Australia.⁹

1.31 The Committee notes the contradictory information provided to the Parliament by CASA on this issue. This apparent lack of clarity on the status of the existing and potential future LAME resource would, in the Committee's view, indicate an absence of proper long term planning to address this important issue.

1.32 Clearly recognising a problem does exist, CASA made the following comments in its 2002-03 Annual Report:

Operators are competing with each other for a limited ageing pool of Licensed Aircraft Maintenance Engineers. There may also be risks to the maintenance capability of operators through de-skilling of maintenance facilities resulting from the replacement of Licensed Aircraft Maintenance Engineers by appropriately supervised, but unlicensed staff.

CASA is contributing to seeking solutions to the potential shortage of Licensed Aircraft Maintenance Engineers within the aircraft maintenance industry in two ways. One is as a member of the Australian Industry Group Task Force, which is developing media promoting the Licensed Aircraft Maintenance Engineer career as an attractive option to young Australians.

5 Rural and Regional Affairs and Transport Legislation Committee, *Transcript of Evidence*, Sydney, 31 January 2001, p. 267

6 Rural and Regional Affairs and Transport Legislation Committee, *Additional Information Volume 2*, March 2003, p. 100.

7 Civil Aviation Safety Authority, *Annual Report 2002-03*, p. 168

8 Civil Aviation Safety Authority, *Annual Report 2001-02*, p. 19

9 Civil Aviation Safety Authority, *Annual Report 2000-01*, p. 72

The other is establishing scholarships to help young regional industry entrants by way of travel and tool funding.¹⁰

1.33 During Budget Estimates in May 2004, the Committee pursued the issue of maintenance qualifications in the context of the maintenance of Bristow helicopters. The Committee expressed concern that LAMEs were potentially being fast tracked at the expense of rigorous background checks for suitability of maintenance experience. CASA officers indicated that the issue of hiring inexperienced and inappropriately licensed engineers was subject to an internal investigation.¹¹ The Committee will have the opportunity to investigate this particular matter further, as well as broader issues relating to the shortage of LAMEs, during the next estimates hearings.

1.34 The Committee is encouraged by CASA's apparent (albeit late) acknowledgement of the looming problem of an ageing LAME workforce. However, the Committee remains concerned that the measures being taken to address it will be insufficient to immediately counter the possibility of large numbers of retiring LAMEs, and that a creative approach may be necessary in the interim. Further, evidence taken at estimates indicated that CASA may be contemplating relying on overseas engineers to fill an emerging labour shortfall.¹² The Committee would encourage a balanced approach to this issue, noting that a sustainable and appropriately skilled LAME workforce will ultimately depend on developing Australian resources.

1.35 The Committee is cognisant of the vital role of CASA in the monitoring and regulation of aviation safety in Australia. However, to best perform this function CASA needs to ensure potential future problems are subject to effective long term planning, in addition to CASA's need to meet immediate demands facing the organisation. With regard to LAMEs, it appears that CASA has taken too long to either recognise or acknowledge the seriousness of this emerging problem. Additionally, the apparent absence of a comprehensive strategy to address the situation is a matter of serious concern. The Committee urges CASA to immediately ascertain the exact nature and extent of the current and likely future LAME shortage, and use this information to develop a coherent plan for addressing the problem.

1.36 One other interesting aspect of CASA's 2002-03 Annual Report relates to a staff survey conducted by an independent firm in October 2002. Of those who responded (78% of the total number of CASA staff), only 59% expressed 'overall satisfaction'. Further, 55% or less were satisfied with respect to the following criteria: 'recruitment and selection being fair and based on merit', 'recognition of efforts' and 'executive providing a sense of purpose and direction'. Less than 50% were satisfied

10 Civil Aviation Safety Authority, *Annual Report 2002-03*, pp. 35-36

11 Rural and Regional Affairs and Transport Legislation Committee, *Transcript of Evidence*, Canberra, 27 May 2004, p. 7

12 Rural and Regional Affairs and Transport Legislation Committee, *Transcript of Evidence*, Canberra, 27 May 2004, p. 9

with the measure: 'CASA attracting and retaining capable employees'.¹³ The Committee hopes that the task of improving staff morale is appropriately prioritised by senior CASA officers. The Committee notes, however, that the staff turnover rate at CASA has fallen since 2002-03 and is not a cause for concern.

Australian Dairy Corporation

1.37 As at 1 July 2003 the Australian Dairy Corporation ceased to exist, merging with the Dairy Research and Development Corporation to form Dairy Australia Ltd. The new entity will operate as a public company under the *Corporations Act 2001*, funded by dairy farmers' levies and matched R&D funds from the Commonwealth, with membership drawn from levy-paying dairy farmers.

Wheat Export Authority

1.38 The Wheat Export Authority (WEA) is charged with responsibility for controlling Australian wheat exports, primarily through the independent review and monitoring of the company with virtual sole export rights, AWB (International). This special export right (including the single desk marketing arrangement for bulk wheat exports) of AWB(I) is provided for by the *Wheat Marketing Act 1989*.¹⁴ The primary objective of AWB(I) – a subsidiary of AWB Ltd - is to maximise export performance and the returns to growers from the net pool. It is the attainment of this objective that reflects the primary focus of WEA's monitoring function.

1.39 WEA's capacity to effectively perform this monitoring function is dependent on the information it receives from AWB(I) itself, and is subject to commercial-in-confidence arrangements when reporting wheat export performance. The WEA 2002-03 Annual Report stated that amendment to section 57 of the *Wheat Marketing Act 1989* had placed responsibility for the 2004 review of AWB(I)'s performance in the hands of an independent panel appointed by the Minister.¹⁵

1.40 Information on Senate debate on the role of the WEA and its monitoring function is included at paragraph 1.24.

Senator the Hon. Bill Heffernan Chair

13 Civil Aviation Safety Authority, *Annual Report 2002-03*, p. 105

14 Wheat Export Authority, *Annual Report 2002-03*, p. 2

15 Wheat Export Authority, *Annual Report 2002-03*, p. 6

APPENDIX 1

LIST OF ANNUAL REPORTS REFERRED TO THE COMMITTEE DURING THE PERIOD 31 OCTOBER 2003 TO 30 APRIL 2004

DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY

<i>Department of State</i>	Legislation	Letter of Transmittal date	Tabling date
Department of Agriculture, Fisheries and Forestry Corrigendum to the 2002-03 Annual Report	N/A	N/A	12/2/04
<i>Statutory Authorities</i>			
Australian Dairy Corporation Annual Report 2003	<i>Dairy Produce Act 1986</i> <i>CAC Act 1997</i>	Not provided	25/11/03
Australian Landcare Council	<i>Natural Resources Management (Financial Assistance) Act 1992</i> <i>CAC Act 1997</i>	9/9/03	25/11/03
Australian Wine and Brandy Corporation Annual Report 2002-2003	<i>CAC Act 1997</i>	26/9/03	25/11/03
Forest and Wood Products Research and Development Corporation Annual Report 2002-2003	<i>Primary Industries and Energy Research and Development Act 1989</i> <i>CAC Act 1997</i>	2/9/03	25/11/03

Grape and Wine Research and Development Corporation 2002-03 Annual Report – Errata	N/A	N/A	3/3/04
Sugar Research and Development Corporation Annual Report 2002-03	<i>Primary Industries and Energy Research and Development Act 1989</i> <i>CAC Act 1997</i>	3/9/03	25/11/03
Torres Strait Protected Zone Joint Authority Annual Report 2001-02	<i>Torres Strait Fisheries Act 1984</i>		3/12/03
Wheat Export Authority Annual Report 2002-2003	<i>CAC Act 1997</i>	17/12/03	23/3/04
<i>Other</i>			
Victorian Regional Forest Agreements Annual Report for 2001	N/A	N/A	25/11/03
Victorian Regional Forest Agreements Annual Report for 2002	N/A	N/A	25/11/03

DEPARTMENT OF TRANSPORT AND REGIONAL SERVICES

<i>Statutory Authorities</i>	Legislation	Transmittal date	Tabling date
Civil Aviation Safety Authority Annual Report 2002-2003	<i>Civil Aviation Act 1988</i> <i>CAC Act 1997</i>	14/10/03	25/11/03
<i>Companies</i>			
Australian Rail Track Corporation Limited Annual Report 2003	N/A	N/A	2/12/03
Bankstown Airport Limited Annual Report 2003	N/A	N/A	25/11/03
Camden Airport Limited Annual Report 2003	N/A	N/A	25/11/03
Hoxton Park Airport Limited Annual Report 2003	N/A	N/A	25/11/03
Maritime Industry Finance Company Limited Annual Report 2002-2003	<i>CAC Act 1997</i>	2/10/03	2/12/03
<i>Other</i>			
<i>Air Passenger Ticket Levy (Collection) Act 2001</i> – Report to the Commonwealth for the period 1 April 2002 to 31 March 2003	<i>Air Passenger Ticket Levy (Collection) Act 2001</i>	N/A	25/11/03
Airservices Australia Corporate Plan July 2003 – June 2008	<i>Air Services Act 1995</i> <i>CAC Act 1997</i>	12/5/03	12/2/04
Airservices Australia National Equity and Diversity Program 2001-2004 Progress Report 2002-2003	<i>Equal Employment Opportunity (Commonwealth Authorities) Act 1987</i>	N/A	25/11/03

Australian Land Transport Development Programme Progress Report 2002-2003	<i>Australian Land Transport Development Act 1988</i>	18/11/03	2/12/03
Australian Rail Track Corporation Limited Statement of Corporate Intent 2003-2004	N/A	N/A	3/12/03
<i>Local Government Financial Assistance Act 1995</i> – 2002-03 Report on the Operation of the Act	<i>Local Government Financial Assistance Act 1995</i>	N/A	12/2/04
Stevedoring Industry Finance Committee Annual Report 2002-2003	<i>CAC Act 1997</i>	Not provided	3/3/04
<i>Stevedoring Levy (Collection) Act 1998</i> – Report to the Parliament for the period January to December 2003	<i>Stevedoring Levy (Collection) Act 1998</i>	N/A	3/3/04
<i>Sydney Airport Demand Management Act 1997</i> – Quarterly Report 1 July – 30 September 2003	<i>Sydney Airport Demand Management Act 1997</i>	N/A	25/11/03
<i>Sydney Airport Demand Management Act 1997</i> – Quarterly Report 1 October – 31 December 2003	<i>Sydney Airport Demand Management Act 1997</i>	N/A	9/3/04

APPENDIX 2

SUBMISSIONS

Tabled with the Interim Report on the Administration of the Civil Aviation Safety Authority on 5 August 2004

1. Ord Air Charter Pty Ltd
2. Ms Susan Michaelis
3. Mr Peter Rundle
4. The Aircraft Owners and Pilots Association of Australia
5. Captain J L W Willis
6. Capiteq Ltd
7. Aero Support Pty Ltd
8. Airline Passenger Safety Association Inc.
9. Skywest
10. Australian Licenced Aircraft Engineers Association
11. Smith Taggart Chartered Accountants

Additional material to the Inquiry into the Administration of Civil Aviation Safety Authority by Doug Edwards.

