

Rural Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Additional Estimates February 2011

Infrastructure and Transport

Question no.: 77

Program: n/a

Division/Agency: (CASA) Civil Aviation Safety Authority

Topic: PBN trial figures

Proof Hansard Page/s: 97 (22/02/11)

Senator Back asked:

Senator BACK—I want to turn again, if I may, to the new technologies. I wonder if you could give us an update on the performance based navigation system trial which I understand is being trialled in Brisbane.

Mr McCormick—Perhaps Mr Peter Cromarty, who is the executive manager of the Airspace Regulation group, can give you the technical details.

Senator BACK—Fortunately, I have got Senator Heffernan here who can interpret those technical details for me.

Mr Cromarty—The trial to which you refer has completed a large number of approaches. It is called the ‘green approach’, which takes the traffic down the river. I do not have the exact figures in front of me but I can certainly supply those to you. For a period of about two years up until the end of last year, there were several thousand approaches flown and several tens of thousands of tonnes of fuel and carbon emissions were saved. I cannot give you the exact numbers now, but I can supply those to you if I can take those on notice.

Answer:

A Required Navigation Performance (RNP) Approach Operations trial was conducted at Brisbane, where flight paths were routed over the river with greater precision in order to ameliorate noise, save fuel and reduce emissions. The estimated savings for approaches into Brisbane from July 2007 to July 2009 were approximately 60,000 track miles, 737,300 kg of fuel and approximately 2.4 million kg of CO₂ emissions.

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Question no.: 78

Program: n/a

Division/Agency: (CASA) Civil Aviation Safety Authority

Topic: Overseas Pilots

Proof Hansard Page/s: 100 (22/02/11)

Senator Xenophon asked:

Senator XENOPHON—Sure. And on notice, for those overseas pilots that come into the country, how many instances have there been in the last 12 months where you have undertaken checks and the like; if you could just take that on notice.

Answer:

One hundred and forty six foreign registered aircraft have been ramp checked between 1 February 2010 and 28 February 2011. The aircraft checked were those with CASA issued foreign aircraft Air Operator Certificates.

Ramp checks include a check of Flight Crew Licences which incorporates “certificate of competency, licences and medical assessment of the flight crew”.

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Question no.: 79

Program: n/a

Division/Agency: (CASA) Civil Aviation Safety Authority

Topic: Cabin crew fatigue

Proof Hansard Page/s: 101 (22/02/11)

Senator Xenophon asked:

Senator XENOPHON—That is right. But also, if you are on a plane for 16 hours on duty, you get tired. So there is no jurisdiction for you at this stage?

Mr McCormick—Well, I think, following on from Dr Aleck, the safety management system that airlines are required to have should address these issues. Actual specifics on what is in there around cabin crew, I can take on notice and let you know what we have at the moment.

Answer:

The International Civil Aviation Organization is finalising its Standards and Recommended Practices and Guidance Material for Fatigue Risk Management Systems which, among other things, describe duty limitations and rest schemes for cabin crew. CASA will incorporate these recommendations into its regulatory development work once the International Civil Aviation Organization has published the Standards and Recommended Practices.

Regular Public Transport (RPT) operators are required to have CASA approve their Safety Management System (SMS). CASA audits the RPT operator's SMS for capability in safety risk management and safety assurance, which includes fatigue management.

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Question no.: 80

Program: n/a

Division/Agency: (CASA) Civil Aviation Safety Authority

Topic: Pilot rest

Proof Hansard Page/s: 101 (22/02/11)

Senator Xenophon asked:

Senator XENOPHON—Okay. I will just move on. It has been put to me that some airlines are selling half the rest seats on flights for pilots, which means that pilots and crew have to share a seat with a passenger. I think sometimes they just have a curtain. I have had complaints that that is not a satisfactory way to look after pilots who are supposed to rest and might be nudged by a passenger next to them. Is there an issue there that CASA can look at? Is that within your purview?

Mr McCormick—To my knowledge, we have not had any of those complaints brought to us. We will check to see what there is.

Answer:

CASA has not received complaints about pilot and crew sharing a seat with a passenger.

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Question no.: 81

Program: n/a

Division/Agency: (CASA) Civil Aviation Safety Authority

Topic: Hart resignation

Proof Hansard Page/s: 105 (22/02/11)

Senator Abetz asked:

Senator ABETZ—This was a very serious matter. Did you make a file note as to when that conversation with Mr Hart took place?

Mr McCormick—I can check that. I would have to take that on notice.

Senator ABETZ—Is there a file note?

Senator CARR—He has already indicated that—

Senator ABETZ—No, is there a file note?

Mr McCormick—I do not know, Senator, so I will take it on notice.

Answer:

There is no file note on CASA's personnel records.

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Question no.: 82

Program: n/a

Division/Agency: (CASA) Civil Aviation Safety Authority

Topic: Complaint by Mr van de Wiel

Proof Hansard Page/s: 106 (22/02/11)

Senator Abetz asked:

Senator ABETZ—... There is a very longstanding complaint by a captain or former captain, Stan Van de Wiel—V-a-n d-e W-i-e-l, a three-word surname. I do not want to canvas this in great detail, other than to note that he alleges that on 15 August he wrote to the then minister, the Hon. Mark Vale, requesting assistance with the issues that had been before CASA, and I do not want to canvas what those issues were. The minister's response, reference 08170 of 2007, was to request Mr Bruce Byron, CEO of

CASA:

... to provide me with a detailed response so that these longstanding issues may be resolved. I am advised that as of November 2010, there is still no response to any of his directed questions. If you can take on notice what the current status of that file is, whether his matters have been attended to, and any information that might assist us in relation to the nature of the complaint and the longstanding nature of the complaint.

Mr McCormick—Was that 15 August 2007? We did not get the year.

Senator ABETZ—Yes, it was, 15 August 2007. He wrote to the then minister.

Mr McCormick—I have heard the name. I do not know the issue. We will take it on notice.

Answer:

Mr van de Wiel's correspondence relates to a number of matters including CASA decisions to cancel an Air Operator's Certificate and Chief Pilot approval, criticism of CASA staff and the Avgas contamination incident.

Mr van de Wiel's letter to then Deputy Prime Minister, Mark Vaile, cited above was referred to CASA for response. On 11 October 2007, the then Deputy Chief Executive Officer of CASA, Mr Shane Carmody, wrote to Mr van de Wiel on behalf of the then Chief Executive Officer, Mr Bruce Byron, with a detailed response on a number of matters raised.

Mr Van de Wiel also received responses from CASA's Director of Aviation Safety and CASA's Industry Complaints Commissioner (ICC) on 25 June 2009 and 26 June 2009 respectively on his further correspondence. The latter response indicated that unless Mr van de Wiel was able to produce new, credible or factual evidence that had not previously been brought to the attention of the Director or of other CASA officers then the ICC was not prepared to consider matters further.

On 29 March 2011, CASA received a further letter from Mr van de Wiel raising a number of legal issues to which CASA responded to on 18 April 2011.

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Question no.: 83

Program: n/a

Division/Agency: (CASA) Civil Aviation Safety Authority

Topic: Richard Green

Proof Hansard Page/s: Written

Senator Heffernan asked:

Richard Green issue:

- 1) Clause 42ZC(6) permits CASA, where appropriate, to issue an Instrument for maintenance to an individual who has not been through the normal training channels and who has not taken the examinations that are required of a Licenced Aircraft Maintenance Engineer (LAME). CASA commented in Senate Estimates on 22 February 2011 that "Mr Richard Green does not have an aircraft maintenance engineering background, and CASA has no record of Mr Green completing any of the prerequisite aircraft maintenance engineering examinations."
 - a) Would CASA please advise the relevance of these observations to an Instrument issued pursuant to section 42ZC(6) of the Regulations?
 - b) The above-mentioned clause has clearly been specifically incorporated to cater for a situation such as Mr Green's has it not?
- 2) In an incident in a northern Cape York wilderness area, CASA stated in Senate Estimates on 22 February 2011 that this maintenance was outside the scope of his maintenance authority; the maintenance was carried out using an unauthorised material and was not carried out in accordance with the manufacturer's data or any other approved data. I understand this observation relates to an emergency repair that was conducted in order to permit a private helicopter to be flown from a wilderness environment, was it not? Is it correct there is no one in CASA who has a technical understanding of how to repair a composite helicopter blade? If yes, who is authorized person in CASA? **Q.** Can I ask who is the ultimate authority with regard to the technicalities of such a repair as they might affect the safety of air navigation – is it CASA or the helicopter manufacturer?
 - a) If "CASA", do you believe CASA knows more about the repair of composite helicopter rotor blades than the manufacturer of the helicopter and its blades? Would appreciate the names of the CASA technicians please.
 - b) If your answer is "the manufacturer", then did the manufacturer have anything to say at the time about this repair? I understand Mr Green at the time phoned the engineers in the factory in Germany for advice. The manufacturer formally authorized the flight to Sydney. This has been subsequently confirmed in writing in an email co-signed by the Eurocopter Deutschland (ECD) Head of the Blade Design and Repair Facility and the Head of EC 135 Technical Support Department.
- 3) A Show Cause Notice was issued to Mr Green listing six separate incidents in 1999, which evidenced past certifications when maintenance was not performed or operating aircraft maintenance was due but not performed. The Show Cause Notice accused Mr Green of not being 'a fit and proper person' and threatening to remove both his Maintenance Authority and Pilot Licence, this was issued in respect of the blade strike

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incident. Are you aware that these six separate incidents you reference were satisfactorily refuted at the time?

- 4) I understand a 'typical incident' was the operation of the aircraft for a period of 14.3 hours during 1999 without there being an entry (as is legally required) in the aircraft Maintenance Release. In fact at that time the helicopter had not yet been transferred from Australian Aerospace (the local suppliers of the helicopter) to Mr Green, and the flight hours were indeed properly logged by Australian Aerospace in a CASA 'Permit to Fly' document that preceded the issue of the first Maintenance Release for the aircraft. Would CASA please comment about this incident and the other 5 incidents?
- 5) I understand from 2006 forward Mr Green contacted the ICC and lodged a complaint. That complaint was eventually rejected. Was this complaint rejected in writing? By whom and why?
- 6) CASA stated in Senate Estimates on 22 February 2011 that there were a significant number of CASA officers, technical specialists, who advised against issuing that instrument. I have in writing that the German company (ECD) stated Mr Green is known to us as a technically skilled operator/pilot with competence in terms of helicopter, rotor and composite technology, ECD has a high confidence in his person. The way that the blades were repaired proved that Mr Green worked sensibly and with technical competence". **Q.** What technical expertise do they have when compared with the helicopter manufacturer whose senior personnel had shown significant confidence in Mr Green's technical abilities?
- 7) CASA stated in Senate Estimates on 22 February 2011 a delegate who is no longer in CASA did issue that authority to him. The reasons justifying that were never set out in any detail, so we are unable to say why Mr Green received that authority, other than that it was given by a general manager in CASA against the advice of his own staff. I understand the senior Manager, Greg Vaughan is a competent and qualified engineer, is CASA now saying that a 'senior manager' in CASA made a judgement that would be more competently made by a CASA junior staff?
- 8) CASA stated in Senate Estimates on 22 February 2011 Mr Green then proposed that he have his application for another instrument to follow that one, also to have the same number of authorities on it, without showing any of the normal satisfactory information we need, such as showing us he has been adequately trained and has the practical experience to perform the entire scope of the maintenance. I understand Administrative Appeals Tribunal? (AAT) claim Mr Green is "a very competent, very skilled, very experienced engineer, particularly of course with the Eurocopter" and directed that a maintenance Instrument be issued to him. Does this mean that the AAT accepted CASA's view that he does not have appropriate training and practical experience to work on his machine?
- 9) Why did the AAT not accept CASA's view that Mr Green does not have appropriate training or practical experience? And is CASA suggesting that it should override the Directions of the Administrative Appeals Tribunal?
- 10) Finally, where is CASA up to with this matter and what is the name of the officer handling Mr Green's matter? When do you expect Mr Green's matter to be resolved satisfactorily?

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Answer:

This matter is currently before the Administrative Appeals Tribunal and it would not be appropriate to provide further comment at this time.

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Question no.: 84

Program: n/a

Division/Agency: (CASA) Civil Aviation Safety Authority

Topic: Safety Governance in self-administering bodies

Proof Hansard Page/s: Written

Senator Boyce asked:

In evidence before the Rural Affairs & Transport Estimates Committee in relation to the issue of safety governance in self-administering bodies such as the Australian Parachute Federation, Mr. McCormick of CASA said and I quote,

"In recent times I have felt that there has not been enough governance around these organisations and around our covering of that. I have recently moved the administration of the sports aviation bodies, which includes the Australian Parachute Federation, into the office of the director, where we will put closer control over it while we take a better look at exactly what is happening."

- 1) Could you provide a list of **all** the organisations, including all those under the heading "sports aviation bodies" that have now been moved "into the office of the director"?
- 2) What were the reasons, events or incidents "in recent times" that made it necessary to make this decision?
- 3) Is this not a reflection that good safety governance practice has not been operating in some of these areas within the remit of CASA?
- 4) When you know can you inform us of "exactly what is happening"?

Answer:

- 1) The Self Administering Sport Aviation Section was established in the Office of the Director of Aviation Safety on 7 March 2011. The self administrating sport aviation bodies with which the Office will be dealing are:
 1. Australian Ballooning Federation
 2. Australia Sports Rotorcraft Association
 3. Australian Parachute Federation
 4. Sports Aviation Association of Australia
 5. Recreational Aviation Australia
 6. Australian Warbirds Association Limited
 7. Gliding Federation of Australia
 8. Hang Gliding Federation of Australia
 9. The Model Aeroplane Association of Australia
- 2) The transition of the Sport Aviation Office to the Office of the Director of Aviation Safety was not the product of any specific incident. CASA has been undergoing a wide ranging process of strengthening its policies and governance procedures across a number of different areas. This process has been driven through the Office of the Director of Aviation Safety. CASA considers that the area directly responsible for sports aviation organisations would benefit by being more closely integrated into these developments. It

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is envisaged that the function will eventually be located within CASA's Operations Division.

- 3) No.
- 4) See response to Q1 and Q2.

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Question no.: 85

Program: n/a

Division/Agency: (CASA) Civil Aviation Safety Authority

Topic: Navigation Aids Check

Proof Hansard Page/s: Written

Senator Nash asked:

Given that a recent check of navigation aids was performed.

- 1) With respect to New South Wales, how have these checks been completed?
- 2) Were any problems encountered in the NSW checks on navigational aids?

Answer:

- 1) The checks performed for CASA were on flight paths used by pilots to land safely in conditions of poor weather, or at night. These checks are conducted on a 3-yearly basis to ensure all non-precision instrument approach procedures remain safe. Low level flying was conducted to ensure that no new obstacles have been erected which may reduce the safe obstacle clearance provided to aircraft.

CASA contracted the operation of the check flights to Radiola Aerospace Pty Ltd – a company with wide international expertise in these operations. The specialist aircraft crew have been approved by CASA for the purpose.

- 2) No.