

Rural & Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates May 2012

Infrastructure and Transport

Question no.: 92

Program: n/a

Division/Agency: (CASA) Civil Aviation Safety Authority

Topic: Polar Aviation

Proof Hansard Page/s: 45 (23/05/2012)

Senator EGGLESTON: As you will recall last time, I asked some questions about the cost of legal action that CASA has engaged in with Polar Aviation, a small aviation company in Port Hedland. You provided a written answer in response to those questions, and I have had a response from Clark Butson, who is the owner of Polar Aviation. In brief, he says that what CASA is suggesting—that it paid a total of \$65,305 in legal fees since the audit that started this chain of events on 14 May 2006, now over eight years ago—is not a complete answer. He says that you correctly admitted there was a payment to Polar Aviation of \$30,929 in your unsuccessful appeal in the Federal Court, which he says would bring the total up to \$96,234 spent. He points out that there was a period of about two years when Blake Dawson, which is a national legal firm, represented CASA in this case, and their fees have not been included in your answer.

Overall, I am very interested in pursuing this matter because this has gone on for a long time and there are quite serious issues about the way CASA has engaged with Polar Aviation. I would like to know, first of all, how much CASA and the Commonwealth spent with Blake Dawson, as it was formerly known—it is now an international company, I believe, or joined an international firm—in legal proceedings involving Polar Aviation? Secondly, what is the total cost of legal expenses in the matter of Polar Aviation v Clark Butson and Polar Aviation, Clark Butson v CASA, to include: (a) all internal and external inputs with respect to legal representation in and out of court; (b) all legal costs engaged to represent CASA in this matter; and (c) what part Commsec has played to date and at what cost in this matter? I do not expect you to be able to provide these answers today so I will put them on notice.

Mr McCormick: The answer to question 25 on notice had the rolled up amounts for all our legal services in it. We will take those questions on notice.

Answer:

CASA cancelled the Chief Pilot Approval and Chief Flying Instructor approval held by Mr Clark Butson on 14 January 2005. CASA also cancelled the Air Operator's Certificate held by Polar Aviation on 14 January 2005. On 18 January 2005, Polar Aviation lodged applications seeking review of these decisions in the Administrative Appeals Tribunal (AAT).

CASA previously provided the Committee with details of legal costs (\$65,305 in internal and external legal costs and \$30,929 payment to Grundy Maitland & Co for costs involved in 2005 Federal Court hearing) incurred in relation to these AAT proceedings and a Federal Court appeal by CASA from a decision of the AAT in 2005.

The Committee now seeks information about other legal costs incurred by CASA in relation to Polar Aviation. On 16 September 2009, Polar Aviation and Mr Butson commenced proceedings in the Federal Court seeking damages from CASA. On 29 April 2010, the Federal Court dismissed their application.

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In 2010, Polar Aviation and Mr Butson commenced a further proceeding against CASA claiming damages. On 30 September 2011, the Federal Court struck out this claim. On 20 October 2011, the Court ordered that Polar Aviation and Mr Butson pay CASA's legal costs in these proceedings. Polar Aviation and Mr Butson appealed this judgment. On 4 July 2012, the appeal was dismissed by the Federal Court, with Polar Aviation and Mr Butson ordered to pay CASA's costs.

In defending the above proceedings commenced by Polar Aviation and Mr Butson against CASA in the Federal Court, as at 5 June 2012, Comcover had paid a total of \$393,667 in legal fees comprising payments of \$207,734 to Ashurst/Blake Dawson Lawyers (inclusive of barrister's fees), and \$178,783 to the Australian Government Solicitor (inclusive of barrister's fees). Comcover is the Australian Government's general insurance fund and provides insurance and risk management services to Australian Government Departments and agencies, including CASA. CASA has not itself incurred any external legal costs nor has it incurred any measurable internal legal costs.

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Question no.: 93

Program: n/a

Division/Agency: (CASA) Civil Aviation Safety Authority

Topic: Occupational health and safety complaints

Proof Hansard Page/s: 46 (23/05/2012)

Senator GALLACHER: Mr McCormick, we heard evidence at an earlier inquiry that these people basically knocked up trying to get a result out of CASA when they raised a complaint about occupational health and safety. My question is: does CASA have a written protocol on handling complaints and queries regarding OH&S concerns raised by airline employees? I am happy to leave that on notice.

Answer:

CASA has protocols relating to the handling of complaints received from any third party, including persons engaged in the aviation industry. Under these protocols CASA will review all complaints received, including those that raise workplace, health and safety issues and take appropriate action insofar that the matter complained about relates to aviation safety.

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Question no.: 94

Program: n/a

Division/Agency: (CASA) Civil Aviation Safety Authority

Topic: Breakdowns of separation

Proof Hansard Page/s: 51 (23/05/2012)

Senator XENOPHON asked:

Senator XENOPHON: On notice, in the event that you receive that in the next week or so before the cut-off for questions on notice, could you provide further information in respect of that?

Mr McCormick: Yes, certainly

Answer:

CASA received a report on the Traffic Information Broadcasts by Aircraft (TIBA) incident from Airservices at the end of June 2012 and is evaluating that report.

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Question no.: 95

Program: n/a

Division/Agency: (CASA) Civil Aviation Safety Authority

Topic: Review of Airservices Australia

Proof Hansard Page/s: 52 (23/05/2012)

Senator XENOPHON: When will we know, do you think? I understand that you are undertaking a thorough review of Airservices Australia. What time frame are you looking at for an interim report or a final report?

Mr McCormick: We do not have a time line at this stage. When we do have one, I will give it to you as an answer on notice, if you like.

Answer:

The broad review of Airservices Australia operations under Civil Aviation Safety Regulation *Part 172 – Air Traffic Service Providers* commenced in March 2012 and is planned to be completed by September 2012.

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Question no.: 96

Program: n/a

Division/Agency: (CASA) Civil Aviation Safety Authority

Topic: Air Traffic Controller Incident

Proof Hansard Page/s: 52 (23/05/2012)

Senator XENOPHON: It was put to me that there was an incident on 12 February this year, when there was a two-hour break in terms of the air traffic controller, the rated person, being away from that post and another person was there but not of the same equivalent rating. I think normally under the rules it is supposed to be for 20 minutes, but the rated air traffic controller is the one who is responsible. Would you be concerned about a two-hour break period?

Mr McCormick: Yes, I would be. We have discussed with Airservices this principle of the short break and they are proposing some amendments to the procedure which we hope will address these issues.

Senator XENOPHON: Perhaps you could take on notice that incident that was put to me about 12 February.

Answer:

CASA has been advised by Airservices Australia (Airservices) that short breaks are not expected to exceed 20 minutes. Airservices conducted a review of the incident on 12 February this year and that review did not identify any evidence of a systemic problem but rather reflected on individual performance and Airservices has taken action to prevent a recurrence of the event.

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Question no.: 97

Program: n/a

Division/Agency: (CASA) Civil Aviation Safety Authority

Topic: MOS 139

Proof Hansard Page/s: 53 (23/05/2012)

Senator FAWCETT asked:

Senator FAWCETT: I will come back quickly to your role in the process of airport development, under local government. In fact under MOS 139, when an airport operator wishes to choose things like critical aircraft to determine runway length and a whole range of other things for the aircraft, you are supposed to be consulted. Can you confirm—I am happy for you to take this on notice—who was consulted when, for example, Jandakot decided that 2 Bravo would be their critical aircraft? Local government and state government in New South Wales have similar requirements to MOS 139 in terms of consultation, particularly where proposed development may infringe on the obstacle limitation surface. Were you consulted at Bankstown when the Toll building was put in on the final approach for the helipad? The helicopter operators now have to fly over, the whole time. For example, with places like Casino, they built a whole caravan park or motor home village on the extended centre line of the runway and had to shorten the runway by 1,500 feet to still allow appropriate clearance. Were you consulted on that? Bearing in mind that it might not be your regulation but that it was state and local government requirements, you should have been consulted on that.

Mr McCormick: I will take that on notice because Airservices and the department are involved in this to some extent as well.

Answer:

Whether CASA is consulted in relation to specific aerodrome developments depends on the nature of the development and the type of aerodrome.

In relation to the examples given:

- (a) CASA was not consulted on the determination at Jandakot as that is a matter for the aerodrome operator.
- (b) In the case of Bankstown's Toll building, CASA was consulted and the aerodrome operator used the guidance, with respect to the final approach to the helipad, contained in Civil Aviation Advisory Publication 92-2(1).
- (c) In the case of Casino aerodrome, the decision to shorten the runway is a matter for the aerodrome owner noting that Casino is not a certified or registered aerodrome and therefore is not covered by the Part 139 Manual of Standards.

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Question no.: 98

Program: n/a

Division/Agency: (CASA) Civil Aviation Safety Authority

Topic: Relocation from Bankstown

Proof Hansard Page/s: Written

Senator FAWCETT asked:

1. Will the relocation of CASA staff from Bankstown Airport to Sydney involve a break in CASA's lease of the airport accommodation?
2. What penalty will apply to the break of lease?
3. What is the cost of refurbishment of the Sydney office?
4. Are aviation companies (AOC holders, maintenance etc.) charged for CASA services on a fee for service basis or on actual cost recovery i.e. will increases in travel time for CASA staff to go to and from Bankstown result in an increase in charges to the aviation sector?
5. How long is the drive time to/from Bankstown from the new office location?
6. How frequently will staff travel to Bankstown for face to face communications with aviation industry?
7. Is this more or less than current frequency of face to face contact?
8. What productivity losses will this travel time represent?
9. How can CASA maintain or improve services with decreasing productivity?

Answer:

- 1&2. CASA subleases land at the Bankstown Airport on which its current owned office accommodation is built. The sublease for the land has a range of options which CASA is currently considering.
3. The estimated cost to fully fit-out the new office is \$2.7m.
4. Yes (i.e. fee for service).
5. The travel time will vary depending on traffic and the time of day.
6. The frequency of travel would depend on the matters to hand, the demand from industry and the need for face-to-face communication.
7. CASA has no plans to alter the amount of contact time with industry at Bankstown with regards to key safety activities.
- 8&9. CASA remains committed to maintaining and improving its services to industry through a variety of means including improved website access, online service delivery and the continued development of the Permissions Application Centre.

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Question no.: 99

Program: n/a

Division/Agency: (CASA) Civil Aviation Safety Authority

Topic: International operations

Proof Hansard Page/s: Written

Senator XENOPHON asked:

A previous omnibus QON (No 107) from Additional Estimates on 14 Feb 12 asked CASA the following questions:

- “6. Is there a legal and or policy distinction between an international flight sector and a domestic flight sector?
7. Are they mutually exclusive?
8. Who determines the nature of the flight from a regulatory perspective?”

The answer referred back to the Department of Infrastructure and Transport response to a similar question. That response was couched in terms of the Air Navigation Act 1920, an act that CASA does not administer and which is focused on economic rather than safety regulation. It did not address the third question.

1. In the context of the regulatory responsibilities of CASA, are there legal and/or policy distinctions between an international flight sector and a domestic flight sector?
2. In the context of the regulatory responsibilities of CASA, can a flight sector be characterised as both an international flight sector and a domestic flight sector?
3. In the context of the regulatory responsibilities of CASA, who determines whether a particular flight sector is characterised as an international flight sector or a domestic flight sector?
4. How is a permission to engage in International flights indicated on an AOC – is it simply a statement that the operator is authorised to “fly into or out of Australian territory”?
5. At Estimates on 27 May 10, Dr Aleck stated that “Unless an operator is authorised to conduct international operations, then 12 nautical miles is the extent of the distance from the coastline they can travel lawfully.” (page RRA&T 145). Is that still the case?
6. In the context of the regulatory responsibilities of CASA, are all scheduled operators automatically granted International authorisation if the air routes between their approved domestic destinations involve flight beyond the 12 mile limit?
7. In the context of the regulatory responsibilities of CASA, are flights to and from offshore oil and gas platforms and support vessels outside the 12 mile limit treated as International flights?
8. In answer to QON 15 from Estimates in May 2010, CASA indicated that it was “in the process of reminding all domestic AOC holders of the limits of Australian territory and the type of permissions required for any operations conducted outside Australian territory.” Could you indicate where an operator could source the current advice?

On 21 Oct 10 in Estimates, CASA indicated (pages RA&T 161, 162) that:

“Our procedures and administrative arrangements have been updated to handle AOC

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applications from operators wanting to conduct operations into and out of Australia in a more effective way. For example, the operations specification which is attached to an air operator certificate will be changed so that operators will be authorised to fly outside 12 nautical miles when departing from or arriving into an Australian aerodrome. Also, they will be authorised to fly between aerodromes located on or up to 200 nautical miles off the Australian mainland, in Tasmania and in the Australian Torres Strait Islands. This initiative resolves the majority of cases where there is uncertainty about the operators being properly authorised for these flights...”

9. Could you provide examples of the relevant Operational Specifications for the various types of operations?
10. What does CASA rely on as the official pictorial source (map, chart, etc.) of the various territorial limits and zones for reference by air operators?
11. Given that there are different fatigue management rules in the Standard Industry Exemptions for International and domestic operations, does CASA look to ensure that an operator declaring a flight as an International ‘tag’ flight is more than just a means to avoid more stringent domestic rules, particularly those for Late Night Operations?
12. Has CASA conducted any on-site surveillance of the specific training of Jetstar’s foreign cabin crew?
13. Has CASA conducted any in-cabin line surveillance of the final sectors of the Jetstar ‘tag’ flights that led to the specific complaints raised with this Committee?
14. When asked previously about the number of sectors conducted solely within Australian airspace that may be designated as international “tag” flights, CASA deferred to DIT. Can you confirm that CASA has no regulatory interest if an operator chooses to designate a flight sector within Australia as an International ‘tag’ flight?

Answer:

1. The terms ‘international flight sector’ and ‘domestic flight sector’ are not found in the Civil Aviation Act (the Act) or Regulations, nor are they generally used by CASA.
2. As noted above, the terms ‘international flight sector’ and ‘domestic flight sector’ are not found in the Civil Aviation Act or Regulations, nor are they generally used by CASA.
3. In the event a determination had to be made, it would be made by CASA.
4. It depends on the nature and scope of the operations being authorised. In relation to charter and aerial work operations, the form of the Air Operator’s Certificate (AOC) uses the identifiers: “Outside Australia”, “Into and Out of Australia”. In relation to regular public transport operations outside of Australian territory, International Civil Aviation Organization regional areas are referred to and a map included as a schedule to the AOC.
5. Yes.
6. Yes.
7. Yes, assuming such flights require an AOC, they are treated as flights which require the AOC to authorise flights to and from Australia, but appropriate conditions are also included on the AOC.
8. CASA wrote to all holders of AOCs in June 2010 advising that they must have an appropriate authorisation on their AOC and Operations Specifications if they conduct commercial operations outside Australian Territory. CASA has processed applications from operators seeking an authorisation to operate beyond Australian territorial limits on a case by case basis. Operators may source further advice by contacting CASA’s Permissions Application Centre.

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9. An example is:
Regular Public Transport Operations approved under this AOC are:
(a) limited to flights conducted between aerodromes located within mainland Australia, including Tasmania and extend to 200nm from the territorial baseline surrounding mainland Australia, including Tasmania;
(b) Permitted beyond 200nm from the territorial baseline surrounding mainland Australia, including Tasmania, when the holder is operating aircraft to and from Perth.
10. CASA does not have an official pictorial document which describes the territorial limits for domestic operations in detail; rather, CASA has issued a general statement based on information published by Geoscience Australia entitled *Australian Maritime Boundaries (AMB) ANZLIC identifier ANZCW0703007842*. The AMB provides a digital representation of the outer limit of the 12 nautical mile territorial sea.
11. Yes. The operation of the fatigue rules are considered during CASA's oversight of operators' compliance with the Standard Industry Exemptions.
12. Yes.
13. CASA has undertaken in-cabin line surveillance of Jetstar's international operations.
14. See Answer to Question 1. CASA's position with respect to the oversight of flight operations is not governed by an operator's decision to designate a sector as an 'international tag flight'.

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Question no.: 100

Program: n/a

Division/Agency: (CASA) Civil Aviation Safety Authority

Topic: Fatigue Risk Management Systems

Proof Hansard Page/s: Written

Senator XENOPHON asked:

Fatigue Risk Management Systems (FRMS), whether prescriptive or enterprise-specific, have been in place for pilots for many years. It has been recently suggested that cabin crew fatigue is adequately managed through AOC holders' safety management systems (SMS) and, where they exist, their FRMS.

1. What guidelines do CASA inspectors use to judge the effectiveness of these controls and to require AOC holders to amend those controls?
2. What formal training do CASA Inspectors undergo in terms of the assessment and monitoring of fatigue risk management schemes?
3. The UK CAA runs courses for all comers on the interpretation and implementation of their fatigue management legislation. (a) Does CASA offer any equivalent training for Australian stakeholders? (b) Is there any intention to do so?
4. What plans does CASA have to introduce FRMS requirements for aircraft maintenance workers?
5. In a broader context, CASA introduced the concept of a Safety Sensitive Aviation Activity (SSAA) in Part 99 "Drug and alcohol management plans and testing" of the Civil Aviation Safety Regulations (CASR) 1998. Given that the consequences of fatigue are often described in similar terms to the effects of drugs and alcohol, does CASA have any plans to require FRMSs to include SSAA employees?

Answer:

1. All Regular Public Transport operators are required by Civil Aviation Order (CAO) 82.3 and 82.5 to have and use a Safety Management System (SMS) that is approved by the Civil Aviation Safety Authority (CASA). In order to be approved, an organisation's SMS must include, among other things, documented details on the hazard identification processes and risk assessment and mitigation processes that will be used by the organisation.

CASA inspectors are required to assess the effectiveness of these documented processes at various stages of the regulatory oversight process. CASA inspectors refer to the relevant legislation and advisory material and, in the case of SMS, to the requirements of CAO 82.3/82.5, the material contained within the Civil Aviation Advisory Publication SMS package and the processes documented in the CASA Air Operator Certification Manual. The practical application of these documented processes is then assessed during CASA's ongoing surveillance activities utilising the auditing techniques as documented in the CASA Surveillance Procedures Manual.

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2. CASA inspectors undergo a variety of formal specialist training courses that are directly applicable to the assessment of Fatigue Risk Management Systems (FRMS) and which equip them to effectively assess an organisation's FRMS.
3. (a) and (b) CASA has published a package of guidance material designed to provide operators and individuals with information necessary to meet their obligations under the proposed standards for fatigue management. CASA's Aviation Safety Advisors are also preparing a fatigue component for inclusion within their safety seminars, which are run nationwide. CASA encourages participation from all industry sectors in these seminars.
4. The CASA requirements for approved maintenance organisations currently include a system which takes into account human performance limitations, of which fatigue is included as an element. Further requirements for the management of fatigue in those performing aircraft maintenance will be included as a later stage of the standards development project dealing with fatigue management for aviation personnel.
5. CASA acknowledges the importance of fatigue in aviation personnel and is undertaking a phased approach to requiring fatigue management in aviation organisations. Extending the requirements for fatigue management to all Safety Sensitive Aviation Activity (SSAA) personnel requires careful consideration and analysis and consultation with all affected stakeholders noting that the International Civil Aviation Organization (ICAO) does not require member States to have in place requirements for fatigue management for SSAA personnel, other than for flight crew and cabin crew.

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Question no.: 101

Program: n/a

Division/Agency: (CASA) Civil Aviation Safety Authority

Topic: Air Traffic Control

Proof Hansard Page/s: Written

Senator Xenophon asked:

I have been developing a growing disquiet about the state of Air Traffic Control (ATC) in Australia. Not only does it seem that there is a significant increase in the number of Breakdown of Separation (BoS) and Loss of Separation (LoS) events, but I am now hearing a lot about lack of resources, compromised training, fatigue issues and a repressive management culture. The message from the coalface is that things are getting worse, not better.

While I note the CASA evidence that a holistic examination of Airservices is underway, I can't help wondering how effective the regulatory oversight of Airservices has been up until now, should these things prove to be true.

1. Have any Safety Cases been prepared in accordance with the provisions of Chapter 6 of the Manual of Standards Part 172 – Air Traffic Services?
 - (a) If so, how many?
 - (b) If so, what do they relate to?
 - (c) Have they been assessed by CASA as competent examinations of the issues?
2. Does CASA consider the Airservices' Safety Management System (SMS) to be a mature system?
3. Does CASA consider the Airservices' Safety Management System (SMS) to be an effective system?
4. Is CASA satisfied that the operational risks related to changes in the training systems and manpower planning have been adequately assessed and appropriately mitigated?
5. Mr McCormick stated that the individuals responsible for the oversight of Airservices Australia are all previous employees of that organisation. How does CASA ensure independence in the conduct of audits of Airservices?
6. It has been suggested to me that the Training and Checking system required by CASR Part 172 and by the Manual of Standards (MOS) has been severely compromised by under-resourcing, particularly in terms of operational staff. Is CASA satisfied that Airservices have the required management and resources in place to ensure that all elements of the training and checking requirements ('from cradle to grave') are being consistently met?
7. Mr McCormick stated that "...If there is a large turnover then we would look to see if there was any generic issue; whether there is the same issue coming up, or why people have left..." Given its monopoly Government Business Enterprise (GBE) type status, how do you act on any management concerns you may have – particularly since it would be virtually impossible to "ground" them?
8. We are aware from our airline standards activities that there is a substantial amount of recent material on Safety Management Systems (SMS). The Advisory Circulars (ACs) for CASR Part 172 relating to SMS and Safety Cases date back to 2005. I am advised that those ACs are

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- particularly lacking in substance compared to similar documents in other jurisdictions. Is there any plan to modernise those ACs?
9. Are ATS SMS audits conducted against the recent ICAO Safety Management Manual framework or against the very “lite” material in the CASR Part 172 ACs?
 10. Are ATS Safety Cases assessed and audited against the recent material published by the UK CAA and EuroControl or against the older material in the CASR Part 172 ACs?
 11. From a safety management and organisational perspective, ATS seems very similar to an airline. While I note your rejection of my proposed amendments to the Civil Aviation Act to mandate FRMS across the broad spectrum of “safety sensitive” occupations, I am quite surprised that there is apparently no regulatory requirement for Airservices to manage operational fatigue among its controllers. Is CASA considering a regulatory change to ensure that fatigue among controllers does not become an issue?
 12. Although Airservices has adopted an FRMS, is it included as part of the CASA audit schedule, given that it is not legally required?
 13. If you do audit the Airservices FRMS, now or at some future time, what benchmark will you adopt?
 14. Given the monopoly position of Airservices, the safety of aircraft operated in controlled airspace has a very high dependency on the safe performance of ATS. I have some questions in relation to the safety and compliance audit program for Airservices.
 - (a) When was the most recent audit undertaken?
 - (b) What were the findings in terms of the number of observations and Request for Corrective Action (RCAs)/Non-compliance Notices (NCNs)?
 - (c) Where there any repetitive or recurring findings?
 - (d) Have all relevant areas of Airservices been audited over the last 3 years?
 - (e) If not, over what time period?
 - (f) How many audits have been conducted over the last 3 years?
 - (g) How many observations have been issued over the last 3 years?
 - (h) How many RCAs/NCNs have been issued over the last 3 years?
 15. What has been the strongest enforcement action taken by CASA against Airservices over the last 5 years?
 16. It is a key element of CASR Part 143 “Air Traffic Services Training Providers” that the organisation must be Registered Training Organisation (RTO) within the Australian Quality Training Framework. The Australian Skills Quality Authority (ASQA) is the national regulator of the vocational education and training (VET) sector.
 - (a) Is CASA delegated authority from ASQA to conduct RTO audits on Airservices to ensure continuing compliance with CASR Part 143?
 - (b) if not, has CASA requested the ASQA to conduct an RTO audit as part of CASA’s holistic examination of Airservices?
 - (c) if not, why not?
 - (d) when was the last RTO audit conducted on Airservices by ASQA or its predecessor body?
 - (e) how many RTO audits have been conducted by ASQA or its predecessor body on Airservices?

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Answer:

1. Yes. CASA requires all Airservices Australia (Airservices) Civil Aviation Safety Regulation (CASR) Part 172 safety cases to be prepared in accordance with the provisions of Chapter 6 of the Manual of Standards Part 172.
 - (a) Since 2009 CASA has reviewed 11 Safety Cases.
 - (b) The reviewed safety cases related to the proposed implementation of Advanced Surface Movement Guidance and Control Systems, Required Navigation Performance, changes to the Australian Advanced Air Traffic System, air traffic control tower developments, and Wide Area Multilateration.
 - (c) Yes.
2. Yes.
3. Yes.
4. Yes.
5. The substantive Executive Manager of the Airspace and Aerodromes Division that oversights Airservices was not a previous employee of Airservices.

The independence and objectivity of surveillance activities is also assured by:

- employment of experienced and suitably qualified air traffic control specialists and auditors;
 - establishing controls for objectivity and independence of audits;
 - audit activities generally being conducted by teams of at least 2 auditors;
 - internal procedural measures are established to ensure that an exclusionary period of time, usually 2 years, is applied to any auditor who may be called upon to audit a specialist area where they were employed; and
 - employment of a number of staff who have gained broad and diverse industry experience through previous employment in other State regulators, the Australian Defence Force Air Traffic Services and other industry organisations.
6. CASA is satisfied that Airservices has a suitably documented process covering training and checking.
 7. CASA regulates Airservices' certificates by taking appropriate regulatory action as it does with other certificate holders. The responsive options available to CASA include the imposition of conditions and issuing directions to Airservices.
 8. CASA considers CASR Part 172, the associated Manual of Standards (MOS), coupled with Airservices' approved SMS, provides sufficient substance for surveillance of Airservices' SMS performance.

The International Civil Aviation Organization (ICAO) is developing a new Annex that will consolidate all SMS aspects currently contained in various annexes. Similarly, CASA is currently exploring the possibility of developing a new CASR part which would deal with SMS applicable to all aviation organisations, including airlines and air traffic service providers. This part would bring together the requirements for SMS for all aviation organisations and would involve a review of SMS requirements, including guidance material, for each sector of the aviation industry.

- 9&10. Airservices has a SMS which must comply with the MOS for CASR Part 172 and forms part of its Operations Manual. It is appropriate that Airservices' SMS performance is audited against its SMS rather than the ICAO Safety Management Manual or against UK or European SMS guidance material.

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11. CASA considers fatigue risk management integral to the operation of Airservices' SMS and has conducted recent surveillance of the improvements to Airservices initial ATS fatigue management system and no safety issues were identified during that surveillance.

Airservices' fatigue risk management system reflects good practice and is consistent with ICAO Standards and Recommended Practices for ATC's.
12. CASA audits Airservices FRMS as a component of its SMS.
13. CASA adopts benchmarks that reflect improvements in global practice and which conform to the Australian aviation regulatory standard in force at that time.
14. (a) The most recent Part 172 audit was conducted at between 7-11 May 2012.
(b) CASA issued 3 Noncompliance Notices and 9 Observations.
(c) A recurring finding from this audit was that some refresher training modules did not include a suitable means and criteria of assessing satisfactory completion of the training (as required by the Airservices Operations Manual). A Non-Compliance Notice was raised in this regard.
(d) Yes.
(e) Not applicable.
(f) CASA has conducted 64 Air Traffic Services-related audits.
(g) CASA has made 104 Air Traffic Services related Observations.
(h) CASA has issued 66 Air Traffic Services-related Request for Corrective Action (RCAs)/Non-compliance Notices (NCNs).
15. CASA has undertaken no enforcement action against Airservices in the last five years.
16. (a) CASA is not delegated authority from ASQA to conduct RTO audits on Airservices. CASA audits Airservices compliance with the requirements of CASR Part 143. CASA has conducted significant surveillance of the Training Academy in the last three years.
(b) No.
(c) CASA has not identified a need for a special ASQA audit of Airservices.
(d) CASA understands that the last RTO audit conducted on Airservices took place in 2008; the current registration being valid until 31 May 2013.
(e) CASA understands that, since 2003, the year CASR Part 143 came into effect, there has been one RTO audit of Airservices as referred to in (d) above.

Rural & Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates May 2012

Infrastructure and Transport

Question no.: 102

Program: n/a

Division/Agency: (CASA) Civil Aviation Safety Authority

Topic: Safety of Operations at Archerfield

Proof Hansard Page/s: Written

Senator FAWCETT asked:

Please outline the safety investigations undertaken at Archerfield Airport, including the auction site located at the end of the main runway.

What actions have been or will be taken to ensure public safety and aircraft operator safety at Archerfield?

Answer:

Archerfield is a registered aerodrome and CASA conducted audits in March 2007 and September 2010. In between audits and afterwards, CASA has conducted site inspections of Archerfield aerodrome. CASA is satisfied that the aerodrome operator is meeting its requirements and obligations under the Civil Aviation Safety Regulations.

The auction site was subjected to a safety assessment in the first half of 2011 to ensure the Obstacle Limitation Surfaces (OLS) were not affected by the activities proposed on the auction site. CASA was satisfied there were no immediate aviation safety issues associated with the OLS at Archerfield aerodrome.

There are ongoing assessments undertaken by CASA and other agencies as appropriate when any proposal is likely to impact on aviation safety at Archerfield aerodrome.