



Australian Government

Department of Infrastructure and Transport

File Reference: 08/8898

Mr Russell Chafer
Committee Secretary
Joint Standing Committee on Treaties
Parliament House
Canberra ACT 2600

Dear Mr Chafer

Hearing – Monday 4 February 2013 – answers to questions on notice and transcript corrections

I refer to the questions on notice which the Department took at the appearance before the Joint Standing Committee on Treaties hearing at 9:15am on 4 February 2013, on air services agreements with the United States, Japan, Kenya, Palau and Sri Lanka. I am pleased to provide answers to the questions at Attachment A.

I have also identified one proposed correction on page 6 of the Hansard transcript. As per the Committee's email of 5 February 2013 attaching the transcript, this has been faxed to the secretariat at (02) 6277 2219.

Please let me know if I can assist the Committee further in any way.

Yours sincerely

Stephen Borthwick
General Manager
Aviation Industry Policy

14 February 2013

Answers to question on notice

1. Fly America Act (page 4)

Question

Senator FAWCETT: But the end result for Australian carriers versus American carriers is that, if we have a whole-of-government approach that says we now have a treaty, and we open up our markets and they say, 'Yes, we've opened up our markets but our departmental rules override that,' then it is no longer just free trade but it is unfair trade because we do not have equal access to what is quite a large market. Could you take that on notice and see if you can find out whether there are others apart from Defense that that will have an impact on?

Mr Lucas: No concerns have been raised with us about it, but we can take that on notice.

Answer

Under Article 14 of the Air Transport Agreement between the Government of Australia and the Government of the United States of America, the only transportation exempt from the provisions of this paragraph is that which is obtained or funded by the (US) Secretary of Defense or the (US) Secretary of a military department.

2. FAA safety audit (page 8)

Question

Senator FAWCETT: I accept all of that. I still come back to the point that the US deemed it necessary to send an audit team, not just do ramp checks and check people's licences. They came out to Australia and went to the level of looking at engine maintenance facilities to make sure that the whole system was generating safe aircraft. When was the last time, if ever, that a CASA team went to any of the nations that fly into Australia to do a similar audit? I am happy for you to take it on notice. But it is a salient point: if we are really looking to have a safe aviation environment here and if there are audits occurring by countries like America of Australia, when you look at some of the other countries that we are signing up to it is an open question that I think needs to be answered.

Mr Borthwick: We would appreciate the opportunity to take that on notice for the detail. As I mentioned, what we do is negotiate the framework. A lot of what you are talking about goes to operational issues and what happens in practice, but we are happy to take that on notice.

Answer

The US Federal Aviation Administration's (FAA) International Aviation Safety Assessments Program focuses on a foreign country's adherence to applicable international standards and recommended practices established by ICAO relating, amongst other things, to that country's oversight of the operations and maintenance of

aircraft that fly into the United States. The Program does not involve an assessment of foreign operators or maintenance organisations per se, although in the course of assessing the foreign country's oversight activities, the FAA may visit operational and maintenance facilities within the foreign country. The Civil Aviation Safety Authority (CASA) does not undertake a similar program.

CASA carefully assesses the safety of foreign operators and aircraft flying to/from Australia utilising a range of methods, including a detailed assessment of applications for a Foreign Aircraft Air Operator's Certificate, and regular inspections of foreign aircraft operations at Australian airports to ensure operators adhere to the international standards established by the International Civil Aviation Organization (ICAO). Increased surveillance of particular aircraft operators is undertaken when CASA believes it necessary, utilising a range of different surveillance mechanisms. CASA liaises regularly with foreign safety regulators on matters of mutual concern and interest. One of the factors that CASA may take into account in its assessment of a foreign operator is the standard of oversight provided by foreign regulators over that operator. In assessing maintenance facilities in foreign countries that carry out maintenance on Australian aircraft in those countries, CASA routinely undertakes inspection visits to those countries.