Australian Government
Civil Aviation Safety Authority



CASA Surveillance Manual Annex 1 (Sky Sentinel) - Surveillance Standards and Protocols

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Acknowledgement of Country

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This document contains guidance material intended to assist CASA officers, delegates and the aviation industry in understanding the operation of the aviation legislation. However, you should not rely on this document as a legal reference. Refer to the civil aviation legislation including the *Civil Aviation Act 1988* (Cth), its related regulations and any other legislative instruments—to ascertain the requirements of, and the obligations imposed by or under, the law.

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1 Overview

This annex defines the standards to be met and protocols to be followed by inspectors and, where relevant, associated staff and managers, in relation to the conduct of surveillance, including:

- maintenance of competency and currency
- protocols for conducting surveillance activities
- gathering evidence
- protocols for regulatory service inspectors' interaction with Sky Sentinel
- sampling
- level 2 desktop review
- aircraft ramp inspection
- records management
- information capture protocols for findings
- safety finding instructions
- safety observation instructions
- Aircraft Survey Report (ASR) instructions
- surveillance report instructions
- occurrence management (including ATSB/CIRRIS, unsafe behaviour and low flying reports)
- Safety Assurance Reviews (SAR).

2 Forms and reference documents

2.1 Forms

Doc no.	Title
Form 1059	Property Receipt and Disposal Form (Not available on Document Catalogue)
CASA-04-0592	Surveillance Planning and Scoping Development (Form 1189)
CASA-04-0627	Aircraft ramp inspection checklist – Larger Aeroplanes (Form 1420)
CASA-04-0648	Surveillance Roles and Responsibilities (Form 1544)
CASA-04-0679	Pilot Questionnaire and Response (Form 998)
CASA-04-0702	Aircraft Ramp Inspection Checklist – Sports Aviation
CASA-04-1106	Statement of compliance (Form 979)
CASA-04-4085	Aircraft Accident Incident Worksheet (Form 1559)
CASA-04-4312	Safety Occurrence information request (Form 997)
CASA-04-5380	Occurrence Brief (Form 7642)
CASA-04-5575	Coordinated Enforcement Referral - Non-RPAS
CASA-04-5577	Coordinated Enforcement Referral - RPAS
CASA-04-6652	Rotorcraft Ramp Inspection Checklist
CASA-04-6665	Aeroplane ramp inspection checklist - Part 135 and 138 operations
CASA-05-5615	Terms of Reference (TOR) - Safety Assurance Review (SAR)
CASA-04-6897	Non-commercial AH education Monitoring and Response surveillance letter

2.2 Reference documents

Doc no.	Title
CASA-03-0041	CASA Surveillance Manual
CASA-03-0190	Enforcement Manual
CASA-04-4261	Surveillance Report and Findings Work Instructions
CASA-03-5168	Surveillance - RMS Titling Conventions

3 Maintenance of competency and currency

Prior to undertaking tasks associated with surveillance and using the surveillance IT tool, all personnel are to receive training to ensure they have the required understanding and knowledge of the surveillance framework, their roles, and responsibilities with regards to surveillance and the supporting tools. Development and delivery of this training is a joint responsibility between People and Capability Branch (PCB) and the Regulatory Oversight Division (ROD), applicable National Operations and Standards (NOS), Stakeholder Engagement and Air Navigation Transformation and Risk and groups. Completion of all learning initiatives are captured within the CASA Learning Academy for Safe Skies (CLASS) managed by PCB. Further information is detailed within the PCB Training and Quality Manual.

It is a requirement that all personnel achieve an acceptable level of competency to conduct surveillance Prior to being assigned surveillance tasks, personnel must have completed the following pre-requisite training:

- External quality and safety lead auditor course, resulting in the award of a lead auditor skill set
- Surveillance framework course
- Surveillance enforcement course.

Following completion of formal training, personnel must complete a period of On the Job Training (OJT), conducted in accordance with the On the Job Program Guide and be assessed as competent in CLASS against the following OJT:

- CASA001A Undertake regulatory and technical surveillance and audits.

In addition to training, personnel must maintain an acceptable level of currency, through:

- attaining a satisfactory or higher level of assessment made during the performance review and evaluation through the Performance Appraisal and Communication Scheme (PACS) in regard to surveillance
- a requirement to participate in a minimum of two surveillance events annually.

Note: Occasionally it may be pragmatic to use inspectors who do not conduct regular surveillance and who have not completed the required training. This can be done with the permission of the NMS; however, they cannot be the surveillance lead.

All personnel associated with the management and conduct of surveillance are required to participate in regular surveillance events, commensurate with their role, to maintain their competency. If an individual fails to maintain this level of competency, they are to inform their immediate manager so that action can be taken to ensure they are competent to perform surveillance tasks.

All personnel associated with the management and conduct of surveillance are required to ensure that they do not participate in a surveillance event on an authorisation holder (AH) if they have conducted a significant entry control task on the AH within the last 12 months.

To regain currency and within each 12-month period, personnel are required to actively participate and contribute to, under supervision, in:

- two surveillance events annually, and
- undertake the next available recurrency training course.

If at any time an individual considers they do not have the confidence to undertake their surveillance tasking, they should raise their concerns with their immediate manager to discuss what options are available to assist the individual in reaching an appropriate level of competence.

Each inspector is responsible for monitoring and managing their own currency and competency requirements and each Manager is responsible for overseeing relevant records of these requirements as well as the results of training, qualifications, and any recurrent training for all personnel under their control. Relevant training records are to be recorded in CLASS.

This requirement will be monitored, reported and included as part of the quality assurance program within PCB.

3.1 Surveillance roles and responsibilities surveillance manager/team leader checklist

It is the responsibility of personnel performing the role of Surveillance Manager/Team Leader (SM/TL) through appointment or higher duties to ensure they are fully aware of the roles and responsibilities associated with the role they are performing and that they are confident to do so. It is the responsibility of the National Manager Surveillance (NMS) for ROD surveillance personnel and the applicable Non-ROD Branch Managers to monitor and manage the recency and confidence requirements of personnel being appointed to a SM/TL role or those performing higher duty roles and to keep appropriate training records to demonstrate that personnel hold the required skills to do so.

A checklist of items to be addressed in any appointment or move to higher duties is available. (See Form 1544 Surveillance Roles and Responsibilities once complete should be saved onto RMS at F18/6403-2).

4 Protocols for conducting surveillance activities

4.1 Purpose

The purpose of this section is to outline the protocols applicable to the conduct of surveillance activities conducted by CASA's surveillance inspectorate. Additionally, guidance and general guidelines on key topics e.g., Note taking and interviewing are also covered in this section.

4.2 Introduction

Certain CASA officers are authorised to conduct surveillance activities to ensure AHs are complying with the aviation legislation.

Officers are authorised to conduct inspections under various regulatory provisions of the CAR 1988 and the CASR 1998 (refer to the general procedures in the CSM, this Annex, as well as the Enforcement Manual)

Officers should always determine whether they are authorised for these purposes. If there is any uncertainty in relation to the power to conduct an inspection of any organisation, CASA managers should contact Legal, International and Regulatory Affairs (LIRA) Division for advice.

Authorised CASA officers conducting routine inspections under the *Civil Aviation Regulations 1988* (CAR) do not need to seek consent to enter an airfield or facility. However, as a matter of policy and courtesy, it is recommended that CASA officers contact the occupier or owner prior to entering the facility.

If CASA officers do not produce their identity card when asked to do so, they are not authorised to conduct an inspection and any access may be denied by the occupier or owner.

As to whether consent is required for a CASA officer to take photographs or capture video footage during the conduct of an inspection, the matter depends on where the photographs or video are being taken.

If an aircraft is parked on premises which the CASA officer is lawfully entitled to access without requiring permission from the aircraft owner, e.g. an accessible area at an aerodrome, then the officer may photograph the aircraft without the need for the consent so long as the officer does not otherwise interfere with the aircraft.

Where a CASA officer wishes to take a photograph of an aircraft or something else that is located inside a hangar or within some other private premises, they need not expressly ask for permission to commence taking photographs, but, if the occupier of the premises asks them to stop, they should cease at that point.

4.3 Access

4.3.1 Access under CAR 305 – general principles

CAR 305 provides a general right of access to officers who have been appointed as "authorised persons" under CAR 6 in order to enable them to carry out their authorised person functions. However, there are a number of limitations on that power of which inspectors should be aware.

Firstly, the power is subject to any aviation security requirements. Accordingly, if inspectors need to have access to aerodromes or aircraft or premises on aerodromes, they need to ensure that they comply with any aviation security requirements that may be in place — eg, are security passes required? These are matters that are dealt with by the Department of Infrastructure and Transport and aerodrome operators.

Secondly, the access power under CAR 305 is only available to "authorised persons" appointed under CAR 6 and only for the purposes of CAR 305. Accordingly, inspectors need to ensure that they have been appointed as "authorised persons" under CAR 6 and that appointment is still current.

> Note: Where doubt exists or further advice is required, please consult with LIRA.

4.3.2 Identification – produce an identity card

Subregulations 305 (2) and (3) require that an authorised person produce his or her identity card (which is issued under regulation 6A) for inspection while acting as an authorised person when asked to do so by the occupier or person in charge of the place or thing to which access is sought.

If the authorised person (the inspector) fails to produce their identify card when asked to do so, the inspector is not authorised to have access. Additionally, even if access has been given to the inspector and the inspector fails to produce his or her identity card, then that access is terminated by operation of the law and the inspector must leave. Even if an inspector is not required to produce their ID card, all CASA officers should produce their identification cards at all times when seeking right of access under the legislation, as a matter of prudent practice.

4.3.3 Limitation on access time

The times when access powers under CAR 305 are available are not unlimited. However, the Regulations provide different access times depending upon the purpose for which the access is sought.

- Firstly, CAR 305 authorises access to any place to which access is necessary for the purpose of carrying out any powers or functions vested in the authorised person under the Regulations. The reference to “any place” would include an office, a hangar, an aircraft or some part of an aircraft to which access is necessary in order to enable the inspector to exercise any power conferred on him or her under the Regulations. In these cases, access is available “at all reasonable times.” What is reasonable will depend upon the circumstances of each particular case. Access during normal working hours would generally be regarded as reasonable whereas access late at night would probably not be reasonable, absent some special circumstances.
- Secondly, CAR 305 sets out different access times depending upon the place or thing to which access is required. These specific times override the general requirement above. The specific times are as follows:
    - An authorised person has access “at all times” to an aerodrome for the purpose of inspecting the aerodrome.
    - An authorised person has access at all times “during working hours” to premises where an aircraft is being constructed, assembled or maintained by the holder of a certificate of approval or an AME licence covering the construction, assembly or maintenance. In these circumstances the authorised person also has access to the drawings of the aircraft or any aircraft component that is, or is to be, installed in the aircraft and all documents associated with the construction, assembly or maintenance of the aircraft.
    - An authorised person has access “at all reasonable times” to any aircraft for the purpose of inspecting the aircraft.

4.3.4 Inspection of aircraft

If an inspector needs to inspect an aircraft in the field, the inspector should, where possible, carry out the inspection without requiring the opening of panels, dismantling or jacking. If a further internal inspection is required, then the inspector should obtain the consent of the owner, maintenance engineer in charge, or pilot-in-command of the aircraft. The person providing the consent should remove and replace any access panels. The inspector must not remove and replace panels.

4.3.5 Denial of access

Under CAR 305 (1A) it is an offence for a person to prevent, or hinder, access by an authorised person to any place to which the authorised person needs access to enable him or her to carry out any of his or her powers or functions under the Regulations.

The following guidelines should assist inspectors in attempting to conduct their duties:

- Insisting on access under regulation 305 requires tact, circumspection and perhaps some diplomacy, since an authorised person most certainly may not obtain access under CAR 305 by force or threat of force.

- If a person continues to deny access the inspector should withdraw.
- Inspectors should make careful notes of the circumstances in which the access was denied or hindered (refer to Section on Note taking). If access is still required, the matter should then be referred in the first instance to the inspector's SM. If the matter still cannot be resolved the matter should be referred to LIRA to determine the most appropriate way to proceed.

4.4 Note taking

4.4.1 Purpose

The purpose of this section is to set out the reasons for, and importance of, note taking and the procedures that should be followed. This section should be read in conjunction with the section on "Gathering Evidence and Handling Exhibits".

4.4.2 Introduction

When an event occurs, inspectors may often think it is unnecessary to make a written note of the event. After an event occurs, when an inspector may have other work to do, preparing a file note may seem to be unnecessary paperwork. However, experience has shown the value of such records in subsequent proceedings or deliberations. When an inspector is called to account for his or her actions, possibly a year or more after the event, the value of such notes becomes self-evident.

The purpose of making notes, either in an official notebook or as a file note, is to enable inspectors to refresh their memory at some later date or justify their actions when called upon to relate a set of circumstances. CASA's record management procedures require all CASA staff to document CASA activities by making full and accurate records. CASA officers are required to make records of conversations or discussions where these are part of an information-gathering process.

Note: If it's worth remembering, it's worth making a note.

4.4.3 Terminology

4.4.3.1 Notes

Notes are used to make a contemporaneous record of a conversation or an event. In the case of a conversation, notes are used to record a conversation between an inspector and at least one other person. That is, they are an inspector's notes made during the course of the discussion. Notes may be cryptic or "keyword" in format but should be legible in case they are required as evidence. Often inspectors will be required to decipher their notes months after having recorded them. Notes may also be made immediately after a meeting or discussion. If the notes are to be accepted as a valid record of what occurred, then they should be made as soon as possible after the meeting or discussion while everything is fresh in the memory of the inspector. Notes may also be used to record details of an event.

4.4.3.2 File notes

A file note is a record of some action undertaken by an inspector - for example, it may be a note of a meeting with someone, a note of a conversation; or a note of a physical activity such as inspecting a document. A file note is usually more narrative in nature than "notes" and may be made up from contemporaneous notes. While file notes are usually made after the event, their validity depends on their being made while events are still fresh in the memory of the inspectors.

4.4.4 Procedures for note taking

4.4.4.1 Purpose

These procedures provide guidance for inspectors making notes in the course of their surveillance activities.

4.4.4.2 When to make notes or file notes

It is not possible to provide an exhaustive list of circumstances of when inspectors should make notes or file notes. However, it is important for inspectors to consider the overall context in what situation the inspector is in at the time.

The best rule of thumb is to ask:

“Is further action possible in connection with what I am doing?”

If the answer is “Yes”, then an inspector should make some record of what he or she has done. Some examples of situations in which inspectors should make notes or file notes as a matter of course are set out below:

- Where there is a possibility that there may be an objection to a finding in a surveillance event.
- Where a prosecution or the issue of an infringement notice may be a possibility.
- Where a licence variation, suspension or cancellation may be considered.
- As a record of counselling (which must be followed up with a letter—see chapter 5.2 of the Enforcement Manual).
- Where the matter may need to be recalled in the future—for example, to compile an individual's history of compliance or non-compliance.
- When the matter relates to a complaint to CASA about some activity.
- Where it is possible that a surveillance event could precipitate a complaint to, for example, the Minister or Ombudsman, the Industry Complaints Commissioner or other senior CASA officer, etc.
- Whenever confrontation, controversy or ill feeling is involved.
- If an inspector considers it important to keep a record of their actions.

4.4.4.3 General guidelines for note taking

When

Inspectors should make notebook or file notes at the time an event occurs or as soon as practicable after the event.

Legible notes

All notes, however brief and however hastily made, should be legible.

Signatures, date and time

Inspectors should sign and record the date and the time of day at which the notes were made. Noting the time is important in establishing precisely when the notes were made relative to the matters that they cover.

Record conversations verbatim

Inspectors should record conversations or statements as close to verbatim as possible and in the first person—for example:

He said, "Yes I admit, I did it."

Avoid using the third person when recording notes. The above example should not be recorded as follows:

"He told me that I had made a correct assumption and that he had committed the said misdemeanour."

Inspectors should be careful not to imply that something is a direct quote by a person—for example, by putting it in inverted commas—unless the person actually spoke the words.

Accuracy

Inspectors should ensure that their notes or file notes are accurate and that they are confident of their accuracy. This is particularly important given that it is possible that inspectors may have to rely on their accuracy well into the future when their independent recollection of the matter may be extremely cloudy.

If two inspectors conduct an interview, or are present when something occurs, there is generally no objection to one inspector making the notes or file notes and for the other to read them and agree to their accuracy. However, both inspectors should sign the note or file note. Equally, there is generally no objection to the two inspectors conferring to ensure that the record is accurate.

Retain the original notes

If an inspector makes contemporaneous notes and subsequently prepares a more detailed typed account, he or she must retain the original handwritten notes. If the matter becomes the subject of evidence in a court, tribunal or inquest, it is the original notes that will validate the subsequent account.

Notebooks and diaries

Inspectors should observe the following guidelines when using notebooks and diaries:

- All entries must be legible.
- Continue items immediately below the preceding one.
- There must be no erasure of entries.
- Any corrections must be crossed out with a single line and re-written so that the original error can still be read.
- Correction fluid must not be used.
- Pages must not be defaced.

Assumptions and opinions

Assumptions and opinions are often important and should not be omitted. However, inspectors should not include assumptions or opinions unless they also include their reasons for them. They must be justified. It is unlikely that an inspector will be able to recall why he or she thought of something unless it is recorded.

4.5 Interviewing

4.5.1 Power to interview

Generally, a person cannot be compelled to talk to an Inspector or to answer any questions put to the person by an inspector. (There are some exceptions to this rule under section 32AJ of the Civil Aviation Act 1988, but such exceptions only apply in relation to investigators who are exercising powers under Part IIIA of the Act in accordance with a judicial warrant). Therefore, while every reasonable attempt should be made to conduct an interview in appropriate circumstances, inspectors should not press the matter if a person indicates that he or she does not want to be interviewed.

4.5.2 Important points when interviewing

During an interview, an inspector should keep any allegations direct and straightforward and should avoid any tendency to 'beat around the bush' when discussing something unpleasant.

Inspectors should not conduct an interview with any preconceived beliefs about the facts. They should not prejudge the situation. The purpose of any surveillance event and interview is to establish the facts, not to create a scenario to fit an inspector's idea of what happened. Inspectors should be fair and reasonable at all times when conducting interviews. Remember, a professionally conducted interview can just as easily clear someone of an allegation as indicate his or her guilt.

Inspectors should avoid becoming visibly angry and must not use threatening or intimidating words or actions. As professional regulators, inspectors should remain calm, cool and in control of an interview.

If an inspector knows in advance that they are going to be speaking to a person with knowledge of a particular matter, the inspector should ensure that he or she has as full an appreciation as possible of the issues involved.

Inspectors should ensure that they understand what a person is telling them. If an inspector is unsure, they should not hesitate to ask for clarification.

Additional points that an inspector should consider when talking to a person include:

- Inspectors should ensure that they get the person's story. Inspectors must not put words into the mouth of the person being interviewed and must not give their version of what they think the person said.
- Inspectors must distinguish between facts and innuendo, especially when assessing whether there is sufficient information to refer the matter for further investigation.
- If inspectors are acting on the basis of a complaint made by a third party, they should try to be conscious of any possible motive for the making of the complaint.

During an interview, inspectors should tell the person being interviewed that other officers of CASA may need to speak to them about the matter at a later date.

> Note: If a person declines to be interviewed, make a file note of the discussion.

4.5.3 Questioning

As far as it is possible to do so, inspectors should prepare their questions in advance. This will enable them to keep control of the interview and will assist them to cover all the necessary points. Some guidelines to consider when questioning include the following:

At the very start of the questioning process ask questions which establish how, when, where and why an event occurred, and who was involved.

Do not ask long, complicated questions. Frame questions so that they are direct and as short as possible. This may require asking a few more questions, but in the end the result is clearer.

Do not ask two-part questions—for example:

> "Did you write that in your logbook and is it true?"

This sort of question can lead to a single ambiguous answer of "yes". Ask the question in two parts requiring an answer to each part.

Avoid the use of double negatives in your questions.

Try to ensure that the person being questioned answers the question. If he or she does not answer, ask again. Remember that the person does not have to answer any questions, so an inspector cannot insist that the person answer.

Do not ask leading questions—that is, questions that suggest their own answers.

For example:

> "You saw that the magneto was hot-wired, didn't you?"

The correct form of questioning should be:

> "Did you notice anything about the magneto?"

Avoid the risk of the interviewee starting to interview you by responding to your questions with questions of their own.

As corroboration may be required at some later date, endeavour to have another CASA officer present at the interview.

4.5.4 Follow-up action

If an interviewee asks what action will be taken as a result of the interview, inspectors should tell the person that the matter will be reported and that he or she will be notified of any future action.

Even in minor matters where inspectors are not conducting an interview of any substance themselves, they should not give any indication that could suggest that a matter is closed. From an inspector's point of view a matter might be closed, but they may not be responsible for making the final decision. The decision-maker may view things differently. If in doubt, inspectors should assume that further action would follow and act accordingly.

4.5.5 How far to go with an interview

Where a matter is of sufficient gravity as to be likely to lead to a formal investigation, inspectors are only required to take matters to the point where they have enough information to identify an apparent breach. They should gather sufficient information to provide the investigators with the basic facts such as:

- How, when where and why an event occurred and who was involved.
- The identity of the witness or suspect.
- How those persons may be contacted in the future.

Inspectors should be aware that at some time during an interview that they may conduct, a point might be reached beyond which they should not attempt to proceed themselves. At this point, the matter should be left for an investigator to follow up.

The stage at which this point is reached will vary with individual inspectors and the circumstances of each case. It is, therefore, not possible to define this point. Identifying this point is not a matter of right and wrong. However, the most important consideration is not to go too far. Items and points which are not covered can be discussed later in a formal interview.

Inspectors should seek specialist investigative assistance in the following circumstances:

- When a person admits to an offence.
- When an inspector has obtained the information, he or she wanted in the first place— do not attempt to continue for the sake of doing so.
- If an inspector senses a risk of confrontation.
- Any time an inspector feels unsure of his or her position or is out of his or her depth.

Note: Inspectors should always remember that they are only conducting INITIAL ENQUIRIES.

4.5.6 Further information

If inspectors are in doubt about any particular procedure they need to follow, or need additional information, they should contact an investigator, through the Manager Investigations.

5 Gathering evidence

5.1 Purpose

The purpose of this section is to set out, in general terms, the different types of evidence, the rules relating to evidence, and to provide guidance for inspectors who are required to gather and handle evidence and preserve the integrity of exhibits (evidence that may be required in proceedings).

The matter of evidence is extremely complex and cannot be adequately covered in a single section. This section should provide sufficient information to assist inspectors in their routine surveillance tasks. Inevitably, situations will arise which require additional explanation. If inspectors are confronted with a situation that they feel is not encompassed by the information provided here, they should seek further advice from LIRA.

5.2 Definitions

5.2.1 Evidence

Evidence consists of facts, testimony, hearsay and exhibits which a court or tribunal will receive to prove or disprove a matter under inquiry.

5.2.2 Law of evidence

The law of evidence governs the means and manner in which a person may substantiate his or her case or refute his or her opponent's case.

5.2.3 Rules of evidence

The rules of evidence are the rules that regulate the manner in which questions of fact may be determined in judicial proceedings. The aim of most court proceedings is to determine two different types of issues:

- Firstly, a court has to determine whether the facts on which a charge is laid did actually happen. These are questions of fact.
- Secondly, the court has to determine, if they did happen, what their legal consequence is. These are questions of law.

The rules of evidence are generally divided into three parts:

1. What facts may or may not be proved?
2. What sort of evidence must be given by which a fact may be proved?
3. By whom, and in what manner, must the evidence be produced by which a fact is to be proved?

5.3 Types of evidence

There are different types of evidence:

1. Direct evidence
2. Real evidence
3. Documentary evidence
4. Expert evidence
5. Circumstantial evidence
6. Hearsay evidence.

5.3.1 Direct evidence

Evidence of something that has been directly perceived by a witness through one or more of his five senses—for example, has been seen, heard, smelled, felt or tasted. Direct evidence is given by the witness in oral testimony in court.

5.3.2 Real evidence

Material objects, other than documents, which are produced for inspection by a court, are commonly called real evidence. This, when available, is probably the most satisfactory kind of evidence because it generally does not require testimony or inference. Unless its genuineness is in dispute, the thing speaks for itself.

5.3.3 Documentary evidence

There are two types of documentary evidence:

Primary documentary evidence is the production of the original document itself.

Secondary documentary evidence is the production of a copy of the original document—for example, photocopy or certified copy, etc. It can generally only be produced after it has been shown to the court that the original is either lost or destroyed, or that it is impracticable to produce the original document.

5.3.4 Expert evidence

Evidence of someone's opinion is generally inadmissible. An exception to that rule is the opinion of an expert. Such evidence is only accepted when it is in the witness's field of expertise. The witness must first prove to the satisfaction of the court that he is qualified in that field—for example, a doctor giving evidence of a medical matter or a pilot giving evidence of the ramifications of low flying.

5.3.5 Circumstantial evidence

This is evidence from which a fact may be inferred as a natural or probable conclusion. It is usually made up of a series of items that point to the same conclusion.

5.3.6 Hearsay evidence

This is evidence of something of which the witness does not have direct knowledge but has been told about it by some other person. Under normal circumstances, hearsay evidence is not admissible in a court as evidence of the truth of what was said. (It may be admissible in the Coroner's Court or the AAT.)

There are numerous exceptions to the inadmissibility of hearsay evidence. Some of the exceptions include:

- Business records and tags and labels.
- Representations made about employment or authority.
- Admissions.

For further explanation and assistance in any dealings relating to evidence, inspectors should seek advice from LIRA.

5.4 Importance of maintaining integrity of evidence

Inspectors involved at any stage of the surveillance process may be required to gather evidence in order to provide proof of a contravention of a safety rule. In the process of gathering evidence, they will handle various articles that may be required as evidence (in the form of exhibits) in various proceedings. (These articles may consist of documents or aircraft components or material.) It is important that the integrity of these potential exhibits be preserved.

> Note: During a routine surveillance event, inspectors may not be aware of any future developments that may lead to prosecution or other actions where evidence may be required. The failure to be aware of the correct procedures when gathering evidence may seriously jeopardise any future enforcement action. Where an inspector suspects that a breach of relevant legislation may have occurred, any evidence identified should be collected in accordance with proper evidence gathering procedures. LIRA can assist with advice.

5.5 Procedures in relation to obtaining evidence

5.5.1 Seizing evidence

> Note: Inspectors generally have no power to seize evidence. That is, inspectors have no general statutory powers to obtain and retain documents or physical evidence simply on the basis that the documents or physical evidence may or will be required for court proceedings.

5.5.2 Statutory powers for obtaining real or documentary evidence

How then does an inspector obtain real or documentary evidence? There are some statutory powers in the Civil Aviation Regulations that may help.

CAR 53 empowers an authorised person to investigate defects in an Australian aircraft maintained under the CARs.

CASR 42.280 empowers an authorised person to investigate defects in an Australian aircraft maintained under the CASRs.

CAR 53(3) further empowers the authorised person to require in writing the production of documents, aircraft components or other physical evidence and to retain these for the duration of the surveillance activity. (Once the surveillance activity is complete the material must be returned to its owner unless alternative legal steps are taken to secure it as evidence).

CAR 301 requires a person to surrender any licence, certificate or other document issued or required to be kept under the Regulations if required to do so by CASA. This provision covers most documents that may be required in relation to a contravention. Likewise, it includes aircraft logbooks, engine logbooks, propeller logbooks and maintenance releases because these documents are required to be kept pursuant to directions given under CAR 50C.

Note: A CAR 301 Notice to surrender documents only covers documents that are required to be kept under the CARs and includes documents that are required to be kept under:

(a) a Civil Aviation Order; or

(b) a Manual of Standards; or

(c) another document that is required to be kept under the CARs.

If an inspector wishes to obtain a document under CAR 301 then it is important to note that the notice requiring a person to surrender the document must be in writing and if the inspector wishes to issue the notice, they must seek approval PRIOR to issuing the notice from their SM.

CASR 61.365 requires the holder of a flight crew licence or certificate of validation to produce the holder's personal logbook for inspection by CASA. (even though they are the personal property of the pilot) because they are required to be kept by CASR 61.345.

CASR 11.075 require the holder of an authorisation to give CASA specified information, or a specified document, that relates to the activity, document or thing to which the authorisation relates. This provision covers most documents that may be required in relation to a contravention. Likewise, it includes aircraft logbooks, engine logbooks, propeller logbooks and all other airworthiness records because these records are required to be kept pursuant to directions given under CASR 42.215.

There is no provision equivalent to CAR 301 in relation to real evidence or documentation not issued or required to be kept under the Regulations. If an inspector believes that such an article may be required as evidence in possible future proceedings, he or she should ask the person concerned if he or she can take possession of the article. If this request is refused the inspector should not pursue the matter. A report should be prepared immediately identifying the evidence, its location, who has custody of it and why it is required. This report should be submitted via the NMS/SM/Controlling Office Manager to the Manager Investigations. A decision will then be made as to whether to obtain a search warrant. This will be part of a Coordinated Enforcement meeting.

If an inspector is denied possession of documentary evidence, he or she should attempt to obtain a photocopy or photograph of it If an inspector cannot make a photocopy for any reason, he or she should examine the document carefully and describe it precisely in his or her notes. The description should be sufficiently detailed to allow any changes to the document to be readily identified. The inspector should then tell that person that the document may be required as evidence and must not therefore be destroyed or rendered illegible or indecipherable. It is vital that the inspector include in his or her notes the fact that the inspector informed the person to this effect. If the person disregards this advice, he or she may be guilty of an offence under section 39 of the Crimes Act 1914. Additionally, CAR 301(2) makes it an offence for a person to destroy, mutilate or deface any document that he or she is required to surrender under CAR 301 with the intention of evading the requirement to surrender the document.

If an inspector suspects something may afford evidence of the commission of an offence, they may also consider photographing the items as a means of recording the existence of such evidence, either documented or real. The photograph should be recorded and labelled in the same way that the actual article would be if it were retained as evidence.

Requesting Licences Inspectors should also be aware that there are a number of other provisions in the regulations under which persons may be required to produce licences, logbooks and medical certificates. In particular, inspectors should note the following:

CAR 5.56 and CASRs 61.340 and 61.365 confer powers on CASA to request a person to produce his or her licence, logbook or medical certificate. Each regulation states the timeframe within which a requested document must be produced. Such a request may be made orally but should be recorded in the inspector's notes.

CAR 302(1) authorises CASA to require a person to produce his or her licence (which is not a flight crew licence) for inspection. This would cover, for example, AME licences and ATC licences.

CAR 302(2) authorises CASA to require the owner or pilot in command of an aircraft to produce any certificates, licences or other documents related to the aircraft and any passengers or cargo.

5.6 Procedures in relation to handling exhibits

5.6.1 Purpose

These procedures provide assistance for inspectors handling exhibits.

Note: At any time, where inspectors may be unsure of exhibit-handling procedures, advice should be sought from the Litigation, Investigations and Enforcement Branch.

5.6.2 Procedures

From time to time inspectors will be required to handle various articles that may be required as evidence (in the form of exhibits) in various proceedings. These articles may consist of documents or aircraft components or material. It is important that the integrity of these potential exhibits be preserved.

5.6.3 Preservation of exhibits

The general rule in handling any exhibit is to handle it as little as possible. It is important to retain the item in its original condition. This is especially true in the case of documents. The overriding rule is that if an inspector takes possession of an original article which the inspector believes has potential value as an exhibit, the inspector should notify the Manager Investigations, immediately to seek advice and assistance on its treatment and the appropriate safe storage. The inspector, on taking possession of the article, should issue a receipt to the person from whom the article is taken, using the CASA ‘Property Receipt and Disposal Form’ (Form 1059).

The inspector should record details of such items in their notebook or diary, store the item securely and restrict access to the item, and retain the item until it is required for investigation or of no further value.

5.6.4 Continuity

The expression “continuity of evidence” is used to describe the handling and whereabouts of an exhibit from the time it comes into the possession of CASA until the time it is produced in court. Continuity is also referred to as the “chain of evidence”. Bearing in mind that a chain is only as strong as its weakest link, any weakness, such as not being able to confirm the retention of evidence for a period, leaves it open to suggestion that the evidence presented in court is not the same as the evidence originally obtained.

Inspectors need to be aware that they may be required to account, in court, for their involvement with an exhibit. Therefore, inspectors should record the following information about any exhibit that comes into their possession:

- A description of the exhibit and any identification details.
- The date, time and place that the exhibit came into their possession.
- From whom they obtained it.
- How they obtained it.
- When they relinquished possession.
- To whom they relinquished possession.

The fewer persons who handle any exhibit, the safer the evidence will be.

Note: The inspector who initially takes possession of the exhibit is usually the person who will be required to produce it in court.

5.6.5 Receipts for exhibits handed to other parties

If, for any reason, an inspector relinquishes an exhibit to a party outside CASA it is essential to obtain a receipt for that exhibit. The exhibit movement should be documented on the CASA ‘Property Receipt and Disposal Form’ Form 1059 This a hard copy form with pages in triplicate. It is not an electronic form.

5.6.6 Handling of documentary exhibits

Inspectors should ensure that documents such as logbooks, flight plans, maintenance releases or other documents that may be required as exhibits in court are handled carefully so as to ensure that they are not changed in any way. In particular:

Inspectors should ensure that such documentary exhibits are not written on, stapled, torn, folded, pinned or mutilated in any way.

Inspectors should also ensure that such documentary exhibits are not placed in a position where impressions from writing on overlaying paper, will be left on the documentary exhibit.

For example, writing on an envelope after the document has been placed inside. The impressions on a document can be an important part of forensic document examination

When an inspector becomes aware that a document may be required in some later court proceeding, the inspector should arrange for it to be placed in an envelope as soon as possible. There are two reasons for this:

It prevents damage to the document itself.

In the unlikely event that it may be necessary, it preserves any fingerprints that may be on the document.

As soon as an inspector obtains a documentary exhibit, he or she should collect it in accordance with exhibit handling procedures, and notify the Manager, Investigations if the document may be an exhibit relating to a Part IIIA investigation.

If an inspector needs to work from a document, they should take a photocopy of it and work from the copy.

Inspectors should make every effort to retain possession of original documents. If it is not possible to take possession of original documents, it is important that inspectors arrange for them to be photocopied. If a document is photocopied:

Sign and date the photocopy, preferably on the back of the photocopy;

Wherever possible, try to arrange for the person retaining the original document to sign the photocopy as being a true copy of the original; and

Treat the photocopy as an original—see the first two points in this section.

Inspectors should identify in their notes or file notes, who has possession of the original. This will enable an investigator to obtain the originals if required.

5.6.7 Handling physical exhibits

Physical exhibits can be either moveable or immovable. Moveable exhibits include items such as small aircraft parts, non-hazardous cargo etc. Immovable exhibits include large items such as large aircraft parts, for example, wings and rotor blades, and hazardous material such as fuel samples.

The main difficulty with immoveable items is the ability of CASA to take possession of the original article. In this situation secondary evidence, such as a photograph, copy, drawing, sketch or video footage may need to be obtained to assist in proving the existence of the article or thing.

Inspectors should notify the Manager Investigations, as soon as an immoveable exhibit is identified to enable appropriate evidence collection measures to be arranged, if the exhibit is required as part of an investigation.

5.6.8 Collection and handing of fluid samples

For evidence fuel and other fluid samples may require special consideration. If inspectors are required to obtain fluid samples, they should only do so with the consent of the aircraft owner or pilot-in-command or, if the aircraft is undergoing maintenance, the approval of the person carrying out the maintenance.

If there is any likelihood of the fluid samples being required as evidence, they should be obtained in accordance with exhibit handling procedures. Advice and assistance on obtaining evidence should always be sought from the LIRA and CASA Dangerous Goods team.

5.6.9 Access to exhibits

CASA officers must not provide access to any exhibit, except to those authorised and required to access such exhibits. In the event that access is provided, officers must maintain comprehensive records and maintain strict continuity requirements, in line with rules governing exhibits. Further advice may be obtained from LIRA.

5.6.10 Return of exhibits

Exhibits should be returned to their source as soon as possible after it is determined that there is no longer any need for their retention. This should not occur until after the relevant investigator has confirmed that the exhibit is no longer required for an investigation or for court proceedings or has notified that the court proceedings have been finalised. It is the responsibility of the relevant investigator to return exhibits used in court.

6 Protocols for regulatory services inspectors' interaction with Sky Sentinel

All regulatory service inspectors and managers have access to all AH's in Sky Sentinel (SS) on the understanding that if they find something that requires a surveillance branch response they should:

- Enter a formal comment into the AH's SS comments section.

Note: Should the regulatory service inspector deem the item to be significant they should contact the response.surveillance@casa.gov.au mailbox with the issue.

When a regulatory service inspector conducts a significant change, a general comment should be placed in SS.

7 Sampling

Sampling is a process that helps an inspector gain confidence that a system, process or procedure under review is in control and producing the desired output. This is done by examining a representative portion of the total population of items available for review. Following this review, it would be possible to make a reliable conclusion regarding the overall level of conformance of the applicable system, process or procedure. This conclusion is based on the probability that all items that may, or may not, conform have an equal chance of being selected.

7.1 Random sampling

While random sampling is typically used, various other sampling techniques may also be used. In a random sample, each item in the population has a specified probability of being selected.

Samples may be selected based on (this list is not exhaustive):

- numerical sequence (e.g. every tenth record)
- computer generated selection
- a record being produced on a particular day of the week and/or
- letters of the alphabet.

For sampling to be truly independent, and free from potential conflict, samples must be selected by the inspector and not the AH. This includes personnel selected for interviews as well as records selected to be reviewed.

Inspectors can use this information to determine if a system, process or procedure is effective. The number and severity of any deficiencies found can be analysed to determine the degree of conformance of that system, process or procedure and whether a finding will be issued.

8 Level 2 - desktop surveillance record review

A review of the documentation listed below may be considered when conducting a desktop surveillance event and is not intended to be an exhaustive list nor a list whereby all documents should be reviewed. Inspector discretion should be used where more documentation be required.

This is also an opportunity to undertake an audit of existing information in RMS reviewing information within the preceding 12-month period will provide appropriate background for this event type (e.g. regulatory services, ATSB/CIRRIS occurrences, etc).

Utilisation of the Power BI reports on AH's should also be used as part of the review. These reports consolidate data from various internal CASA systems in one location.

8.1 Documents / manuals / reports

The following documents should apply to most authorisations/approvals where available:

- current manual suites if applicable (e.g. aerodrome manual and wildlife hazard management plan, operations manual suite, etc.)
- key personnel (continued compliance and/or changes to positions) e.g. accountable manager, responsible manager, quality assurance manager and safety manager, DAMP officer
- third-party audits
- internal audits
- CASA surveillance reports, safety findings pending verification, safety observation responses.
- self-reported deficiencies
- EAP Case jobs.

8.1.1 AOC

Prior to commencing the review, the surveillance lead should ensure current versions of all applicable manuals are obtained from the AH. Additionally, an appropriate number of records should be obtained to ensure adequate sampling is conducted.

- organisational structure
- operational personnel
- key personnel
- training and checking organisation and systems
- training and checking manual
- personnel (incl logbooks)
- training and checking records
- approved training and checking system
- safety management
- DAMP
- accident and incident reporting
- FRMS (Flight and Duty Records)
- change management
- fuel policy

- flight check systems
- AH specific approvals (e.g. PBN, LVO, EDTO, etc.)
- load control
- operations manual
- operational activity (including time flown in each activity type)
- meeting records
- list of online aircraft.

8.1.2 AOC / 142

- current exposition
- compliance statement
- organisation and personnel
- certificates, permissions, approvals, and exemptions
- key personnel
- familiarisation training
- instructors and examiners
- change management
- training management
- safety management
- fatigue management
- internal training and checking including HFNTS
- personnel and student logs and records.

8.1.3 CAMO / AOC (Airworthiness)

- approved maintenance programs (AMP) / SOM review
- maintenance systems (approval employee, SOM/AMP/reliability)
- exposition review
- items tracked and the intervals from software program for a sample aircraft type/s
- AD compliance records
- approval and training of CAMO employees
- airworthiness review work pack
- sample of flight tech logs and base maintenance CRS / MR
- Sample of MEL items invoked
- Instructions for Continuing Airworthiness (ICA) review
- investigation of defects via request
- airworthiness control (access to relevant approved data, maintenance records, logbook entries)
- airworthiness reviews (including review employee)
- maintenance contracts with Part 145 or other organisations.

8.1.4 Delegates

- delegate work packs
- DMNS Power BI report
- delegate management notification system (DMNS) (activity report, aircraft types)
- documents supplied to CASA within prescribed timeframes
- compliance with instrument conditions
- weight and balance charts issued.

8.1.5 AMO

- exposition/maintenance manual review
- approved supplier assessments
- shelf life intervals register (verify)
- change management process review
- sample of SMS reports, corresponding actions, meeting minutes
- aircraft logbooks
- facility photos (particularly if CASA holds previous photos – review for changes)
- list of instructions for continuing airworthiness
- aircraft or aeronautical product work packs
- current calibrated tooling list
- Part 145 induction records
- employee authorisation records (including assessment)
- DAMP reports.

8.1.6 SMS (LC / HCRPT, P142 and P145)

- current SMS manual
- safety meeting minutes (6 months)
- SMS training records
- HF/NTS training records (if applicable)
- number of change management activity
- sample of change management docs
- audit plan (12 months)
- sample action outcomes (internal audits, meetings, occurrences and investigations)
- number of reported occurrences/hazards
- sample of occurrence management
- number of investigations
- sample of investigations
- review risk assessment practices within occurrence reporting, change management and investigation activities
- number of risk assessments

- sample of risk assessments
- newsletters (6 months) if applicable
- FDAP documentation (i.e. meeting minutes, briefing docs, etc - if applicable)
- ERP training and information on conducted exercises.

8.1.7 Part 141

Prior to commencing the review, the surveillance lead should ensure the current version of the operations manual is obtained from the AH. Additionally, an appropriate number of records should be obtained to ensure adequate sampling is conducted.

- compliance statement
- organisation and personnel
- certificates, permissions, approvals, and exemptions
- key personnel
- familiarisation training
- instructors
- change management
- training management
- quality system
- fatigue management
- exposition/operations manual
- personnel and student logs and records
- copy of the current register of aircraft used for flight training (Form 4B12 in SOM)
- sample of training records if possible.
- accident/incident reports
- current status of head of operations qualifications, i.e. dates of most recent IPC, FPC, EPC and flight review (as applicable)
- number of flight tests conducted by the head of operations in the required time period
- student pass rate.

8.1.8 Dangerous goods (non-AOC holders)

- current instrument/exemption
- current manuals
- current forms
- for shippers:
  - request copies of recent dangerous goods transport documents
  - safety data sheets
  - dangerous goods process and procedure documents
  - obtain details of UN specification packaging used, test reports or user reports.
- review website (if applicable).

8.1.9 Dangerous goods training

- review current Instrument
- request copies of documents, e.g. current forms, training materials, course certificate, training record for recent course, copies of current exams, etc. to see if they have been kept up to date
- review training provider website (if they have one) for accuracy of course information
- consider requesting access to log in to an online training course to complete the course and review the course material

8.1.10 AOC – dangerous goods

- review OPSPEC for dangerous goods
- review compliance statement relative to Civil Aviation 1988 section 23 and Civil Aviation Safety Regulations Part 92
- review operations/dangerous goods manual
- review AH dangerous goods acceptance checklists for radioactive materials and for other dangerous goods, dangerous forms, etc.
- request copies of recent internal/third-party audits if they are willing to share them
- consider sending a self-audit form to the operator specific to dangerous goods
- review AH's website for dangerous information relative to cargo and relative to passengers.

8.1.11 Part 171

- MET reports
- technical certification reports
- AirServices team meeting minutes (Previous 3 months)
- current organisational chart.

8.1.12 Part 172

- local instructions
- letter of agreement
- business continuity plan
- contingency plan
- training manual
- instructor guides
- temporary local instructions
- circulars
- directives
- manual of air traffic standards supplements
- licencing and training – assessment folders
- Operational Risk Assessment (ORA) provide.

8.1.13 Part 139

- completed serviceability inspection outcomes (defined date range to be given to the AH)
- permanent NOTAM requests
- temporary NOTAM requests
- technical inspection reports (where available)
- SMS reviews (where available)
- AEP committee meeting minutes (where available)
- wildlife hazard management data (where available).

8.1.14 Manufacturing

- list of Form 001s issued in the preceding period since last surveillance
- samples of job/work packs including but not limited to:
- job traveller/worksheet
- material certificates
- test reports
- heat tapes
- NDT reports
- Form 001 issued
- calibration records
- applicable to the tooling utilised in the subject job/work packs
- authorised persons records
- task authorisations
- training and qualification records
- specimen signatures
- stamp records.

8.1.15 Subpart 21.M IOA

- approval documents including engineering orders, Form 979, technical data, flight manual supplements.

8.1.16 Subpart 21.J

- approval documents including engineering orders, Form 979, technical data, flight manual supplements
- training plans and training records
- authorised persons' interview and appointment records
- documents related to appointment of subcontractors.

9 Aircraft ramp inspection

9.1 Purpose

The aircraft ramp inspection procedure provides guidance for the conduct of a ramp inspection that is carried out on an Australian registered aircraft. The primary purpose of this inspection is to evaluate the degree of regulatory compliance and operational fitness of a flight that is about to depart or has recently arrived.

Ramp inspections allow inspectors to observe and evaluate the methods and standard operating procedures used by an operator's personnel during the period immediately before or after a flight.

The observation enables the inspector to determine compliance with regulatory requirements and the operator's documented procedures. The ramp inspection may be conducted as a full ramp inspection or part of a specific targeted campaign which concentrates on certain aspects only. Where the scope of the inspection is limited, the extent of the scope should be recorded.

The ramp inspection should be conducted in an unbiased manner in order to provide CASA with a random sample regarding the conduct of aircraft operations.

9.1.1 Reference documents

Regulatory references

reg 302(2) of CAR 1988 – production of licences

reg 305 of CAR 1988 – access of authorised persons

reg 61.340 of CASR 1998 – production of licence documents, medical certificates and identification

CASA documents and forms

CSM Chapter 2, 3 and 4 (level 2 surveillance event)

CASA-04-0627 - aircraft ramp inspection checklist – Larger aeroplanes and instructions

CASA-04-6665 - aircraft ramp inspection checklist – 135 and 138 operations

CASA-04-6652 - Rotorcraft Ramp Inspection Checklist

CASA-04-0702 - Aircraft Ramp Inspection Checklist – Sports Aviation

> Note: CASA-04-0627 is primarily for aircraft in Regular Public Transport (RPT) operations, however it can also be utilised as guidance for aircraft used in non-RPT operations. CASA-04-6665 is used for Aircraft below 5700kgs.

9.2 Process

> Note: Scoping Form is not mandatory for ramp checks

Method of conduct

A ramp inspection may be conducted at any reasonable time the aircraft is parked at a gate or ramp location and a member of the crew or maintenance personnel are in attendance conducting pre-flight preparations for a flight or post flight duties.

It is preferable that the pilot in command be in attendance. Advance notice to the operator of a ramp check is not required. Inspection activities should be conducted so as not to interfere with the crew or disrupt scheduled operations.

However, should an inspector have factual evidence that indicates the safety of the flight may be compromised, the inspector has a duty of care to satisfy themselves that the flight is safe to continue. This consideration overrides any other constraint on the conduct of the ramp inspection.

> Note: Should a safety of flight issue be identified, an inspector may raise either a safety alert and/or an Aircraft Survey Report (ASR) in accordance with the CSM.

Where there are a number of inspectors on the ramp check, the surveillance lead should brief all inspectors on their role and assign sections of the checklist to each member.

Ensure all inspectors have the required safety and personal protective equipment, and that ASIC and CASA ID cards are worn and clearly visible.

Record the time when the inspection commences and ceases as evidence, should there be any accusations of disruption or delays.

If there is a company representative present, introduce the team and state your intention to conduct the ramp check and discuss how access to the tarmac can be achieved.

The surveillance lead should introduce themselves to the aircraft captain at the earliest convenience, stating the purpose of the inspection and requesting co-operation and assistance where required.

Where a defect is brought to the attention of the pilot in command and the pilot has entered it into the maintenance release, the inspector may choose not to raise an ASR. Should the inspector/team be required to raise an ASR follow the instructions in the ASR Chapter of this Annex.

There are occasions when inspectors are airside at an airport which can provide an opportunity for them to inspect the exterior of an aircraft. An inspector cannot enter an aircraft without the permission of the registered operator of the aircraft. However, if there is a justifiable safety reason (serious risk to safety of flight) then permission is not required.

Regulation 305 (1) (c) of the Civil Aviation Regulations 1988 permits access to an aircraft to inspect it, and whilst access is a broad term, this does enable a CASA officer to enter the aircraft to inspect it. However, it is the preferred option that permission is sought prior to entering an aircraft,

Qualifications

Inspectors who have received training, for example regulatory and technical training and/or on the job training program are qualified to conduct ramp checks, however inspectors should only comment on items with which they are familiar (e.g. if not qualified or familiar with an item, it should not be assessed).

Controls

Under no circumstances should an inspector operate a system or any equipment or request any crew member to do so in such a manner that it is not in accordance with normal operating procedures.

When checking compliance with cabin/flight deck safety equipment, it is acceptable for an inspector to open readily accessible storage areas (e.g. overhead bins and storage cabinets).

Assessment criteria

When an item meets the specified requirements/criteria, checklist items should be marked as S (Satisfactory), or alternatively U (Unsatisfactory) if they do not meet requirements/criteria. If the checklist item is not applicable to the aircraft being inspected, mark as NA (Not Applicable).

If any item is marked unsatisfactory on the checklist, the inspector should provide a comment detailing the reason for the outcome and obtain sufficient and appropriate evidence to support the assessment.

Note: If a checklist item was not assessed due to time constraints or lack of inspector familiarity, a horizontal line should be drawn through the associated assessment box on the checklist.

Personal safety

When aircraft arrive, depart and during turnarounds there is significant activity around the aircraft that can present as significant hazards. Vehicles that are servicing the aircraft, baggage handling machinery and refuelling are just some of the activities that occur. Inspectors must maintain good situational awareness when on the ramp, and in particular when moving around an aircraft and be aware of vehicles approaching and departing the aircraft, as well a trip hazards that may be present.

Inspectors should ascertain if any company or airport specific workplace safety briefing or training is required before entering a specific area.

Whilst on the ramp, inspectors should use appropriate safety equipment and personal protection equipment suited to the environment. At a minimum, inspectors should wear a high visibility jacket and hearing protection. However, certain operators and aerodromes may specify additional equipment which should be covered in the workplace safety briefing.

Reference: Airside safety awareness course CLASS – under regulatory and technical training.

9.3 Records

When conducting this procedure, the applicable forms should be completed by the assessing inspector(s). If the ramp check is conducted as part of surveillance, the form should be included in the associated surveillance event file. In all cases, the form must be entered into an appropriate RMS file.

10 Records management

Surveillance records must be maintained in a clear, succinct manner and provide a chronological history of surveillance activities and events. It is important that all relevant surveillance documents are adequately filed. Titling guidance can be found on the Surveillance - RMS Titling Conventions.

Surveillance records must include background documents, forms, files, notes and reports that relate to surveillance activities with all such documentation saved to the RMS. Documentation may originate from all phases of a surveillance event and be saved throughout the event's duration.

Examples include documented decisions from surveillance planning meetings, surveillance team planning meetings, certificates, scoping formation, preparation checklists, worksheets, surveillance notification, correspondence from an AH, emails sent to the AH, third-party audits, notes from an inspector, entry/exit meeting records, surveillance reports, findings and the evidence relating to that finding and documentation relating to the follow up of findings. All documentation should be saved to RMS prior to the surveillance report being issued; this includes documentation that may not relate directly to any findings issued.

Correspondence/documentation may be unclassified; however, if the security access for the document and/or electronic file is initially assigned as unclassified and sensitive material is subsequently added, this added content then determines the security access classification. (See Information Management Manual – on Information Security). Contact should be made with Information Management Branch if assistance is required with reclassifying files/folders/documents.

10.1 Data management protocols

Data management is to be completed in accordance with CASA's Information Management Manual.

Table 1. Records Management Accountabilities

Position	Accountabilities
National Manager Surveillance	Ensure: • staff responsibilities for local records/documentation handling are informed, reiterated, and verified • records are handled and retained as described in the records management manual • retention times are followed as required by CASA's records disposal authorities.
Surveillance lead	Ensure: • Scoping form or approved equivalent is used for applicable events and saved to RMS • all surveillance documents are filed in accordance with processes described in the records management manual by the surveillance team • the documents retained relating to surveillance are complete, accurate and suitably titled. Also see Surveillance - RMS Titling Conventions.
Surveillance Manager/Team Leader	Ensure: • Scoping form or approved equivalent is used for applicable events • Events are kept at recommended until they are certain the event will proceed • internal and external timeframes are met • Emails sent and received are saved in RMS.

Position	Accountabilities
Inspector/surveillance team member	Ensure: • Scoping form or approved equivalent is utilised to scope (applicable events) • all surveillance documentation is filed and suitably titled • evidence related to each Finding are accurately titled following Surveillance - RMS Titling Conventions with the Finding number entered in title • only relevant photographs are saved into RMS and given a name reflective of the photo contents • all appropriate fields are completed in Sky Sentinel.
Surveillance Technical Officer (STO)	Ensure: • appropriate sub-file is created for the surveillance event • all records and documentation produced by the STO are actioned and filed at appropriate stages of the surveillance event • all records/documentation are received and filed prior to the finalisation of the surveillance event by the surveillance team.

11 Information capture protocols for Findings

11.1 Findings – titling

When writing a finding title ensure an appropriate and pertinent single line entry is used. The title needs to clearly distinguish the particular finding and allow the record to be easily identifiable in Sky Sentinel. Examples of correctly worded findings are:

- unauthorised maintenance activity
- provision of oxygen – equipment standards
- provision of oxygen – crew duties
- heightened risk – flight crew scheduling (could apply to a safety observation).

More guidance can be found at Surveillance - RMS Titling Conventions.

11.2 Findings – standardised regulatory reference

To ensure standardisation and easy identification of regulatory references in safety findings, safety alerts and ASRs, the following instructions must be followed:

List only one regulatory head of power for each Finding.

- do not include the penalty units
- do not include the strict liability references or breach of conditions
- insert the exact wording of the regulation into the finding template (criteria field) as it is written in the Australian Government Federal Register of Legislation website
- the year of the regulation is cited without brackets e.g. CAR 1988
- do not add square brackets [ ] or any extra punctuation unless specified in the legislation
- use capitals as depicted in the reference
- if the number in the legislation is listed as a roman numeral, keep the number in this format
- do not spell out the regulation in full. Use the abbreviated form except when the section or regulation is used to commence a sentence.
- for references to the Act use 's' to denote a reference to a sub-section or section, for example s 2AA(1)(a) of the CAA 1988
- for the CAR and CASR, use reg to denote a reference to a regulation or sub-regulation, for example reg 42R(1)(b)(i) of CAR 1988
- individual paragraphs and subparagraphs within the CAR Schedule and the CAO are abbreviated by the use of 'para' – for example, para 6.2(a) of CAO 48.1.

Note: Use ‘states in part’ if not pasting entire regulation but ensure regulation number is present.

Non-Compliance with a MOS or COA requirement

If a safety finding records a breach of a Civil Aviation Order (CAO) or Manual of Standards (MOS), the safety finding must be issued against a regulatory head of power with the relevant regulation or Act provision referenced as the overarching head of power. The relevant section of the CAO and/or MOS must also be cited.

For example:

A requirement of CAO 48.1 Instrument 2019 para 14.3(c) and subsection 15: The AOC holder must include in the operations manual: where the need to take account of possible hazards arises under subsection 15 — for FCMs conducting a particular operation, each limit mentioned in subparagraph (b) as modified by taking the possible hazard into account. is partly a direction made under s 28BA(1)(b) of the CAA 1988 A breach of that provision would be recorded in a safety finding as follows:

28BA(1)(b) of the CAA 1988 and para 14.3(c) and subsection 15 CAO 48.1

The part 135 MOS Chapter 11.20 (1) (a) requires that a piston-engine aircraft operated above 15,000 feet under the instrument flight rules must be equipped with an altitude alerting system. 135 MOS Paragraph 11.20 (1) (a) is partly a direction made under CASR 135.370 (1). A breach of that provision would be recorded in a safety finding as follows:

reg 135.370 (1) of the CASR 1998 and para 11.20 (1) (a) Part 135 MOS

Table 2. References to provisions of the Civil Aviation Act 1988

Legislation Example	Cite/Reference Example
20AA Flying unregistered aircraft etc.	s 20AA of the CAA 1988
20AA(1) A person must not fly an aircraft within Australian territory unless: (a) the aircraft is registered under the Civil Aviation Regulations; or (b) the aircraft is, under this Act or those regulations, not required to be registered under those regulations; or (c) the aircraft: (i) is employed in private operations; and (ii) possesses the nationality of a contracting state	s 20AA(1) of the CAA 1988 s 20AA(1)(a) of the CAA 1988 s 20AA(1)(c)(i) of the CAA 1988

Table 3.

Legislation Example	Cite/Reference Example
42.030 Continuing airworthiness requirements—all aircraft	reg 42.030 of the CASR 1998 reg 42.030 (2) of CASR 1998
2) The requirements are that: (a) the registered operator has ensured that the requirements mentioned in Division 42.C.2 are met for the aircraft; and (b) if maintenance has been carried out on the aircraft since it was last operated for a flight—one of the following documents has been issued for the aircraft in relation to the maintenance: (i) a certificate of release to service; (ii) an equivalent document issued in accordance with an NAA arrangement mentioned in regulation 42.301;	reg 42.030(2)(a) of CASR 1998 reg 42.030(2)(b)(i) of CASR 1998

Table 4. References to provisions of the Manual of Standards

Legislation Example	Cite/Reference Example
Chapter 1 Requirements for CAMO	chapter 1 Part 42 MOS
1.2 Continuing airworthiness management exposition	para 1.2 part 42 MOS
1.2.1 The CAMO must have an exposition that contains at least the following information: (a) a statement signed by the accountable manager to confirm that the CAMO will provide continuing airworthiness management services in accordance with Part 42 of CASR 1998, this MOS and its exposition at all times;	subpara 1.2.1(a) Part 42 MOS
145.A.25 Facility requirements (a) An AMO must have facilities for the provision of maintenance services that are appropriate for carrying out maintenance of the kind that is being carried out in the facilities. In particular, the facilities must be to a standard that provides an environment that: (i) is appropriate to the weather conditions that prevail at the time that the maintenance is carried out.	para 145.A.25 Part 145 MOS para 145.A.25(a)1. Part 145 MOS

Table 5. References to provisions of the Civil Aviation Regulations 1988

Legislation Example	Cite/Reference Example
42R Approval of Changes (a) CASA or an authorised person received a request for approval of a change to an approved system of maintenance;	reg 42R of the CAR 1988 and reg 42R(1) of CAR 1988 reg 42R(1)(a) of CAR 1988

Table 6. References to provisions of the Civil Aviation Orders

Legislation Example	Cite/Reference Example
Civil Aviation Order 48.1 Instrument 2019	CAO 48.1
Part 3 Limits and requirements	part 3 CAO 48.1
Para 14 AOC holder obligations	para 14.3 CAO 48.1
(a) the limits arising from compliance with each applicable Appendix of this CAO that the holder has chosen to apply to an FCM, showing: (i) each maximum limit under the Appendix which must not be exceeded	para 14.3(a)(i) CAO 48.1

11.3 System elements – question development

To enable an inspector to evaluate an AH's systems and to enhance standardisation, the following guidelines must be followed.

Questions worksheets should be sector specific, be covered by a regulatory head of power and relate to key areas of the AH's systems. They should be written in such a way as an inspector would ask an AH. They must be relevant to the element being assessed and follow the points below:

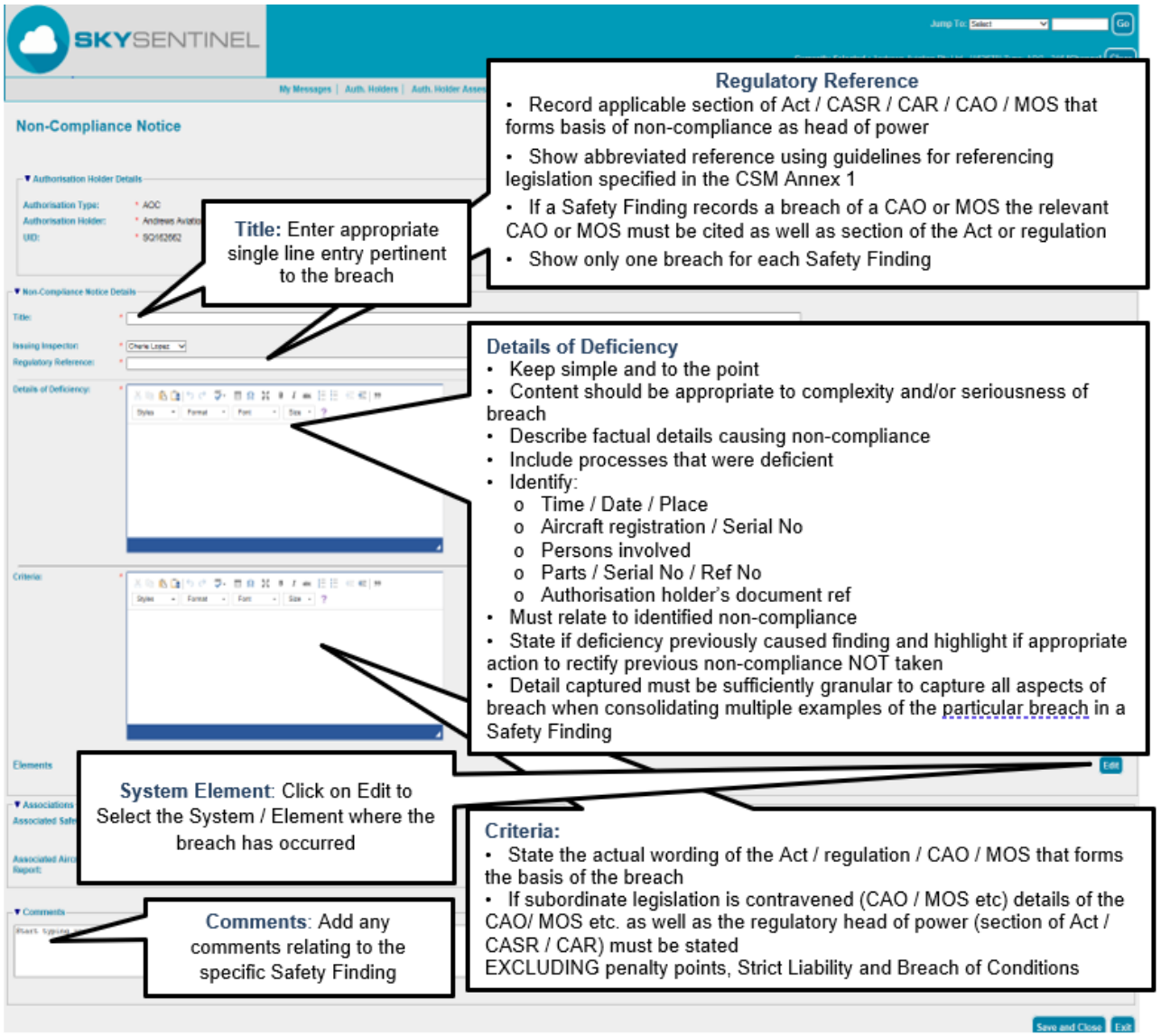
- questions should be selected with the logical starting point with the applicable regulatory head of power and system element being evaluated clearly in mind as the answers may require the inspector to digress to pursue the necessary evidence to prove the level of risk mitigation
- sufficient key questions must be selected to ensure that all scoped items are covered.

11.4 System elements – questioning technique

To enable an inspector to fully evaluate an AH's systems the inspector should ask questions covering all of the scoped items. If a response to a question on a particular aspect of an attribute is deficient, further questions relating to the deficiency should be asked to establish the degree of control the AH has in its ability to mitigate the safety risk.

12 Safety Finding instructions

Figure 1: Safety Finding instructions



12.1 Safety Finding example

The safety finding below provides guidance on the correct use of the regulatory reference and regulatory criteria.

> Note: Strict liability offence paragraph, breach of conditions and penalty points for the offence are not to be included in the Finding.

Figure 2: Safety Finding example

Australian Government
Civil Aviation Safety Authority

Safety Finding

Authorisation Holder	ACME Engineering Services Pty Ltd		
ARN	123456	**Event No.**	123456
CASA Ref.	F12/3456-7	**Non-compliance No.**	112233
Subject	Manufacturing outside of Production Certificate scope		
Regulatory Ref.	Reg 21.165(3) of the CASR 1998		
System - Element	**Activity – Certification & Release**		

Note: In applying the principles of procedural fairness, CASA approaches its regulatory functions in a consultative and collaborative manner. Therefore, CASA extends to the authorisation holder the opportunity to consider, comment on or object to this Safety Finding.

It should also be noted that issue of a Safety Finding does not in any way prejudice CASA's prerogative to take at any time such regulatory or other legal action as may be appropriate in the circumstances.

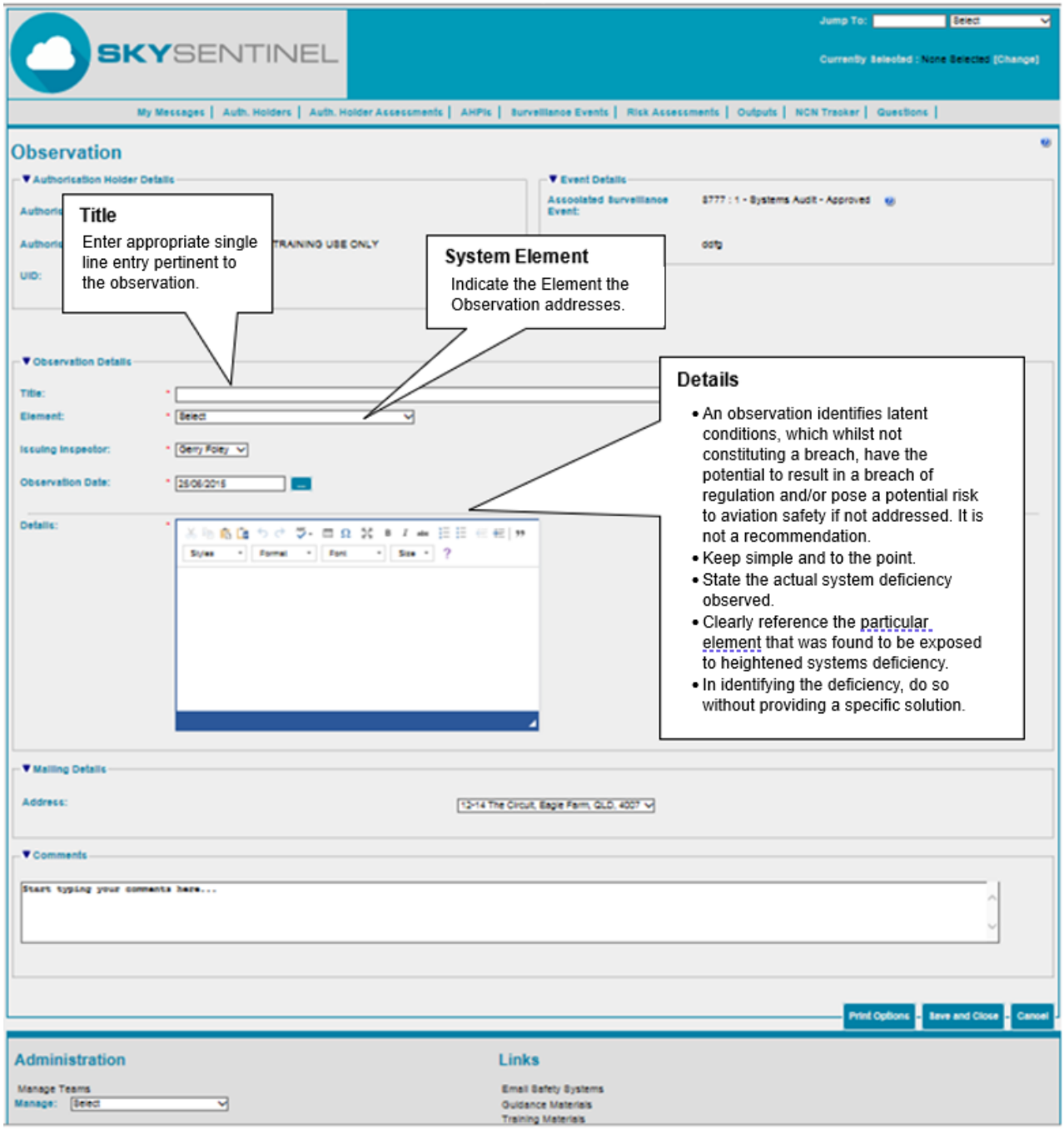
Details of Deficiency
It was noted that ACME Engineering Pty Ltd has manufactured and released on CASA Form 001 #0000-10-00, Placard parts including the following; Fire Port Placard Placard, ICV V2, 8 The placards are a powder-coated, sheet metal base and the artwork/text is applied by dye sublimation. These parts with this special marking process do not fit the category of Fabricated Sheet metal parts, within ACME Engineering Pty Ltd One-off Production Certificate scope. Such placard manufacturing is not within the scope of ACME Engineering Pty Ltd One-off Production Certificate 223344-3.
Criteria
Reg 21.165 Responsibility of holder of production certificate. (3) The holder of a production certificate for a Class II, Class III or unapproved Class I product must ensure that each product is; (a) manufactured under the authority of the certificate; and (b) submitted for approval; Conforms to the product design and is in a condition for safe operation.

Issuing Inspector	
Date Issued	
Due Date	

Please complete the **Safety Finding response page** (attached) and respond by the due date.

13 Safety observation instructions

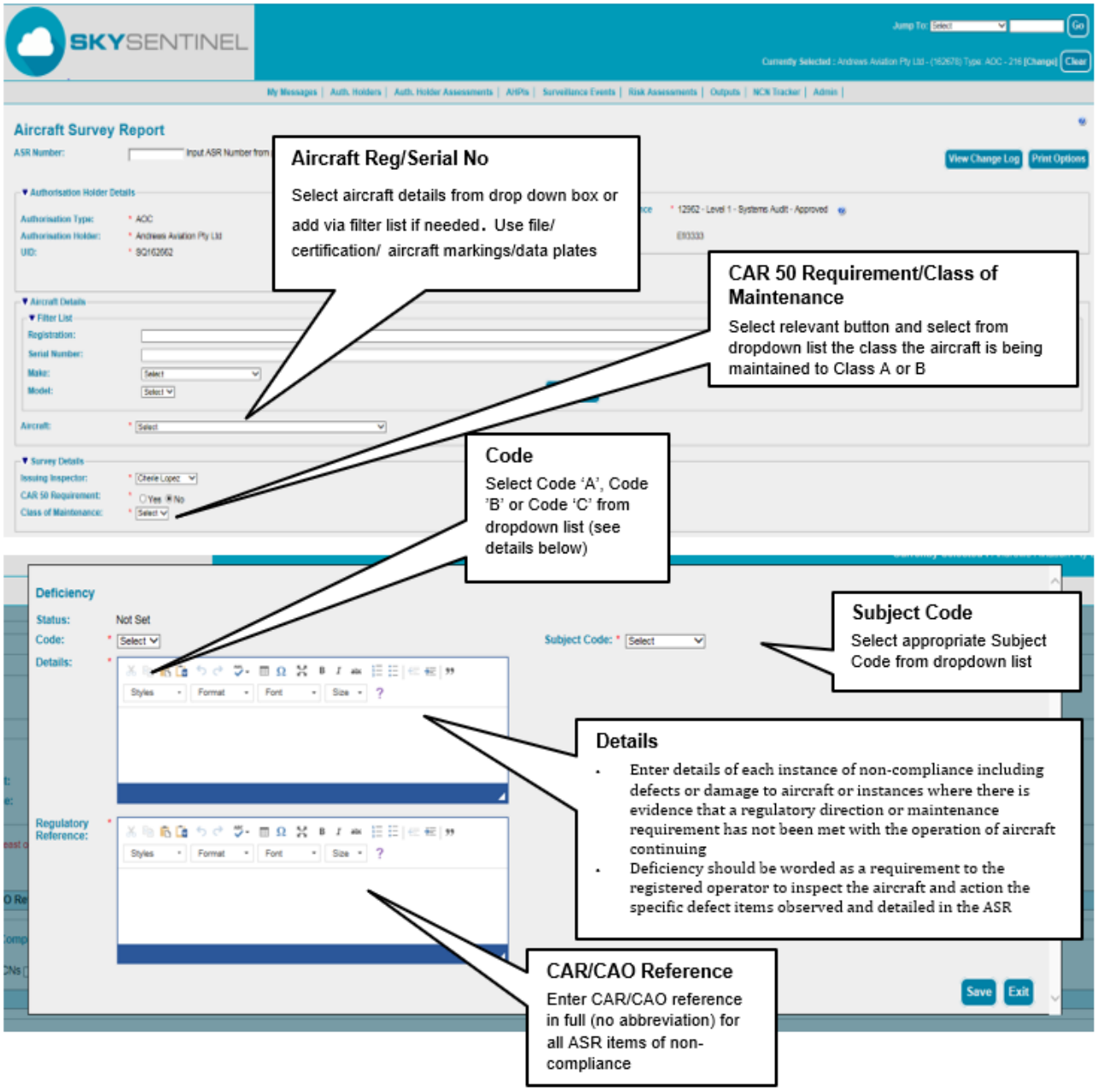
Figure 3: Safety Observation instructions



14 Aircraft survey report instructions

Note: Code A ASRs must be shown on individual forms, while Code B and C ASRs can be listed on one ASR. ASRs unless specified have a 365 calendar day validity.

Figure 4: Aircraft Survey Report instructions



14.1 ASR codes

All ASR items of non-compliance must be recorded as Code A, Code B or Code C.

Acquittal process: Under normal circumstances, the surveillance team member who initially issues the ASR (issuing inspector) is also responsible for the acquittal process. Should the issuing inspector be unable/unavailable to acquit then the SM must select an alternative inspector who will take responsibility for verifying action taken and the acquittal process.

> Note: Issuing inspector makes contact with the SM before a Code A is issued.

Code A ASRs must be shown individually on separate forms while multiple Code B and/or Code C ASRs can be listed on one form.

An EAP alert and a file note must be placed against the VH on AR module with ASR details.

> Note: Unless specified an ASR has a 365 calendar day life span.

14.1.1 Code A

A Code A ASR is a direction under CASR 11.245 to have maintenance carried out on the aircraft before further flight.

Only use a Code A ASR (after discussion with the SM who will alert the NMS) when:

- defects or damage that may affect the safety of flight have been detected, or
- you have evidence that a regulatory direction or maintenance requirement has not been met and continued operation of the aircraft may affect the level of safety.

> Note: If it is believed that, in the interests of safety, action should be taken to prevent an aircraft from flying because of a failure to comply with a requirement, consideration should also be given to whether detention of the aircraft or enforcement action is necessary. In either case this must be referred to the NMS for consideration of enforcement action.
>
> Issuing inspector contact the surveillance lead who contacts the SM, who alerts the NMS regarding possibility of Code A ASR Issue.

In situations where the registered operator is being directed to do something other than perform maintenance, then the NMS contacts the Manager Investigations so that they can review the draft ASR if required.

Whenever issuing a Code A ASR:

- make sure the defect, damage or non-compliance is clearly stated, and specify the relevant regulatory reference(s)
- make sure that the wording of the ASR includes instructions to inspect the aircraft and rectify, replace, repair, remove, install, secure, fit, inspect, investigate etc, as relevant
- deliver the ASR to the registered operator or operator by email but follow up by phone to ensure receipt. If there is a risk that the aircraft may be flown in this situation, then also affix a copy of the ASR prominently to the aircraft if the use of the quadruplicate paper form has been utilised taking into consideration the cosmetic damage affixing the ASR may do to an aircraft.
- make every effort to contact the registered operator, the owner, or any person likely to fly the aircraft and advise the nature of the defect, damage or non-compliance.

If contact cannot be achieved, the issuing inspector must affix a copy of the ASR to the aircraft in a position where it will be seen by anyone trying to gain access to the aircraft taking into consideration the cosmetic damage affixing the ASR may do to an aircraft.

The following is a non-exhaustive list of examples of when a Code A direction would typically be issued:

- AD/PA-23/89 has not been carried out
- aircraft does not comply with AD 2013-0263 – engine controls
- CASA ramp inspection has identified corrosion on four of six aileron hinge fittings. Prior to further flight an appropriately qualified LAME must carry out an assessment on all aileron attachment hinge fittings. Any hinge fittings with damage outside allowable damage limitations must be rectified prior to further flight
- before further flight, an assessment to be carried out on the R/H outboard flap track attachment to the rear spar and rectify as required – exfoliation corrosion evident.

The issuing inspector should actively manage the Code A ASR to ensure responses are received within the due date time frame and appropriate action has been taken by the registered operator.

Note: If in any doubt, contact and seek the advice of an AWI.

On return to the office advise surveillance@casa.gov.au of ASR issuance who will add an alert and a file note onto EAP against the aircraft by registration mark and a copy of the ASR will be saved on to RMS aircraft file.

The STO will monitor the ASR when it is acquitted so that the file note can be closed and the alert inactivated.

Prior to the 365 calendar day expiry the issuing inspector must review the ASR to confirm that it can be closed and/or if it should be re-issued.

14.1.2 Code B

Use the Code B direction to bring a defect or damage to the attention of the registered operator, the pilot or operator where:

- it is considered that the defect or damage is minor, or
- the inspection does not enable a determination as to whether the defect or damage is major.

A Code B ASR is a direction pursuant to CASR 11.245 to have defects or damage assessed and rectified, as necessary.

The registered operator, the pilot or operator is responsible for assessing the defects or damage and having them rectified.

As the wording of the ASR for Code B items already contains the direction to have the items assessed and rectified as necessary, there is no need to give further directions.

The defect or damage must be clearly stated, and the relevant regulatory reference(s) specified.

The following is a non-exhaustive list of examples of when a Code B direction would typically be issued:

- corroded screw heads on fin and rudder panels
- rear LH lap belt chaffed – please check serviceability of all seat belts
- RH main wheel appears under pressured
- propeller control labels worn – check all required placards/decals are present and legible
- fuel calibration card appears to be missing
- compass card is not evident.

The issuing inspector should actively manage the Code A ASR to ensure responses are received within the due date time frame and appropriate action has been taken by the registered operator.

Note: On return to the office advise surveillance@casa.gov.au of ASR issuance who will add an alert on EAP against the aircraft by registration mark and a copy of the ASR is saved on to RMS aircraft file.

The STO will monitor the ASR for acquittal so that the alert can be inactivated, and file note closed.

Note: Prior to the 365 calendar day expiry the issuing inspector must review the ASR to confirm that it can be closed and/or if it should be re-issued.

14.1.3 Code C

A Code C item is a formal notification to a registered operator of a non-compliance with a requirement or condition imposed under the CARs or CASRs that, in the judgment of the surveillance team member, from the inspection carried out, will not have an immediate lowering effect on safety, but is required to be assessed and/or rectified.

Code C items may include any equipment referred to in:

- the CARs
- the CAOs
- a company maintenance requirement
- the type certification documents
- the applicable maintenance requirements.
- a direction issued pursuant to CAR 38(1) i.e. airworthiness
- directives (ADs) or a previous ASR.

When issuing a Code C direction, the relevant regulation or requirement pertaining to the non-compliance must be specified.

The following is a non-exhaustive list of examples of when a Code C direction would typically be issued:

- documents show the flight of 6.5 hours conducted on 29 March 2024 has not been recorded in the aircraft records – CAR 43B refers
- the flight manual does not contain amendment G3 – CASR 135.04, 91.095 refers
- reweighing is overdue by 3 months – CAO 100.7 paragraph 3.2 refers
- the airframe registration lettering on port side of tail and cabin exit decals are illegible – sub paragraph 7.1 (b) Part 45 MOS and reg 135.040 (1) of the CASR 1998 refer.

Note: Information copies of the ASRs may be handed to the registered operator, flight crew or maintenance staff at the time of the surveillance event. The information copies are only to be issued as previously agreed with an organisation or operator.

STO will add an alert on EAP and a copy of the ASR will go on to the aircraft file.

Note: Prior to the 365 calendar day expiry the issuing inspector must review the ASR to confirm that it can be closed and/or if it should be re-issued.

15 Surveillance report instructions

Surveillance reports should be concise and use simple language. The report must be descriptive, be a statement of fact. and include the following items:

Table 7. Surveillance report contents

Surveillance report contents	
Title page	AH (pre-populated) ARN (pre-populated) Authorisation type (pre-populated) Dates of surveillance (pre-populated) Report title (free text descriptor that can be added as appropriate but should not duplicate pre-populated report title) (optional)
Executive Summary (Mandatory)	The executive summary should be written by the surveillance lead in collaboration with the surveillance team. The surveillance report and findings work instructions - standard wording should be used wherever possible. The summary's purpose is to draw the reader's attention to the important issues covered by the report. It provides the reader with an overview of the report's essential information. The summary should say as much as possible in the fewest possible words and therefore, every word should count. Repeating details that are contained in the safety finding should be avoided. It must be self-sufficient and be understood in isolation. Typically, it is written last to ensure it accurately reflects the report's content.
Statement of confidential nature of the contents	A generic statement relating to the confidentiality of the report. (pre-populated).
Surveillance objective	The objective of the surveillance is to assess the ability and willingness of an AH to comply with all applicable legislative obligations. (pre-populated).
Surveillance team	Identification of the surveillance lead and team members, including those in attendance at the entry/exit meeting. (pre-populated).
Dates and locations (Onsite/Remote surveillance)	In chronological order, insert the date(s) and locations where the onsite activities were conducted, including the entry and exit meetings. This field is also used to inform if the surveillance was conducted in the CASA Office as a desktop review.
Surveillance scope	The surveillance scope table is the extent and boundaries of the surveillance and a count of findings issued. The surveillance scope shall be generated using either Scoping form or other acceptable methods (eg the PPW worksheet) and must be saved and stored on RMS as this provides SME context as to the selected scope reasoning.

	The scope is pre-populated from the surveillance event page. Any changes to the scope must be actioned in the event within Sky Sentinel prior to the report being sent for Review.
Summary of surveillance findings	List of findings, including the finding number, finding type, finding subject/title and, if applicable, the due date (pre-populated).
Documents used as standards and reference (Mandatory unless there were no documents reviewed)	A list of all documents that have been reviewed or used while conducting the event, including document reference number/version and title. Including third-party audit reports, work packs, CAR/CASR and CAOs etc. Internal CASA forms such as the scoping form should not be included (pre-populated).
Key people interviewed during the surveillance (Mandatory unless no-one was spoken to)	A list of the people who were interviewed during the event, including their name, position and date(s) interviewed (pre-populated).

Note: The Surveillance Report and Findings Work Instructions - Standard wording is available in the Document Catalogue.

16 Occurrence management

16.1 Overview

Safety occurrence data (intelligence) relates to an aviation safety event which involves the holder of a civil aviation authorisation.

Section 9 (1)(g) of the Civil Aviation Act 1988 (the Act) assigns the following as part of CASA's functions: conducting regular reviews of the system of civil aviation safety in order to monitor the safety performance of the aviation industry, to identify safety-related trends and risk factors and to promote the development and improvement of the system.

The CSM details the surveillance methods by which CASA carries out certain functions under the Act.

One aspect of CASA's surveillance activities is the review of safety occurrence data to determine whether a potential safety issue exists and there has been a regulatory breach. The occurrence management process requires the surveillance of safety occurrences at various levels.

Surveillance is conducted as a:

- level 2 – unscheduled – occurrence – desktop
- level 2 - unscheduled – occurrence – site

For ROD offices

- level 2 – unscheduled – occurrence – desktop – response use only
- level 2 - unscheduled – occurrence – site – response use only
- level 2 – unscheduled – occurrence – ramp check – response use only

As outlined in the Section on Applied surveillance methodology of the CSM. Should a surveillance event be approved from an ATSB report, the Accident Liaison Office (ALO) must be advised before commencement. See strategic services standard operating procedures– for the occurrence reporting and ATSB guidance.

The occurrence management section of this annex provides guidelines for surveillance on occurrences with regard to:

- the occurrence management accountabilities
- the requirements for conducting an unscheduled surveillance event of a safety occurrence in terms of:
    - What is a safety occurrence desktop review?
    - How is the safety occurrence information accessed?
    - How is the safety occurrence data assessed, analysed, prioritised and categorised?
    - What level of surveillance activity is required to be conducted? What follow-up action is required by CASA?

16.2 Occurrence criticality definitions

Each safety occurrence must be assessed for criticality to assist in determining the scope and priority of any follow up activity. Likelihood has not been considered as the event would have already taken place.

Critical occurrences fall into four classification types:

- catastrophic occurrence
- critical occurrence
- serious occurrence
- minor occurrence.

Table 8. Criticality definitions

Classification	Description
Catastrophic occurrence	An occurrence with fatalities
Critical occurrence	A complete loss/failure of the aviation system(s), or a destructive failure, impacting directly on the safe operation of the aircraft
Serious occurrence	A partial loss/failure of the aviation system(s), potentially impacting on the safe operation of the aircraft
Minor Occurrence	Degradation of the aviation system(s) or part thereof, not impacting directly on the safe operation of the aircraft.

16.3 Accountability

CASA policy requires that safety occurrences be assessed and considered for any potential follow-up action. Manager Monitoring and Response Surveillance (MMRS) acts on behalf of SMs/TLs and is accountable for complying with the following standards:

- monitoring the ATSB Aviation messaging system via SMS
- providing an Occurrence Brief (Form 7642) to NMS for any catastrophic occurrences that occur in their area of responsibility
- the automated daily occurrence information report is to be reviewed daily and annotated using the criteria listed in this annex.

Assessing a safety occurrence:

- the annotated report is saved into RMS under the naming convention of surveillance monitoring
- A level 2 surveillance event is assigned and planned for those occurrences annotated for follow-up and is recorded in Sky Sentinel as a new surveillance event annotating in comments the ATSB/CIRRIS reference details from the spreadsheet.

Note: Non-AOC operators – occurrences involving operations not authorised by CASA - will also be assessed using the process and support forms. For non-AOC operators who require adding to Sky Sentinel - this will be done under the authorisation type of ARH.

16.4 Safety occurrence review

A safety occurrence desktop review is a process carried out by the Monitoring and Response Surveillance Team (MRST) The process ensures that safety occurrence data is accessed, reviewed, assessed for criticality and assigned for follow- up (if required). Safety occurrence data is currently sourced as set out in the following table.

Table 9. Safety occurrence sources

Report name	Source
Short Message Service (SMS) ATSB Aviation Message	ATSB
ASIR (Air Safety Incident Report) – Daily Occurrence Notifications	ATSB
CIRRIS (Corporate Integrated Reporting and Risk Information System)	Airservices Australia
Unsafe Behaviour Reporting	ROD Corro
Low Flying Aircraft Reporting	ROD Corro
Internal Reports	All of CASA
Self-reported deficiency	Authorisation Holder

Note: The daily safety occurrence information received from the ATSB and Airservices has not been verified. This is a key point to note for staff when contacting the AH to establish if the details, facts and circumstances are a true reflection of the occurrence. In addition, as ATSB and Airservices occurrence information may be dated, when the occurrence occurred should be considered when reviewing such information.

The process used by the MRST to conduct the daily review of occurrence information is to follow this section and the consolidated report must be recorded in RMS on the Response Surveillance - Occurrences and Events Under Review sheet under F21/15406.

16.5 Accessing information

Access to the ATSB Aviation messaging system (SMS) is controlled by the ALO. Accident or incident messages are received by the NMS and MMRS and are assessed for follow up action upon receipt.

ASIR and CIRRIS occurrence data is stored in CASA's data warehouse. The allocated inspectors must review occurrence reports daily. Access to the report is by:

automatic distribution – a daily e-mail is automatically sent to a nominated e-mail account. Management of internal distribution is the responsibility of the MMRS.

(Optional) direct access to the Aviation Occurrences Power BI app – this allows the assessor to extract the information directly. The direct access option provides the user more filtering options.

Note: Direct access can be gained by sending a request to CASA's IT support or logging a request through the CASA service desk.

User guidance on the information found within the body of the business objects daily reports can be found in the key summary document, located on the intranet site. Aviation Occurrence Search Report

Unsafe behaviour and low flying aircraft reports are processed by the correspondence team in the Coordination and Safety Systems Branch - and where required follow up action on these reports is required, this is managed by the MRST.

16.6 Assessing a safety occurrence

SMS (text message) – ATSB Aviation Messaging System

Upon receipt of an ATSB occurrence SMS the MMRS will assess the occurrence to establish whether it meets the catastrophic occurrence category and should it be deemed to meet this category will carry out the following:

- establish who the registered operator is by conducting an aircraft registration search using the aircraft registration module in EAP. Also available is the Civil aircraft register | Civil Aviation Safety Authority (casa.gov.au)
- determine whether the registered operator is an AOC or operating certificate holder
- if the registered operator is an AOC or operating certificate holder; carry out an EAP search to obtain the organisation's key position holders contact details
- where appropriate contact the AH key position holder and request information on the incident
- as soon as practicable email the NMS, with a brief description of the information on hand at that stage
- within forty-eight (48) hours provide an incident brief (Form 7642) to the EM ROD.

Upon receipt of an ATSB occurrence SMS the MMRS will assess the occurrence to establish whether it meets the critical or serious occurrence category or that the occurrence may become a newsworthy item, the manager will carry out the following:

- establish who the registered operator is by conducting an aircraft registration search using the aircraft registration module in EAP. Also available is Civil aircraft register | Civil Aviation Safety Authority (casa.gov.au)
- determine whether the registered operator is an AOC or operating certificate holder
- if the registered operator is an AOC or operating certificate holder; carry out an EAP search to obtain the organisation's key position holders contact details
- where appropriate contact the AH key position holder and request information on the incident.

The ATSB does not use the same classification designation as CASA. The ATSB classify events as:

- accident
- serious incident
- incident

Serious incidents are further broken into:

- high
- medium
- low

The ATSB's classification is determined on ICAO Annex 13, and this applied to every aviation occurrence reported. A set of rules provides the framework for rating the worst credible accident outcome for an occurrence (in terms of injuries to people and aircraft damage), along with the effectiveness of the remaining defences or barriers between the actual occurrence and the rated worst credible accident outcome.

Therefore, the ATSB's classification does not align directly with CASA's. The correlation is shown in the table below.

Table 10. ATSB vs CASA classifications table

ATSB	CASA
Accident	Catastrophic, Critical, Class A or B. Note; an accident can have fatalities, or can be minor in nature, such as taxiing into an object.
Serious incident	Class A or B.
Incident	Class C

Refer to Section on Follow up actions in this Annex.

Daily occurrence reports

Occurrences in the report have not been confirmed or validated by CASA and are for information purposes only. The content of the daily occurrence reports is brief, and each occurrence is to be considered on its individual merits. The MMRS on behalf of the NMS must ensure that all safety occurrences are assessed to determine:

- the criticality of the occurrence has been determined
- what occurrences, if any, should be assigned follow-up level 2 surveillance event type and entered into Sky Sentinel, if appropriate
- the ALO have been notified that a follow-up surveillance event has been raised IAW the CASA/ATSB MOU Section 6.3
- that all accountabilities have been met.

Note: MMRS must follow up on all Loss of Separation (LOS) occurrences involving or related to a scheduled air transport aircraft where the assessment indicates the occurrence was caused by pilot error if it meets the A or B occurrence classification.

16.7 Unsafe behaviour and low flying aircraft reports

Client Service Centre's safety reporting team (previously known as AVG Corro) manages incoming low flying and aviation safety reports using the ServiceNow portal.

They send automated acknowledgement and closing response to the reporter, where appropriate.

If it is ascertained that a CASA response is required, they will email the report including RMS file reference number to the MMRS for appropriate surveillance response.

The MMRS manages incoming reports utilising a Reporting Tracking Register (RTR) in RMS D24/298476 and must ensure that all reports received are assessed to determine:

- that all reports have been allocated correctly by the safety reporting team
- the criticality of the reported aviation safety or low flying report
- which reports, if any, should be assigned a follow-up review and/or level 2 surveillance event type and entered into Sky Sentinel, if appropriate, and the RTR updated that all accountabilities have been met.
- if no further action is required, updates the RTR with appropriate commentary and ensures documents are file to RMS.
- returns by email to the safety reporting team advice when appropriate, if required noting if and when a specific response is required.

Note - Low flying and aviation safety concern reports, if received directly, should be re-directed avg.correspondence@casa.gov.au. For advice, refer to Aviation safety | Aviation complaints.

16.8 Assessing an occurrence criticality

Each safety occurrence must be assessed for criticality to assist in determining the scope and priority of any follow up activity. Likelihood has not been considered as the event would have already taken place.

The table below provides guidance on the criticality, follow-up classification and follow-up action required. All assessed safety occurrences that require more detailed follow-up are considered to be Level 2 surveillance events, with surveillance requests entered into Sky Sentinel as a Class A, B or C surveillance type as detailed in the table below, definitions included in the table are mapped to four classification types:

- catastrophic
- critical
- serious
- minor.

Table 11. Occurrence critically determination

Criticality description	Sky Sentinel Surveillance event type	Review action type
Catastrophic An occurrence with fatalities.	Record as one of the following as applicable: • Level 2 – Unscheduled – Occurrence investigation Request – Desktop • Level 2 – Unscheduled – Occurrence investigation Request – Site. • Level 2 - Unscheduled - Occurrence - Site - Response Use Only • Level 2 - Unscheduled - Occurrence - Desktop - Response Use Only	As a rule, CASA does not conduct an onsite field investigation following a fatal aircraft accident. However, in accordance with the CASA/ATSB Memorandum of Understanding (MoU), CASA personnel may be involved in aviation safety investigations as an observer, appointed as a special investigator, or technical advisor to an ATSB investigation team. If CASA does elect to initiate a safety and regulatory review it shall do so for the purposes of identifying and rectifying any pertinent safety issues. ATSB, Coronial and other investigations are governed by their respective legislation and are outside the scope of the CSM and this Annex. CASA will monitor the outcomes of any such investigations. All CASA activities associated with Catastrophic occurrences must be coordinated through the, ATSB Liaison Officer (ALO).

Criticality description	Sky Sentinel Surveillance event type	Review action type
Critical Complete loss/failure of the aviation system(s), or a destructive failure, impacting directly on the safe operation of the aircraft	Class A Record as applicable: • Sub-file in RMS, or • Level 2 – Unscheduled – Occurrence Investigation Request – Desktop • or Level 2 - Unscheduled - Occurrence - Desktop - Response Use Only • • Level 2 - Unscheduled - Occurrence - Site - Response Use Only Follow-up (possible Level 2 – Unscheduled –Occurrence investigation Request – Site)	For details of follow up action see Section on – Follow–up action – Class A
Note: The NMS should consider that the ATSB may investigate a safety occurrence. If CASA elects to conduct level 2 follow-up, notification must be sent to the ATSB as per the section 6.3 of the CASA/ATSB MoU. When a parallel investigation occurs, be aware the ATSB generally places a protection order on certain records or equipment relating to the occurrence. In all circumstances, notify (by email) CASA's ATSB Liaison Officer (ALO) whenever a level 2 follow-up is considered necessary, and a comment entered in Sky Sentinel.		
Serious A partial loss/failure of the aviation system(s), potentially impacting on the safe operation of the aircraft	Class B Record as applicable: Subfile in RMS • Level 2 - Unscheduled - Occurrence - Desktop - Response Use Only • Level 2 - Unscheduled - Occurrence - Site - Response Use Only • Level 2 – Unscheduled – Occurrence investigation Request – Desktop • Level 2 – Unscheduled – Occurrence investigation Request – Site	Independent desktop and/or site visit may be required depending on the history of the operator A CASA inspector may contact the AH and complete a Safety Occurrence information request (Form 997)to establish the circumstance of the occurrence, before making any further judgement For details of follow up action see Section on – Follow-up action – Class B
Minor Degradation of the aviation system(s) or part thereof, not impacting directly on the safe operation of the aircraft.	Class C (If follow up action is to be taken) Record as applicable: • Subfile in RMS • Level 2 - Unscheduled - Occurrence - Desktop - Response Use Only • Level 2 - Unscheduled - Occurrence - Site - Response Use Only	Generally, no further action is required due to the nature of the occurrence. However, a CASA inspector may contact the AH and complete a Safety Occurrence information request (Form 997) or (Form 998) for private AHs to establish the circumstance of the occurrence, before making any further judgement.

Criticality description	Sky Sentinel Surveillance event type	Review action type
	• Level 2 Unscheduled Occurrence Investigation Request – Desktop	For details of follow up action see Section on Follow-up action – Class C.

When determining if follow-up of an occurrence is required, the MMRS and MRST must consider the AH's history including any recent compliance history. This may determine if follow-up action is required. For example, an event classified as class A or B may not be followed up once the following factors have been reviewed:

- does the AH have an effective SMS?
- recent accident or accident history.
- does the AH have a recent history of non-compliance?
- has the AH undergone a number of significant changes recently - consult EAP for history?
- any additional surveillance intelligence about the AH and their operation.
- enforcement history.
- outstanding safety findings and findings history.
- the severity of the occurrence being reported.
- time since the last level 1 or level 2 surveillance event, particularly when compared to the recommended frequency specified in the NOP manual.
- When the next surveillance event is scheduled.

In all cases when determining the type of surveillance required, the MMRS must consider the effectiveness of the AH's internal investigation and their willingness to share the results with CASA. The CASA inspector should also allow the AH reasonable time to complete a thorough investigation before deciding if further action is warranted.

Note: To be read in conjunction with Working Arrangements between the CASA and the ATSB facilitate timely access to certain documents."

These broad categories do not correspond with current or projected CASA classification of operations categories. Rather, they are broad categories using well understood language to help staff quickly understand the magnitude of and likely CASA response to a particular event.

There will be exceptions to these general guidelines. CASA's response will, in part, be a function of the significance of potential safety issues

There will be exceptions to these guidelines. ATSB's selective investigation policy concentrates the ATSB's resources on investigations most likely to enhance aviation safety for the travelling public.

16.9 Scope

It is important that for each safety occurrence assigned for surveillance there is a clear understanding of the impact of any potential safety issues, regulatory breaches and the corrective actions put in place or that will be required. For each occurrence assigned for surveillance, the scope must be determined.

The scope defines the boundaries within which the surveillance event is to be carried out and defines the event or activities to be examined. The systems and elements set out in the relevant authorisation type annexes, and contained within Sky Sentinel, may be applied in scoping the event.

When determining the scope, consider the level of surveillance event required. This could be one or a combination of the following:

- on-site surveillance event
- desktop review and/or site visit, or
- monitoring the AH's internal audit/safety investigation.

Schedule a new surveillance event (direct entry event – approve without normal process) with any relevant comments included in the comments section as necessary if follow up action to the occurrence findings is required.

Note: On-site in this context does not mean a field investigation involving an assessment of the impact zone and associated wreckage. On-site relates to attending an operator's or other applicable entities' premises where evidential material may be obtained.

16.10 Follow-up action

16.10.1 Catastrophic

When an occurrence meets the catastrophic criteria, and it has been determined follow-up action is required, the following actions take place:

- the NMS, or the MMRS contacts the Accident Liaison Office (ALO) to discuss the level of accident or incident if required
- the MMRS through the STO: enters the occurrence into Sky Sentinel via the add new surveillance event function as a level 2 unscheduled occurrence investigation request – site surveillance type, or for non-AOC events, into RMS.

The ATSB Liaison Officer:

- provides specialist accident investigation advice, including as a member of the critical occurrence management group
- assists investigative teams as directed by CASA
- provides regulatory based support to ATSB's accident investigations as required
- works in collaboration with other specialists within CASA
- coordinates CASA's examination of, and responses to, ATSB reports including monitoring CASA's actions in relation to established action plans.

16.10.2 Critical (Class A) or Serious (Class B)

When an occurrence meets the Class A or B criteria, the MMRS determines the level of follow-up action required.

1. A CASA Inspector contacts the AH by phone, email or in person, or
2. A request for information is sent by using either
    a. Form 997 commercial operations
    b. Form 998 private operations

Forms are sent from response.surveillance@casa.gov.au and once returned are assigned by the MMRS to the appropriate CASA inspector/s for review and action as required.

Action can either be:

1. No further action is required, or
2. Request for further action.

If further action is required the MRST for commercial AHs, with assistance from the STO:

- informs the relevant SM of the decision
- raises a level 2 surveillance event
- assigns the surveillance lead
- determines the dates
- determines the surveillance is either desktop or on-site
- determines the team
- advises the scope
- conducts the event
- compiles a surveillance report.

If the result of the level 2 event is not satisfactory, the MMRS, in consultation with the relevant SM/TL decides on the next steps IAW the CSM.

Where it is identified that the AH is a private operator then in addition to the above procedures for assessing the criticality of the occurrence once relevant information received and assessed, the following will apply, noting safety findings and observations are not used for private operations

- Send an education letter (see details below)
- Refer to coordinated enforcement.

If no further action is required, the MMRS or inspector notifies the AH that CASA considers the matter closed unless further information comes to hand.

Non-commercial AH Education letter – Monitoring and Response surveillance

An education letter can only be used for non-commercial Authorisation Holders (AH).

When assessing the use of an education letter the following factors need to be considered once the criticality has been established:

- currency and qualifications of the PIC
- recent accident and incident history
- recent history of non-compliance by the AH
- the severity of the occurrence being reported
- the availability of evidence to support the alleged breach
- the availability of witnesses
- the safety implications of the occurrence being reported
- the requirements of the CASA Enforcement Manual for referrals IAW section 4.2
- CASAs regulatory philosophy if the assessment reveals that an education letter is not appropriate, then referral to enforcement needs to be considered IAW the CASA Surveillance and Enforcement Manuals.

If an education letter is deemed appropriate, the relevant inspector drafts the templated letter and sends to response.surveillance@casa.gov.au for processing. Once processed the MMRS signs the education letter which is forwarded by response.surveillance@casa.gov.au and filed in the relevant folder in RMS.

If it is determined that coordinated enforcement is required, then the inspector completes the form Coordinated Enforcement Referral – Non-RPAS and forwards to the MMRS. The enforcement procedures are contained within the CSM.

Note: The MMRS may seek assistance from other SMs/TLs for inspectors to lead, likewise SMs may request one of their inspectors lead. If other inspectors are necessary, to either lead or participate, they can be drawn from any section of ROD with their managers permission.

16.10.3 Class C

Generally, no further action is required on a Class C occurrence.

When an occurrence meets the Class C criteria, the MRST determines whether follow-up action may be warranted and either:

- takes no action but continues to monitor the AH, or
- contacts the AH and requests the AH to investigate the occurrence and provide a report detailing the outcome of the initial investigation within 21 calendar days of the request being made, or
- send a Safety Occurrence information request (Form 997) or if it relates to a private AH Response (Form 998).

If further follow-up action is required, enters the occurrence into Sky Sentinel via the schedule a new surveillance event (direct entry event – approve without normal process) function as a level 2 – unscheduled occurrence– desktop review.

- assesses the AH's response
- if a report is to be issued, prepare as per the requirements of CSM on level 2 – surveillance reports.

Note: A summary of all interactions with the AH are to be entered in Sky Sentinel as formal comments.

16.11 Reporting guidelines

It is important when a surveillance event is initiated by CASA that results of the event are captured clearly and concisely in a surveillance report. The following is a guide to assist the level of report necessary:

The ALO does currently not conduct on-site surveillance events. For a critical occurrence, the ALO will facilitate CASA interaction with the ATSB investigation. If CASA elects to conduct a parallel surveillance event for the purposes of taking safety-related regulatory actions, the ALO will aid the surveillance team conducting the event as required. There is currently no prescribed format for compiling the report, but ICAO Annex 13 provides a framework for the types of information that are commonly collected and analysed

- for a level 2 desktop review or a site visit, of a class B (serious) occurrence, a report is required in accordance with the CSM Section on – level 2 – surveillance report - surveillance event reporting requirements

A surveillance report is not necessarily required for a class A, B or C occurrence if it is decided that no follow up action is required once all the information has been gathered and reviewed. However, if further action is taken, a report must be compiled as per the requirements of Section on – level 2 – surveillance report of the CSM with all documentation relating to the occurrence stored in RMS.

In all cases, the MMRS or the SM/TL should determine the scope and objective and monitor the AH's internal investigations. If during the course of any of the surveillance options, including the assessment and review processes, it is determined that a breach has occurred, then consideration must be given to issuing a safety finding for commercial AHs in accordance with the CSM or consider using the coordinated enforcement process.

In addition to entering information in Sky Sentinel, all reports (CASA reports and/or copies of the AH's investigation reports) and any other documents relating to surveillance must be stored in RMS using the standard naming conventions.

17 Safety Assurance Review (SAR)

Notes: Any branch involved are to keep Accident Liaison Office informed in recognition and compliance with the following paragraphs in the ATSB/CASA MOU.

2.2 Clause 6.3 from MOU. If CASA commences an audit, surveillance operation or investigation that relates directly to a matter the ATSB is known to be investigating or an unresolved safety issue identified by the ATSB in an investigation and notified to CASA, CASA will inform the ATSB as soon as reasonably practicable.

8.3 CASA agrees that if a CASA officer is known to have information which CASA reasonably believes could assist the ATSB in the performance of its investigative functions in relation to a particular matter, CASA will undertake to advise the ATSB of the existence of that information as soon as reasonably practicable.

In the event of an accident, a serious incident or other aviation-related occurrence where CASA has not initiated a Regulatory and Safety Review (RSR) and the accident/incident or occurrence is assessed as having potentially significant implications for CASA regulatory functions, the EM involved may direct that a Safety Assurance Review (SAR) be conducted.

The purpose of a SAR is to enable CASA to determine, as quickly as possible in the circumstances, and on the basis of the best available evidence, whether any urgent safety- related action needs to be taken by CASA in order to eliminate or minimise the likelihood of a recurrence of a similar or related event.

17.1 Terms of reference

In identifying such action as may be necessary or appropriate for CASA to take in the interests of safety, Terms of Reference (TOR) - Safety Assurance Review (SAR) will have particular regard to:

CASA's regulatory posture with regard to the operator(s) at the time of the accident/incident or occurrence including recent surveillance, regulatory services and enforcement activity any immediate action CASA might consider necessary in the interest of aviation safety any significant learnings for CASA from the specific accident/incident or occurrence any further matters that might be considered relevant by the EM ROD given the circumstances of an accident/incident or occurrence.

17.1.1 Scope

The ROD SAR is commissioned as an element of ROD's business as usual approach to national oversight. The SAR will focus on CASA's interactions with an organisation prior to an accident/incident or occurrence as well as a review of the factual information relating to the accident/incident or occurrence. If during the conduct of the SAR information identifies a significant regulatory breach or risk to flight safety, the matter will be referred to coordinated enforcement.

17.1.2 Methodology

The EM ROD will assign the task to NMS, who may seek the assistance of other CASA staff as required.

The methodology of the review will include, but not be limited to:

- review of documentation
- interviews with relevant CASA personnel
- interviews with relevant industry participants.

Recommendations and observations from an SAR will be managed by the NMS.

17.1.3 Raising concerns about the review process

Should a CASA staff member have concerns about the conduct of an SAR, they are encouraged to raise the concern with the NMS in the first instance. If the staff member is not satisfied with the response or has a concern about the conduct of the NMS, the staff member should contact EM ROD.

17.1.4 Review timeframe

It is anticipated the SARs will be completed within thirty days of commissioning; this may be varied with the approval of the EM ROD.

Note: When conducting a SAR, the person assigned to conduct the review will utilise the approved report template - Aircraft Accident Incident Worksheet (Form 1559).