

CASA 66/18 — Number of Cabin Attendants (Alliance Airlines) Direction 2018

FRL No.	F2018L01244 ¹²
Purpose	Enables Alliance Airlines Pty Limited to continue operating designated aircraft with one cabin attendant for every 50 passenger seats or part of that number.
Authorising legislation	<i>Civil Aviation Regulations 1988</i>
Portfolio	Infrastructure, Regional Development and Cities
Disallowance	15 sitting days after tabling (tabled in the Senate on 10 September 2018). Notice of motion to disallow given on 15 November 2018. ¹³

Merits review¹⁴

2.18 The committee initially scrutinised the instrument in [Delegated Legislation Monitor 12 of 2018](#) and sought the minister's advice.¹⁵ The committee considered the minister's response in [Delegated Legislation Monitor 14 of 2018](#), and sought further advice as to:

- why decisions to approve, or refuse to approve, revisions to Alliance Airlines' (Alliance) operations manual should not be subject to independent merits review, by reference to the established ground for excluding review as set out in the Administrative Review Council's guidance document, *What decisions should be subject to merit review?*; and
- if no relevant grounds for excluding independent merits review can be established, the appropriateness of amending the instrument to explicitly provide for independent merits review.¹⁶

12 Accessible on the Federal Register of Legislation at <https://www.legislation.gov.au/>.

13 Notice given by the Chair of the committee. See Disallowance Alert 2019: https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Regulations_and_Ordinances/Alerts.

14 Scrutiny principle: Senate Standing Order 23(3)(c).

15 Senate Standing Committee on Regulations and Ordinances, *Delegated Legislation Monitor 12 of 2018*, pp. 15-16.

16 Senate Standing Committee on Regulations and Ordinances, *Delegated Legislation Monitor 14 of 2018*, pp. 13-15.

Minister's response¹⁷

2.19 The minister advised:

In relation to the Number of Cabin Attendants (Alliance Airlines) Direction 2018 – CASA 66/ 18, CASA has advised that it has recently changed its practice concerning the form of these directions and will revoke instrument CASA 66/18 and re-make it without a requirement for changes to the operations manual to be approved by CASA.

Committee's comment

2.20 The committee thanks the minister for this response, and notes the Civil Aviation Safety Authority's (CASA) advice that it will re-make the instrument to remove the requirement that changes to Alliance's operations manual be approved by CASA. The committee notes that this would remove the decision by CASA about which the committee initially raised concerns.

2.21 The committee has concluded its examination of the instrument.

17 The minister responded to the committee's comments in a letter dated 3 January 2019. A copy of the letter is available on the committee's website: see correspondence relating to *Delegated Legislation Monitor 1 of 2019* available at www.aph.gov.au/regords_monitor.