



Australian Government

Australian Government response to the
Senate Rural and Regional Affairs and Transport Legislation
Committee report:

Performance of the Australian Transport Safety
Bureau, and in particular its report on the June 2017
crash of a flight conducted on behalf of Angel Flight
Australia

November 2019

Introduction

The Australian Government welcomes the Senate Rural and Regional Affairs and Transport Legislation Committee's report on the inquiry into the *Performance of the Australian Transport Safety Bureau*, and in particular its report on the June 2017 crash of a flight conducted on behalf of Angel Flight Australia (the report).

The Government is pleased that the Committee recognised the expert analysis conducted by the Australian Transport Safety Bureau (ATSB) in examining the Angel Flight operations. While the Committee provided comment on whether non-passenger carrying positioning flights should have been included in the ATSB's main calculations of risk, the Government notes the ATSB's focus on passenger carrying operations is consistent with the Government's Statement of Expectations to the agency.

In providing this response to the Committee's report, the Government reiterates the importance of the independence of regulatory bodies, such as the Civil Aviation Safety Authority (CASA). CASA's independence is set out in the *Civil Aviation Safety Act 1988* which also allows CASA to issue legislative instruments relating to the safety operation and maintenance of aircraft where it deems necessary. For these reasons, the Government notes the two recommendations in the report.

The Government is committed to maintaining a safe aviation environment for all Australians. Passengers, whether fare paying or not, are generally less able to determine the level of risk involved in the service they are boarding and rely on the Government to ensure an appropriate level of aviation safety is maintained. The Government supports CASA, as Australia's civil aviation safety regulator, using its expertise and professional judgement to fulfil that responsibility.

Recommendations of the Senate Committee

The Department notes that recommendations 1 and 2 refer to the 'Civil Aviation (Commercial Service Flights – Conditions on Flight Crew Licences) Instrument 2019', whereas this should read 'Civil Aviation (*Community Service Flights – Conditions on Flight Crew Licences*) Instrument 2019'.

Recommendation One

The committee recommends that the Civil Aviation Safety Authority amend the Civil Aviation (Commercial Service Flights – Conditions on Flight Crew Licences) Instrument 2019 to remove the provisions for additional aeroplane maintenance requirements, which are beyond those required for airworthiness in the general aviation sector.

The Government **notes** this recommendation.

The CASA view remains that the inclusion of the modest additional aeroplane maintenance requirements for Community Service Flight (CSF) activities is an appropriate and proportionate measure to address the identified risk of a high-use private aircraft undertaking passenger carrying flights.

Recommendation Two

The committee recommends that the Civil Aviation Safety Authority amend the Civil Aviation (Commercial Service Flights – Conditions on Flight Crew Licences) Instrument 2019 to clarify what constitutes the 'operating crew' for a community service flight, particularly as this relates to additional pilots and mentoring arrangements.

The Government **notes** this recommendation.

CASA advises that the definition of 'operating crew' in the *Civil Aviation Regulations 1988* already provides for a pilot being mentored on a CSF. Further, the evidence provided by CASA as part of this Inquiry has clarified this issue sufficiently.