

# **Aviation Safety Regulation Review Report**

May 2014

**A M R O B A** INC

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## **Post Promulgation Responses**

June 2014

## AMROBA ASRR Report Responses

The following responses to the recommendations of this report is based on the Minister adopting *recommendation 14* to change CASA's regulatory philosophy and, together with industry, builds an effective collaborative relationship on a foundation of mutual understanding and respect. The following comments are also based on the assumption that this critical recommendation will be legislatively imposed on CASA.

<b>Strongly Supported:</b>	(14)	Recommendations 8,14,15,17,18,24,25,27,28,30,31,32,35,37.
<b>Supported:</b>	(17)	Recommendations 1,2,3,4,5,10,11,12,13,16,20,22,23,26,33,34,36.
<b>Supported Conditionally:</b>	(4)	Recommendations 6,7,21,29.
<b>Not Supported:</b>	(1)	Recommendations 9
<b>Strongly Opposed:</b>	(1)	Recommendation 19.

### The Aviation Safety Regulation Review Panel recommends that:

1. *The Australian Government develops the State Safety Program into a strategic plan for Australia's aviation safety system, under the leadership of the Aviation Policy Group, and uses it as the foundation for rationalising and improving coordination mechanisms.*

AMROBA: **Supported.** On condition that there is a link with the proposed Ministerial Aviation Advisory Council specified in the LNP Aviation Policy Document.

2. *The Department of Infrastructure and Regional Development plays a stronger policy role in the State Safety Program.*

AMROBA: **Supported.** Prime responsibility for government policy.

3. *The Australian Transport Safety Bureau investigates as many fatal accidents in the sport and recreational aviation sector as its resources will allow.*

AMROBA: **Supported.** This is important to ensure properly trained aviation accident investigators employed by the Investigation Authority, ATSB, are used in accident investigation to provide proper findings to improve safety.

4. *The Australian Transport Safety Bureau and the Civil Aviation Safety Authority utilise the provision in their bilateral Memorandum of Understanding to accredit CASA observers to ATSB investigations.*

AMROBA: **Supported.** This is common practice used in many countries and was once used successfully in Australia pre ATSB being created. The role is safety related not apportioning blame. CASA culture must change for this to be successful.

5. *The Australian Government appoints an additional Australian Transport Safety Bureau Commissioner with aviation operational and safety management experience.*

AMROBA: **Supported:** It is obvious that ATSB, investigating multi modes of transport accidents should have a head of each mode reporting to the Chief Commissioner.

6. *The Civil Aviation Safety Authority's Board exercises full governance control. The nonexecutive directors should possess a range of appropriate skills and backgrounds in aviation, safety, management, risk, regulation, governance and government.*

AMROBA: **Supported Conditionally.** However, not only should the Board adopt the proposals of this recommendation but it should take into consideration any future concerns raised by the proposed Ministerial Aviation Advisory Council. If the DAS is an *ex-officio* Board member then the DAS should be restricted to being an *ex-officio* Board member without voting rights. The current impression is that the tail is wagging the dog, instead of the Board providing full governance.

7. *The next Director of Aviation Safety has leadership and management experience and capabilities in cultural change of large organisations. Aviation or other safety industry experience is highly desirable.*

AMROBA: **Supported Conditionally.** Will not work unless the next level of management are competent sector technical managers controlling sector divisions in a new structure.

8. *The Civil Aviation Safety Authority:*
- reinstates publication of Key Performance Indicators for service delivery functions.*
  - conducts a stakeholder survey every two years to measure the health of its relationship with industry.*
  - accepts regulatory authority applications online unless there is a valid technical reason against it.*
  - adopts the same Code of Conduct and Values that apply to the Australian Public Service under the **Public Service Act 1999**.*

AMROBA: **Supported Strongly.** The move to improve KPIs must overcome the administrative growth in paper work that has been happening over the last decade. Secondly, Adopting the PS Code of Conduct will bring back some respect for industry and CASA itself. (...*treat everyone with respect and courtesy, and without harassment*;) )

9. *The Civil Aviation Safety Authority develops a staff exchange program with industry.*

AMROBA: **Not supported.** It will take considerable time post complying with Recommendation 14. Until CASA has proven that it has adopted a change to their regulatory philosophy and, together with industry, built an effective collaborative relationship on a foundation of mutual understanding and respect, this should be put on hold till it is achieved.

- Which certificate holder would accept a current CASA inspector as an employee?
- On the other hand, an industry person entering CASA would have access to competitors' records and intellectual property.

10. *Airservices Australia, in conjunction with the Department of Infrastructure and Regional Development and the Civil Aviation Safety Authority, reconsiders the policy on 'Assessment of Priorities' that stipulates that air traffic controllers sequence arriving aircraft based on category of operation, rather than on the accepted international practice of 'first come, first served'.*

AMROBA: **Supported.**

11. *The Australian Transport Safety Bureau and the Civil Aviation Safety Authority amend the wording of their existing Memorandum of Understanding to make it more definitive about interaction, coordination, and cooperation.*

AMROBA: **Supported.** In the past, it was invaluable to provide CASA technical inspectors with insight into real safety issues. However, personal and private information provided in good faith to the ATSB should only be passed to CASA once it has a proven record of operating a "just" culture.

12. *The Civil Aviation Safety Authority delegates responsibility for the day-to-day operational management of airspace to Airservices Australia, including the designation of air routes, short term designations of temporary Restricted Areas, and temporary changes to the classification of airspace for operational reasons.*

AMROBA: **Supported.**

13. *The Department of Infrastructure and Regional Development and Department of Defence (and appropriate agencies) establish an agreed policy position on safety oversight of civil operations into joint user and military airports.*

AMROBA: **Supported.** Another issue that the proposed Minister's Aviation Advisory Council should be involved.

14. *The Civil Aviation Safety Authority changes its regulatory philosophy and, together with industry, builds an effective collaborative relationship on a foundation of mutual understanding and respect.*

AMROBA: **Strongly Supported.** This is probably the most important recommendation. It is how most mature aviation regulators interact with their industry. Safety improvements are only achieved by both industry and CASA working partnership. Refer the ICAO system of working with industry to improve safety and assisting with resolving any deficiencies when found during safety oversight.

15. *The Civil Aviation Safety Authority continues to provide appropriate indemnity to all industry personnel with delegations of authority.*

AMROBA: **Strongly Supported.** The continuation of delegating regulatory services to industry personnel is the most cost effective method of providing those services. Like the FAA, CASA should nurture and encourage experienced ex-CASA inspectors to take on functions they exercised during their employment with CASA.

16. *The Civil Aviation Safety Authority finalises its Capability Framework and overhauls its training program to ensure identified areas of need are addressed, including:*
- a. communication in a regulatory context*
  - b. decision making and good regulatory practice*
  - c. auditing.*

AMROBA: **Supported.** The crux of the issues raised in this Report. Lack of respectful communication skills.

17. *The Civil Aviation Safety Authority publishes and demonstrates the philosophy of ‘just culture’ whereby individuals involved in a reportable event are not punished for actions, omissions or decisions taken by them that are commensurate with their experience and training. However, actions of gross negligence, wilful violations and destructive acts should not be tolerated.*

AMROBA: **Strongly Supported.** This was the modus operandi prior to reviews and changes to CASA and its predecessor’s management. It has been proven by many mature aviation regulators as being the most successful methodology in improving safety.

18. *The Civil Aviation Safety Authority reintroduces a ‘use of discretion’ procedure that gives operators or individuals the opportunity to discuss and, if necessary, remedy a perceived breach prior to CASA taking any formal action. This procedure is to be followed in all cases, except where CASA identifies a Serious and Imminent Risk to Air Safety.*

AMROBA: **Strongly Supported.** This enables quicker solution of **safety concerns or safety deficiencies** when identified by a CASA inspector. This should reduce the ‘red tape’ currently involved in correcting safety concerns and safety deficiencies. If there is a serious and imminent direct risk to safety, the CASA inspector must be empowered to take whatever action is necessary to negate the thread – as was done in the past.

19. *The Australian Transport Safety Bureau transfers information from Mandatory Occurrence Reports to the Civil Aviation Safety Authority, without redaction or de-identification.*

AMROBA: **Strongly Opposed.** CASA does not have a mature “just” culture where safety matters can be discussed without the threat of persecution. There will be concerns re reporting and a resultant reduction of reports if industry knows CASA will have whatever they tell ATSB. It is not supported by the ICAO Annexes.

20. *The Australian Transport Safety Bureau transfers its safety education function to the Civil Aviation Safety Authority.*

AMROBA: **Supported.** Safety education should be the responsibility of the Regulator so that safety trends obtained from CASA databases, e.g. MDR/SDR/Sky Sentinental systems, are provided to industry participants. Safety education dollars should not be used to “sell” regulatory changes.

21. *The Civil Aviation Safety Authority changes its organisational structure to a client-oriented output model.*

AMROBA: **Supported Conditionally.** Moving to an industry sector based management must be permanently embedded in the Civil Aviation Act to prevent every new DAS changing the organisation structure. However, the only concern is the model proposed left the maintenance sector, the sector with the greatest number of certificate holders, without divisional representation – destined for failure. Include a Maintenance Division and it will work.

22. *The Civil Aviation Safety Authority establishes small offices at specific industry centres to improve monitoring, service quality, communications and collaborative relationships.*

AMROBA: **Supported.** This must be reinforced by an efficient computer system and reduced red tape to enable timely provisions of regulatory services. There are many services that can be handled at desk fronts. It was very effective in the early 1990s when there was a concerted effort to remove red tape.

23. *The Civil Aviation Safety Authority shares the risk assessment outputs of Sky Sentinel, its computerised risk assessment system, with the applicable authorisation holder.*

AMROBA: **Supported.** Openness, transparency and partnership approach to safety – the only way to improve aircraft fleet safety. The sharing of Sky Sentimental data will ensure the data is accurate.

24. *The Civil Aviation Safety Authority provides full disclosure of audit findings at audit exit briefings in accordance with international best practice.*

AMROBA: **Strongly Supported.** This recommendation is world’s best practice. There should be no additional findings made post the audit.

25. *The Civil Aviation Safety Authority introduces grading of Non-Compliance Notices on a scale of seriousness.*

AMROBA: **Strongly Supported.** ICAO, in their Regulatory Oversight Manual, use the terms “*safety deficiency*” and “*safety concern*”. It is recommended that these terms should be included in audit findings and non-conformance notices should only be used when the person refuses to address a “*safety deficiency*” or “*safety concern*” in an agreed timely manner. This would enable grading of findings.

26. *The Civil Aviation Safety Authority assures consistency of audits across all regions, and delivers audit reports within an agreed timeframe.*

AMROBA: **Supported.**

27. *The Civil Aviation Safety Authority implements a system of using third-party commercial audits as a supplementary tool to its surveillance system.*

AMROBA: **Strongly Supported.** This has been proven in the early 1990s under CASA's National Airworthiness Surveillance System where reduced CASA audits were carried out when CASA was confident with the third party audit system being used by the industry organisation. The independent third party audit reports were made available to CASA during their audit.

28. *The Civil Aviation Safety Authority establishes a safety oversight risk management hierarchy based on a categorisation of operations. Rulemaking and surveillance priorities should be proportionate to the safety risk.*

AMROBA: **Strongly Supported.** The categorisation is already specified in Annex 6, Parts I, II & III. The FAR system has applied a successful risk approach to the various categorisations that should be used as the model to be adopted.

29. *Recreational Aviation Administration Organisations, in coordination with the Civil Aviation Safety Authority, develop mechanisms to ensure all aircraft to be regulated under CASR Part 149 are registered.*

AMROBA: **Supported Conditionally.** Australia should have one Civil Aviation Register operated by CASA. SAO can be appointed as agents to register their aircraft on the CASA register retaining the same numbering system they currently use.

30. *The Civil Aviation Safety Authority changes the current two-tier regulatory framework (act and regulations) to a three-tier structure (act, regulations and standards), with:*

- a. regulations drafted in a high-level, succinct style, containing provisions for enabling standards and necessary legislative provisions, including offences*
- b. the third-tier standards drafted in plain, easy to understand language.*

AMROBA: **Strongly Supported.** The Civil Aviation Act enables CASA to promulgate "**Aviation Safety Standards**". The third tier should be Aviation Safety Standards **NOT** *Manual of Standards*. Standards must be written as "standards" not "how-to" instructions as has been included in current *Manual of Standards*.

- The Canadian aviation regulatory system is the best model to follow for the use of regulatory referred "standards".
- CASA should also use ACs as the guidance terminology instead of the multiple AMC & GM.

31. *The Civil Aviation Safety Authority structures all regulations not yet made with the three-tier approach, and subsequently reviews all other Civil Aviation Safety Regulation Parts (in consultation with industry) to determine if they should be remade using the three-tier structure.*

AMROBA: **Strongly Supported.** AMROBA strongly supports all Regulations, whether made or proposed, be changed into the 3 tier system.

Not only could all Regulations be completed within 2 years, Standards can also be completed if based on the Report's proposal.

*In relation to the standards:*

- *as a first priority, compliance with ICAO SARPs, with any departures from ICAO SARPs to be specifically identified for formal approval by the Steering Committee*
- *plain language in a logical understandable structure*
- *adherence as closely as possible to the substance of rules in other developed jurisdictions (US, New Zealand, Europe, and Canada) to ensure compatibility, facilitating bilateral recognition agreements and efficient international operations*
- *include unique Australian provisions only when absolutely necessary, and only when the Steering Committee formally agrees to their inclusion*
- *take into account the economic impact and a RIS is to be completed*
- *current draft documents are to be used as a starting point to help accelerate the program.*

32. *The Civil Aviation Safety Authority reassesses the penalties in the Civil Aviation Safety Regulations.*

AMROBA: **Strongly Supported.** These should be done in consultation with industry members of the SCC Sub-committees.

33. *The Civil Aviation Safety Authority applies a project management approach to the completion of all Civil Aviation Safety Regulation Parts not yet in force, with drafting to be completed within one year and consultation completed one year later, with:*

- a. a Steering Committee and a Project Team with both CASA and industry representatives*
- b. implementation dates established through formal industry consultation.*

AMROBA: **Supported.** Utilisation of the FAA ARAC or TCA CARAC system would work better than the current system. The Steering Committee was the original task of the SCC that took over from the PAP. Project teams were originally the Sub committees. The restructuring of the SCC and its Subcommittees could fulfil this recommendation.

34. *The Civil Aviation Safety Authority's Director of Aviation Safety meet with industry sector leaders to jointly develop a plan for renewing a collaborative and effective Standards Consultative Committee.*

AMROBA: **Supported.** The new DAS should make this a prime object.

35. *The Civil Aviation Safety Authority devolve to Designated Aviation Medical Examiners the ability to renew aviation medical certificates (for Classes 1, 2, and 3) where the applicant meets the required standard at the time of the medical examination.*

AMROBA: **Strongly Supported.**

36. *The Australian Government amends regulations so that background checks and the requirement to hold an Aviation Security Identification Card are only required for unescorted access to Security Restricted Areas, not for general airside access. This approach would align with international practice.*

AMROBA: **Supported.** This could go a step further by accepting a pilot or AME licence ID as being fit and proper people to have airside access. This could reduce costs. Renewable every 5 years.



37. *The Civil Aviation Safety Authority amends the current Terms of Reference of the Industry Complaints Commissioner so that:*
- a. the ICC reports directly to the CASA Board*
  - b. no CASA staff are excluded from the ICC's jurisdiction*
  - c. the ICC will receive complaints that relate to both the merits and the process of matters*
  - d. on merits matters, including aviation medical matters, the ICC is empowered to convene an appropriately constituted review panel, chaired by a CASA non-executive director, to review the decision*
  - e. while all ICC findings are non-binding recommendations, the original decision-maker is required to give reasons to the CASA Board if a recommendation is not followed.*

AMROBA: **Strongly Supported.** At last the Board will be able to have direct input to the performance of all CASA staff including its executive. For this matter, the DAS should not have voting rights on the Board and should not be present when the ICC briefs the Board.

## Summary.

AMROBA strongly supports the thrust of these recommendations as above. Considering the number of previous aviation reports and previous recommendations, AMROBA members are of the opinion that these recommendation, if adopted, are not worth the cost of the review unless the Minister amends the Civil Aviation Act to permanently implement these recommendations. See attached Annex.

Though the reports mentions on page 31 that the Department should bear responsibility to deliver sound and effective policy direction in pursuit of a safe, secure and **sustainable** aviation industry in Australia, little else addresses the cost/benefit approach to regulatory development. Our assumption is that the Panel assumes cost/benefits are a subset of being a sustainable industry.

The reason why the current dysfunctional system has been created must be sheeted home to the philosophies of the current Board and CASA Executive. The report clearly identifies that it is not an individual sector, association, airline or organisation that has an issue but industry sees it as a systemic problem with the aviation environment.

Australia has a mature aviation industry with a good safety record that was built on a safety partnership between the Department and industry. Transferring to an enforcement compliance approach, instead of a safety compliance approach has not been successful except for closing down many aviation participants.

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*Safety All Around.*

## Proposed Act Amendments to support recommendations

Most recommendations in this report can be implemented without amending the Act but, based on experience with previous reports, post implementation CASA modus operandi will slowly return to such disorder that the aviation industry and its government agencies will be subject to another review in the future. Amending the Acts in the following manner will prevent reversion to current practices. These points are proposed to the Minister for consideration.

The Act changes proposed are in order raised in the report, not on importance to AMROBA members.

- 1) **Report recommendations 4 & 11.** *(4) The Australian Transport Safety Bureau and the Civil Aviation Safety Authority utilise the provision in their bilateral Memorandum of Understanding to accredit CASA observers to ATSB investigations. (11) The Australian Transport Safety Bureau and the Civil Aviation Safety Authority amend the wording of their existing Memorandum of Understanding to make it more definitive about interaction, coordination, and cooperation. (recommendation 11 supportive)*
  - a) Over the last couple of decades, as each new Head of these government agencies change, the provisions of the MoU has been amended to meet the philosophies of a particular Head of at least one of the Agencies.
  - b) Various MoUs have existed ever since the agencies were created. The continual ability to change must be restricted.

**Proposal 1.** *That the principles of the current/amended MoU be included in both the [Civil Aviation Act](#) and [Transport Safety Investigation Act](#) as government policy.*

- 2) **Report recommendation 5.** *The Australian Government appoints an additional Australian Transport Safety Bureau Commissioner with aviation operational and safety management experience.*

**Proposal 2.** *Amend TSI Act to permanently implement.*

- 3) **Report recommendation 6.** *The Civil Aviation Safety Authority's Board exercises full governance control. The non-executive directors should possess a range of appropriate skills and backgrounds in aviation, safety, management, risk, regulation, governance and government.*
  - a) This recommendation at last defines the role of the Board correctly.
  - b) The Board has not been seen as having governance responsibility over CASA.

**Proposal 3.** *That Sec 53 of the Act be amended to enable the Board to exercise full governance control. Sec 54.3 may also need amending to address this recommendation.*

- 4) **Report recommendation 8.** *The Civil Aviation Safety Authority:*
  - a. reinstates publication of Key Performance Indicators for service delivery functions
  - b. conducts a stakeholder survey every two years to measure the health of its relationship with industry
  - c. accepts regulatory authority applications online unless there is a valid technical reason against it
  - d. adopts the same Code of Conduct and Values that apply to the Australian Public Service under the Public Service Act 1999.
  - a) The need to promulgate KPIs is important as long as the KPIs are competitive with similar KPIs of private enterprise.
  - b) Monitoring KPIs also identifies what can be devolved to 'external service providers'.
  - c) Return to PS Code of Conduct is supported but needs to be in the Act.

**Proposal 4.** *Amend Act so that Sec 10, 10A & 13 of the Public Service Act apply to CASA staff. i.e. Values, employment principles and Code of Conduct.*

- 5) **Report recommendation 14.** *The Civil Aviation Safety Authority changes its regulatory philosophy and, together with industry, builds an effective collaborative relationship on a foundation of mutual understanding and respect.*
- a) This is probably one of the most important aspects of this report – it requires a mature regulator to accept that industry has the prime responsibility for safety and the regulator provides regulatory oversight with safety feedback to assist industry to improve safety. It is a collaborative approach other mature regulators currently utilise.
  - b) NZ, Canada, America all have better purpose specified in legislation. The object of the Act should be to have a safe and sustainable aviation industry not concentrating on preventing accidents and incidents. A safe and sustainable aviation industry will provide less accidents and incidents.

**Proposal 5.** *Amend Sec 3A of the Act to encapsulate this recommendation. (refer Canada, New Zealand, America Acts that have better “Object” in their Acts)*

- 6) **Report recommendation 15.** *The Civil Aviation Safety Authority continues to provide appropriate indemnity to all industry personnel with delegations of authority.*
- a) The Australian aviation industry and our geographical spread of aviation participants requires the use of delegates and authorised persons. The growth of aviation during the past has depended on these people.
  - b) AMROBA supports the devolvement to external service providers and supports this recommendation. More use should be made of external service providers.
  - c) Sec 97AB of the Civil Aviation Act already recognises the use of delegates and authorised persons as “external service providers”, paragraph (5)states:  
**external service provider** *means a person who is the holder of a delegation under this Act or the regulations, or who is an authorised person within the meaning of the regulations, other than a person in any of the following capacities:*
    - (b)an officer;
    - (c)a person who provides services to CASA under a contract with CASA;
    - (d)a person who, under a contract with CASA, provides services to the public on CASA’s behalf;
    - (e)an employee of a person referred to in paragraph (c) or (d).*provide a service includes deal with an application or request or do anything.*

**Proposal 6.** *That Sec 97AB of the Act be amended to clarify indemnity of external service providers on condition that proper procedures are followed but wilful negligence is not indemnified.*

- 7) **Report recommendation 21.** *The Civil Aviation Safety Authority changes its organisational structure to a client-oriented output model.*
- a) During the last 2 decades, CASA has been under constant structural change as each new DAS changes the structure to meet his idea of a regulator. At times it moved towards a client based model only to be restructured by the next DAS.
    - (1) From an industry perspective, each change in structure has seen expertise leave CASA thus reducing the effectiveness of the regulator.
    - (2) Client based needs to address, product certification, maintenance/production, operators – both AT and GA, GA to have three subsets addressing fixed & rotary and sport aviation, and airspace and aerodromes.
  - b) The only way government will ever stop this re-structuring by future DAS, is to legislate the key principles of the structure based on industry sectors.
  - c) Divisional matrix organisational structures have partially been implemented in the past to some success.

**Proposal 7.** *Amend Sec 8 of the Act to state that CASA will implement a divisional organisational matrix structure based on client needs.*

- 8) Report recommendation 30 & 31. *The Civil Aviation Safety Authority changes the current two-tier regulatory framework (act and regulations) to a three-tier structure (act, regulations and standards), with:*
- a. *regulations drafted in a high-level, succinct style, containing provisions for enabling standards and necessary legislative provisions, including offences*
  - b. *the third-tier standards drafted in plain, easy to understand language.*
- a) There is a need to make clear that third tier ‘standards’ comply with CASA function under Sec 9(1)(c) of the Act to develop and promulgate appropriate, clear and concise aviation safety standards;
- b) This can be done by adopting Act terminology that would change ‘standards’ specified in the regulations to “aviation safety standards” specified in regulations.
- c) The “manual of standard” terminology was originally used to describe certificates issued under CASR Part 21 such as aircraft TC, STC, APMA & ATSOs. Never intended to meet aviation safety standards specified in 9(1)(c).
- d) Sec 98 5AB of the Act states that a legislative instrument can be issued  
(5A) *The regulations may empower CASA to issue instruments, [insert: specifying aviation safety standards] in relation to the following:*
- (a) *matters affecting the safe navigation and operation, or the maintenance, of aircraft;*
  - (b) *the airworthiness of, or design standards for, aircraft.*
- An instrument must not prescribe a penalty.*
- e) Page 106 of the Report also provides the clarity of what standards are based on.
- In relation to the standards:*
- **as a first priority, compliance with ICAO SARPs**, with any departures from ICAO SARPs to be specifically identified for formal approval by the Steering Committee
  - plain language in a logical understandable structure
  - **adherence as closely as possible** to the substance of rules in other developed jurisdictions (US, New Zealand, Europe, and Canada) to ensure compatibility, facilitating bilateral recognition agreements and efficient international operations
  - include unique Australian provisions only when absolutely necessary, and only when the Steering Committee formally agrees to their inclusion
  - take into account the economic impact and a RIS is to be completed

**Proposal 8.** Amend Sec 98 5AB to provide a link to Sec 9(1)(c) of the Act. These instruments must enable CASA to issue [9(1)(c)] “**aviation safety standards**” for paras (a) & (b).  
Add to the definition of “**aviation safety standards**” in **Sec3 Interpretation** of the Act words to encapsulate at least dot point 1 and 3 from page 106.

- 9) Report recommendation 37. *Civil Aviation Safety Authority amends the current Terms of The Reference of the Industry Complaints Commissioner so that:*
- a. *the ICC reports directly to the CASA Board*
  - b. *no CASA staff are excluded from the ICC’s jurisdiction*
  - c. *the ICC will receive complaints that relate to both the merits and the process of matters*
  - d. *on merits matters, including aviation medical matters, the ICC is empowered to convene an appropriately constituted review panel, chaired by a CASA non-executive director, to review the decision*
  - e. *while all ICC findings are non-binding recommendations, the original decision-maker is required to give reasons to the CASA Board if a recommendation is not followed.*
- a) This last recommendation has much, if not more, support from AMROBA members. It is very important that this be implemented.
- b) Paragraph (a) will require the Act to be amended.
- c) Many in industry will gain confidence that the Board will at long last get to know what has been happening.

**Proposal 9.** Amend the Act to include the ICC and responsibility to report to the Board, including providing a provision to have the decision-maker give reasons to the Board.

END