



RAAA SUBMISSION

AVIATION SAFETY REGULATION REVIEW REPORT

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Serving regional aviation, and through it, the people and businesses of regional Australia

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01 July 2014

Mr Jim Wolfe
Aviation Safety Regulation Review
Department of Infrastructure & Regional Development
GPO Box 594
CANBERRA ACT 2601

Dear Mr Wolfe,

RAAA Submission: Aviation Safety Regulation Review Report

The RAAA is pleased to provide this submission to the Aviation Safety Regulation Review Report.

I. RAAA Background

The RAAA and its Members

The Regional Aviation Association of Australia (RAAA) is a not-for-profit organisation formed in 1980 as the Regional Airlines Association of Australia to protect, represent and promote the combined interests of its regional airline members and regional aviation throughout Australia.

The Association changed its name in July 2001 to the Regional Aviation Association of Australia (RAAA) and widened its charter to include a range of membership, including regional airlines, charter and aerial work operators, and the businesses that support them.

The RAAA has 28 Ordinary Members (AOC holders) and 70 Associate/Affiliate Members. The RAAA's AOC members directly employ over 2,500 Australians, many in regional areas. On an annual basis, the RAAA's AOC members jointly turnover more than \$1.5b, carry well in excess of 2million passengers and move over 23 million kilograms of freight.

RAAA members operate in all States and Territories and include airlines, airports, freight companies, engineering and flight training companies, finance and insurance companies and government entities. Many of RAAA's members operate successful and growing businesses providing employment and economic sustainability within regional and remote areas of Australia.

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RAAA Charter

The RAAA's Charter is to promote a safe and viable regional aviation industry. To meet this goal the RAAA:

- promotes the regional aviation industry and its benefits to Australian transport, tourism and the economy among government and regulatory policy makers;
- lobbies on behalf of the regional aviation industry and its members;
- contributes to government and regulatory authority policy processes and formulation to enable its members to have input into policies and decisions that may affect their businesses;
- encourages high standards of professional conduct by its members; and
- provides a forum for formal and informal professional development and information sharing.

The RAAA provides wide representation for the regional aviation industry by direct lobbying of Ministers and senior officials, through parliamentary submissions, personal contact and by ongoing, active participation in a number of consultative forums.

II. EXECUTIVE SUMMARY

The RAAA welcomes the release of the ASRR Report and commends Deputy Prime Minister Truss for delivering on his pre-election promise to put Australia's aviation regulatory system under the microscope.

In general, the RAAA endorses the key aspects of the report and looks forward to seeing them implemented.

In addition the RAAA recommends that the philosophy of just culture be incorporated into legislation through the Civil Aviation Act, CASRs and the Transport Safety Investigation Act, rather than through a CASA formulated policy document.

The RAAA proposes that the ATSB transfer information from Mandatory Occurrence Reports to CASA without redaction or de-identification only when just culture principles have been legislated for in Australia.

III. RAAA RESPONSE TO ASRR REPORT RECOMMENDATIONS

	ASRR Recommendation	RAAA Position
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.	Agree strongly
2.	The Department of Infrastructure and Regional Development plays a stronger policy role in the State Safety Program.	Agree strongly
3.	The Australian Transport Safety Bureau investigates as many fatal accidents in the sport and recreational aviation sector as its resources will allow.	Agree with reservations
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.	Agree
5.	The Australian Government appoints an additional Australian Transport Safety Bureau Commissioner with aviation operational and safety management experience.	Agree strongly
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.	Agree strongly
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.	Agree
8.	The Civil Aviation Safety Authority:	
	a. reinstates publication of Key Performance Indicators for service delivery functions	Agree
	b. conducts a stakeholder survey every two years to measure the health of its relationship with industry	Agree
	c. accepts regulatory authority applications online unless there is a valid technical reason against it	Agree
	d. adopts the same Code of Conduct and Values that apply to the Australian Public Service under the Public Service Act 1999.	Agree
9.	The Civil Aviation Safety Authority develops a staff exchange program with industry.	Agree strongly

	ASRR Recommendation	RAAA Position
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'.	Agree with reservations
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.	Agree
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.	Agree
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.	Agree strongly
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.	Agree
15.	The Civil Aviation Safety Authority continues to provide appropriate indemnity to all industry personnel with delegations of authority.	Agree strongly
16.	The Civil Aviation Safety Authority finalises its Capability Framework and overhauls its training program to ensure identified areas of need are addressed, including:	Agree
	a. communication in a regulatory context	Agree
	b. decision making and good regulatory practice	Agree
	c. auditing.	Agree
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.	Agree strongly

	ASRR Recommendation	RAAA Position
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.	Agree
19.	The Australian Transport Safety Bureau transfers information from Mandatory Occurrence Reports to the Civil Aviation Safety Authority, without redaction or de-identification.	Disagree strongly
20.	The Australian Transport Safety Bureau transfers its safety education function to the Civil Aviation Safety Authority.	Disagree
21.	The Civil Aviation Safety Authority changes its organisational structure to a client-oriented output model.	Agree
22.	The Civil Aviation Safety Authority establishes small offices at specific industry centres to improve monitoring, service quality, communications and collaborative relationships.	Agree
23.	The Civil Aviation Safety Authority shares the risk assessment outputs of Sky Sentinel, its computerised risk assessment system, with the applicable authorisation holder.	Agree
24.	The Civil Aviation Safety Authority provides full disclosure of audit findings at audit exit briefings in accordance with international best practice.	Agree
25.	The Civil Aviation Safety Authority introduces grading of Non-Compliance Notices on a scale of seriousness.	Agree
26.	The Civil Aviation Safety Authority assures consistency of audits across all regions, and delivers audit reports within an agreed timeframe.	Agree
27.	The Civil Aviation Safety Authority implements a system of using third-party commercial audits as a supplementary tool to its surveillance system.	Agree
28.	The Civil Aviation Safety Authority establishes a safety oversight risk management hierarchy based on a categorisation of operations. Rule making and surveillance priorities should be proportionate to the safety risk.	Agree
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.	Agree

	ASRR Recommendation	RAAA Position
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	Agree strongly
	b. the third-tier standards drafted in plain, easy to understand language.	Agree strongly
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.	Agree
32.	The Civil Aviation Safety Authority reassesses the penalties in the Civil Aviation Safety Regulations.	Agree
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	Agree
	b. implementation dates established through formal industry consultation.	Agree
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.	Agree
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.	Agree
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.	Agree

	ASRR Recommendation	RAAA Position
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	Agree strongly
	b. no CASA staff are excluded from the ICC's jurisdiction	Agree strongly
	c. the ICC will receive complaints that relate to both the merits and the process of matters	Agree
	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	Agree
	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.	Agree strongly

Recommendation 1: Agree strongly

It is understood that this will be designed to allow the Department executive oversight over CASA which it currently does not have. This is seen as a key recommendation if the Department is to have control over policy, and not CASA.

Recommendation 2: Agree strongly

It is imperative that the Dept's strong policy and research skills are used efficiently as part of the State Safety Program.

Recommendation 3: Agree with reservations

This is agreed provided if extra resources required they are funded by a levy on recreational aviation and not on the taxpayer or on industry.

Recommendation 5: Agree strongly

An ATSB Commissioner with sound aviation operational and safety experience would enhance significantly ATSB's corporate skill set.

Recommendation 6: Agree strongly

It is imperative that the CASA Board exercises full governance control of the agency. This has not happened in past and has led to a disproportionate level of control shifting to the DAS. The RAAA would like to see consideration given to the DAS not being a board member.

Recommendation 9: Agree strongly

A best practice CASA/Industry exchange program should encourage a better dialogue between the sectors and a deeper understanding of the different challenges experienced by both industry and CASA.

Recommendation 10: Agree with reservations

This should not be introduced at the expense of commercial operations where slow traffic can hold up RPT or charter operations. Successful overseas models should be examined to see how this could be introduced without commercial penalties.

Recommendation 13: Agree strongly

The ultimate aim should be a single ATM provider for all controlled airspace in accordance with successful overseas practice. This is seen as providing safety and efficiency benefits.

Recommendation 17: Agree strongly

This recommendation must be implemented to ensure that individuals are protected for actions, omissions or decisions commensurate with their experience and training. Without these protections voluntary and mandatory safety systems will fail.

Recommendation 19: Disagree strongly

Due to the high current level of distrust between the industry and CASA such a move is opposed.

REPCON voluntary reports are kept confidential. The mandatory reports that are not the subject of an ATSB investigation are not confidential. The critical issue is that the ATSB want to broaden the mandatory reporting requirements. Encouraging people to report and having more data on safety issues is a good idea provided there are protections about how the information is used. The EU has proposed broader mandatory reporting with protections for the identity of the person involved. We should have the same protections.

Recommendation 20: Disagree

No cogent argument or evidence has been put forward as to why such a move would advantage the industry.

Recommendation 30: Agree strongly

Moving to a three tier regulatory system is seen as a key recommendation in the move toward less prescriptive, less complicated and more workable regulations. Something like the Canadian system is favoured.

There is a bit of criticism about Federal legislative drafting at the moment but the RAAA cannot see why we should deviate from the position that we should move to something like the NZ regs. In the Norton White submission they made the point that with an ANZA AOC you can operate to the NZ regs in Australia. If we have already accepted this, why not a complete transition? The Europeans have managed to do it and we think there are stronger feelings between certain European countries than between Australia and NZ.

Recommendation 37: Agree strongly

A truly independent ICC is essential for good CASA governance and industry support for the position. The limited investigative powers of the current structure have caused the industry to lose confidence in what should be a vital checks-and-balances role.

IV. CONCLUSION

The RAAA is grateful for the opportunity to provide our views on the Aviation Safety Regulation Review Report. If you would like further information about the items contained in this submission, or clarification on any of the points we make, the RAAA would be more than happy to assist.

Regards,



Paul Tyrrell
Chief Executive Officer