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| <p>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.</p> | <p>The Regional Express Group (“Rex”) strongly agree. Developing the State Safety Program (SSP) through the Aviation Policy Group (APG) will allow the Department to exercise appropriate executive control over CASA and over aviation policy. Rex notes that currently there is virtually no mechanism for such oversight. As such this is seen as a key recommendation of the Review.</p> |
| <p>2. The Department of Infrastructure and Regional Development plays a stronger policy role in the State Safety Program.</p> | <p>Strongly agree. The Regulatory Reform Programme should be taken out of CASA and administered by the Department of Infrastructure and Regional Development. At the very least it should be placed under the Department’s strict oversight. Regulations are a reflection of Government policy which is the prerogative of the Minister and his Department. Allowing CASA to formulate regulations can allow it to make de facto Government policy. A rigorous RIS must be produced for new regulations in accordance with Australian Government Office of Best Practice Procedures. This could help prevent the proliferation of any more unnecessary regulations with their associated red tape. This should be built into the development of the SSP as a key role in the Department’s oversight of CASA.</p> |
| <p>3. The Australian Transport Safety Bureau investigates as many fatal accidents in the sport and recreational aviation sector as its resources will allow.</p> | <p>Not necessarily agree when the cause of the accident may be readily apparent. This seems a bit briefly covered in the report and the recommendation does not seem significantly supported by data other than the general sector growth data. (noting no data after 2011) On face value Rex cannot immediately see the return on investment to this recommendation and struggle to support. Further endorsement is qualified by the funding source for any extra resources that may be required. These should be funded by a levy on the recreational aviation sector and not by the taxpayer.</p> |
| <p>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.</p> | <p>Rex agrees this recommendation has considerable merit. If CASA could not be at least aware of some investigations it would limit the timeliness of useful initiatives. It would perhaps be like the GMFO not being able to observe an investigation by Group Safety. However, and as the reports indicates, important safeguards and protocols would need to be agreed. For example if this was to be utilised more routinely we believe no member of a particular AOC’s CMT could be involved and perhaps CASA should establish a cell (of people) within itself to undertake this program when required with the strict and clear objective to gather useful safety information to aid improvement not to take direct</p> |

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| | <p>action against an/the operator. It is understood from the ASRR panel that the controls envisaged would mean the CASA observer would become an ATSB team member with the same restrictions on information sharing as a normal ATSB employee. Therefore this would not diminish the scale of CASA investigations conducted parallel to ATSB investigations. There are also doubts as to how effectively information could be quarantined. As such this is not supported except in the case where the CASA observer possesses expertise not available elsewhere.</p> |
| <p>5. The Australian Government appoints an additional Australian Transport Safety Bureau Commissioner with aviation operational and safety management experience.</p> | <p>Agreed but query why you need more than one Commissioner if they have the appropriate experience. Given the ATSB covers three industries (Aviation, Rail and Marine) we consider there is logic in having a Chief Commissioner and then one that covers each of the specialities. In effect a normal structure perhaps that would exist in industry (a CEO and then three GM's with the appropriate expertise)</p> |
| <p>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.</p> | <p>Rex considers that this recommendation is probably one of the most critical. A strong, effective, knowledgeable Board that understands what is required, how to achieve it and formulates a clear and strategic plan and prosecutes it through the Director will achieve far more than will be otherwise. If the Government get this right then most things will naturally follow. As CASA and its board had such bad track records over the past years, it would be good to tap 1-2 good overseas former regulators to strengthen the board and to provide some external perspective. The Board should perhaps adopt a more semi executive approach particularly in order to implement any adopted aspects of this report. Rex does not consider this as a realistic proposition with the existing composition. Consideration should be given to the DAS not being a board member and simply reporting to the board. The board should clearly have the ultimate authority.</p> |
| <p>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.</p> | <p>Agreed re "leadership and management experience and capabilities in cultural change of large organisations" and no problem with a non aviation person being considered in order to widen the field. Rex also agrees regarding the leadership and change management and considers this is being highlighted because it is at least implied that the existing Director does not have these attributes or qualities sufficient to lead the organisation at a high and strategic level. The report makes the point that a good structure could overcome any limitation a Director would have if he or she was not a Pilot or</p> |

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| | Engineer. Perhaps it (the structure) could not if the issues were the other way around. Perhaps what we have seen. |
| <p>8. The Civil Aviation Safety Authority:</p> <p>a. reinstates publication of Key Performance Indicators for service delivery functions</p> <p>b. conducts a stakeholder survey every two years to measure the health of its relationship with industry</p> <p>c. accepts regulatory authority applications online unless there is a valid technical reason against it</p> <p>d. adopts the same Code of Conduct and Values that apply to the Australian Public Service under the Public Service Act 1999.</p> | <p>Subject to the comments below Rex strongly agree. Reinstatement of the CASA Service Charter abandoned by the current Director of Safety is a must. This allows for stipulated timeframes on delivery of services with an associated KPI and improvement in efficiency that CASA must strive for. This should, in future, include such things as presenting final audit reports, as well as regulation services, and also AV MED, where on at least 50% of occasions in recent times major delays have been experienced by international students. CASA should accept regulatory authority applications online unless there is a valid technical reason against it. Fees should be fixed at reasonable rates. In point b Rex has the proviso that provided the cost of such surveys is not prohibitive (Rex have seen this previously with both CASA and QF) Rex believe the KPI should include the concept that if it is not approved or commented on within x days then the application is deemed approved and this will put the pressure on them to comply with the KPI most routine applications can be processed this way. CASA and staff must have some measurable as currently it is just seems to be an “as long as it takes” process. Audit reports should not take as long as they do. Rex has experience that a finding that CASA issued only because they were soon to arrive for the audit a year later.</p> |
| <p>9. The Civil Aviation Safety Authority develops a staff exchange program with industry.</p> | <p>Agree. Successful models from overseas should be examined. Rex note that previously (circa 2001) at the CASA Sydney Airline office an Ansett B767 Captain as an FOI. If managed properly this can provide a “win-win” outcome.</p> |
| <p>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’.</p> | <p>Qualified support. Rex question this is a safety issue. Obviously in the course of emergencies this can be understood. 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.</p> |
| <p>11. The Australian Transport Safety Bureau and the Civil Aviation Safety Authority amend the wording of their existing Memorandum of Understanding to make it</p> | <p>Rex sees that this seems logical and at least it needs to be renewed given it seems to have expired in 2013. (because it seems due to the reviews) This would include rec. 4 if adopted.</p> |

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| more definitive about interaction, coordination, and cooperation. | Qualified support. Agree that a new MoU is required but only if recommendation 19 is NOT incorporated. |
| 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. In reading the report and from Rex's understanding this seems logical. |
| 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. | Strongly agree. The ultimate aim should be a single ATM provider in accordance with successful overseas practice. |
| 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. | Strongly agree. Seen as a key recommendation. CASA does not carry out effective consultation with industry, and future reform must address this. Consultation forums need to be representative and transparent and reasonable deadlines must be allowed for submissions. Feedback should be provided to all submissions rather than just having them ignored. Rex considers that this should be worded in the charter of CASA which and should be published. There will always be need for a strong hand and action at times however the system should not be built and run for all on this basis. |
| 15. The Civil Aviation Safety Authority continues to provide appropriate indemnity to all industry personnel with delegations of authority. | Rex strongly agrees. If CASA delegate to individual then they should provide adequate cover. |
| 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. | Rex agrees but provided the training programs are designed and presented by someone who understands the true nature of the problem. Rex know that when the FAA required CASA's technical staff to undertake training the programs were written (at great costs) by an organisation without prior aviation experience. |
| 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 | Rex strongly supports the general principle of Just Culture Rex can see why CASA might have some problem with the wording. If an individual does something, CASA might have cause to suspend that individuals licence etc. pending training or the like, however, this to the individual would be 'punitive' in |

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| commensurate with their experience and training. However, actions of gross negligence, wilful violations and destructive acts should not be tolerated. | nature. |
| 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. | Rex agrees but consistent guidance must be given to field officers as there is potential here for more discrepancies with CASA decision making. A central regulatory decisions database will be useful here. |
| 19. The Australian Transport Safety Bureau transfers information from Mandatory Occurrence Reports to the Civil Aviation Safety Authority, without redaction or de-identification. | Rex strongly opposes this recommendation as it may destroy a strong and healthy reporting safety culture. SMS are dependant on meaningful data collection to identify and proactively manage real and potential safety risks, both recognised and latent. A healthy reporting culture is reliant on confidentiality and to contravene such trust may corrupt a significant amount of trend analysis which is designed to bolster proactive safety measures and defences that are designed to augment safety outcomes. Without redaction and/or de-identification this may impose a reluctance for reporting as the aviation industry will be in fear of CASA taking punitive action against the reporter. This would require considerable change in approach from CASA as part of building the trust aspect. |
| 20. The Australian Transport Safety Bureau transfers its safety education function to the Civil Aviation Safety Authority. | Rex support the ATSB carrying out separate safety education functions. |
| 21. The Civil Aviation Safety Authority changes its organisational structure to a client-oriented output model. | Agree. The proposed org structure chart is fully supported. A client orientated approach does not negate the ability to be a good regulator; quite the opposite if done properly. However care required on this issue. Important to remember the confusion that existed when CASA and Industry were considered as "Partners"? But overall the material in the report seems to make some sense. |
| 22. The Civil Aviation Safety Authority establishes small offices at specific industry centres to improve monitoring, service quality, communications and collaborative relationships. | Support the objective of this recommendation but at what cost? Problem with small offices is that you can have very 'localised' ways of doing business. There is precedent in CASA (and CAA) as to why this may not be a good idea. Whilst it was easier to "walk up the road" to see CASA that was it and Rex is not sure that any of our issues have been made better or worse because of geography. Rex consider that there are bigger issues than this. |
| 23. The Civil Aviation Safety Authority | Support. This would be useful and somewhat related |

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| <p>shares the risk assessment outputs of Sky Sentinel, its computerised risk assessment system, with the applicable authorisation holder.</p> | <p>to item #28.</p> |
| <p>24. The Civil Aviation Safety Authority provides full disclosure of audit findings at audit exit briefings in accordance with international best practice.</p> | <p>Strongly agree. All CASA audit findings should be finalised by the audit closing meeting at the latest, with the audit report sent to auditee within 2 weeks of the closing meeting. Also relates to recommendation Rex agreed and CASA should also make every effort to ensure they get all information they need during an audit and not just rely on what one individual told them. Briefings/updates during an audit could highlight these and give key people an opportunity to fill in any gaps.</p> |
| <p>25. The Civil Aviation Safety Authority introduces grading of Non-Compliance Notices on a scale of seriousness.</p> | <p>Agree. Rex only received NCN or Observations from CASA at our last audit in 2012. There was no grading of the NCN. Rex considers that effective training of CASA auditors is essential to ensure categorisation is consistently applied across all CASA offices.</p> |
| <p>26. The Civil Aviation Safety Authority assures consistency of audits across all regions, and delivers audit reports within an agreed timeframe.</p> | <p>Absolutely agree – a regulatory decisions database is the way to go. Other regulators all ready use such systems. This is a big challenge but it is one that CASA must put maximum and full effort into. This alone would go a long way to improving the general relationship with industry. Auditors and FOIs must be sufficiently, sophisticated, mature and objective to overlook and resist subjective opinions and the “what I would do or prefer” approach and simply and objectively focus on safety outcome and regulatory compliance. Also relates to recommendation #24.</p> |
| <p>27. The Civil Aviation Safety Authority implements a system of using third-party commercial audits as a supplementary tool to its surveillance system.</p> | <p>Supported, especially for industry sectors where CASA is lacking expertise (e.g: aerial ag). A change is required to the current CASA auditing process where audits often focus on an individual operator’s certificate rather than on a function that may cover several certificates within the company group. Many organisations have a SMS which encompasses all activities within the business and often across various Certificates, e.g. multiple AOCs & Maintenance Organisations. CASA currently audit each of these certificates separately with the same questions being asked about the SMS each time, often with the same findings. An audit of the function (SMS) with only the Certificate specific SMS items audited during the Certificate audit will reduce the amount of time spent auditing. The same applies to Dangerous Goods and also Continuing</p> |

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| | <p>Airworthiness where an organisation has more than one AOC covered by the same Continuing Airworthiness Maintenance Organisation. Streamlining of the audit processes will save time and cost, reduce ambiguities and individual opinions, and provide both industry and CASA with better audit outcomes that can be acted upon in a timely manner. Rex believe a review of both BARS and IOSA audit systems by commercial auditors and there are some very important issues to consider.</p> |
| <p>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.</p> | <p>Supported. Simpler less restrictive rules should be applied to non passenger carrying operations but if this is the recommendation, we need to have clear insight into how CASA categorises safety risk vis-à-vis the operations. This makes the recommendation in item #23 (re sharing of risk assessment outputs of Sky Sentinel a necessity). The Panel, in page 83 of the 170 page report, considers that the safety oversight of small aircraft commercial operations to be at a high level, equivalent to RPT. The main issue here is how you want to define risk – what are the parameters – are all lives of equal value? Eg fare paying pax v individual consent (Warbirds). Rex believes this requires careful consideration.</p> |
| <p>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.</p> | <p>Agree. Sounds reasonable as we had a few issues with gliders at the onset of the Air Ambulance Victoria operations. Registering such aircraft should improve oversight in this sector of aviation.</p> |
| <p>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.</p> | <p>Strongly supported. This is seen as a key recommendation although this may be problematic with the current status of the Regulatory Reform. There are so many different “styles” out there now – even within the CASRs (1998). Rex believes the Government to decide upon what style and format of regulations they want and then to incrementally transition all the regulations (both current and future) to this style. Effort must be put into keeping the regulations relevant and to continuously improve them. This is where a Regulatory Decisions database could greatly contribute to a continuous improvement model.</p> |
| <p>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</p> | <p>Comments as per # 30 above.</p> |

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| they should be remade using the three-tier structure. | |
| 32. The Civil Aviation Safety Authority reassesses the penalties in the Civil Aviation Safety Regulations. | Rex 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 b. implementation dates established through formal industry consultation. | Agree in principle but needs to be considered in conjunction with # 30 and 31 above. Rex has seen many deadlines come and go without any positive outcomes. The consultation with industry for realistic implementation dates is a key safety issue. Past practice has seen many smaller operators put under unnecessary stress with consequent safety implications. |
| 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. | Rex 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. | Strongly support although not entirely Rex area of expertise but feel that this issue may require further consideration from appropriately qualified practitioners. |
| 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. | Rex agree with aligning with International practise provided there are no 'special' circumstances in respect to the diversity of airports in Australia. |
| 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 | Rex consider there are many issues here and feel may require further consideration but in general largely agree to the recommendations. Rex considers this goes towards trying to give an industry an avenue of appeal against a CASA. This also naturally motivates the officer making better decision if he knows the decision can be scrutinised by an external party. |

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| <p>convene an appropriately constituted review panel, chaired by a CASA non-executive director, to review the decision</p> <p>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.</p> | |
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