

# **SAFESKIES AUSTRALIA INC**

## **National Aviation Policy Green Paper Response**

This paper acknowledges the importance of the Green Paper and is pleased to note that submissions from Safeskies to the Issues Paper have been given considerable credence.

Safeskies, for in excess of 10 years, has organised aviation safety conferences at which world leaders in aviation and industrial safety have presented meaningful and valuable papers. This experience and information is Safeskies basis for its comments.

### **Aviation Safety**

From studies, Safeskies believes that all rules and regulations must be drawn up on the basis of outcome based legislation, and compliance rulings made by people who are competent to make judgements on their meaning and application.

It is common sense from a safety perspective, that regulations and compliance requirements must be based on producing the best possible safety outcomes.

From our dealings with CASA over many years, we applaud the re-introduction of a CASA Board. Safeskies recommends that a CASA Board should have a chair from a large public company background, (eg a former CEO or Chairman of a large corporation with multi discipline safety obligations such as a mining company that is Stock Exchange listed). The Chair should be an experienced corporate governance professional, and someone whom the CASA CEO, the public and the industry respect. The CASA Board should include at least one other director with public company Board experience, not necessarily in aviation. We also recommend as a director an ex Air Force person of no lesser rank than Air Vice Marshal.

There is also an argument for the inclusion of an up-to-date aviation expert of recent airline and public transport experience, and if a pilot, who has operated about the level of Chief Pilot (ie with Regulatory responsibilities).

Compliance is clearly a function which requires surveillance and audit activity, with appropriate penalties for breaches of Regulations. At some point in the process, there is a need for enforcement options using significant financial penalties. However the application of such penalties, and 'SHOW CAUSE' notices or cancellation of approvals, must be agreed and endorsed at the highest levels in CASA, ie Deputy CEO or higher. It is vital that a decision of such import as the cancellation of an AOC must be endorsed by the CASA Board, based on recommendation from CASA management. In explanation, the cancellation of an AOC could put a significant Stock Exchange listed public company out of business.

The importance of self reporting cannot be overstated. Aviation safety relies to a significant degree upon the honesty, motivation and integrity of the people working in the operational areas to report errors, observations and occurrences in order to build databases of information about low level hazards, so that these can be examined and mitigated and so avoid more serious incidents and accidents. Legislation should provide endorsement of a sound self-reporting system with a clear definition of when and by whom the reported failure is to be assessed.

CASA's corporate structure and system of delegation needs to be reviewed to ensure that it meets world best-practice, which many believe it fails to do at present. Every effort should be made to encourage self reporting and to apply a 'just culture' approach to breaches and reporting.

Confidentiality in certain aspects of self-reporting is vital. For example, a pilot cannot be expected to put

his job on the line unless he is wholly protected; this is also true with other employee types.

Despite a recent breakdown of part of the confidential pilot self reporting system in the USA, it does not mean that such a system should be abandoned or discouraged. Safeski's recommends, as it has learned from the recommendations of the world's best authorities, that confidentiality is one of the most satisfactory practices for achieving safe operations. The recent pilot concerns about the confidential reporting system in the USA, could possibly in part have been due to breaches of confidentiality in the regulator. Regulations should ensure that such breaches are severely punishable, even going as far as a custodial sentence for a breaching public servant. This law must be given wide publicity for confidence in the system to be achieved.

Applying the foregoing confidentiality principle to ATSB/CASA relationships would create a better, more meaningful and effective relationship between the two bodies.

A further note. Should CASA, based on what it learns from ATSB, decide that a prosecution or lesser penalty is necessary, it must have the obligation to make its own investigation to produce evidence that is court-worthy, and so not breach ATSB's confidentiality with its own sources and so responsibility. Presently this is a matter for argument between officers of these two bodies. This, in part, is addressed in the present law, but needs positive establishment of relationships.

Finally, on enforcement. CASA has to be in the position where, as a police authority, it perceives something is about to happen that should be avoided - ie 'nipped in the bud' - before it can develop and cause a bad safety outcome. The easiest example is that of a policeman seeing a car driver leaving a hotel inebriated. That policeman has the duty to stop that driver driving. Clever legal drafting can ensure this protection to the considerable satisfaction of

the travelling public. In the view of Safeskies present law does not give the best, clear, unequivocal outcome. This has to be fixed urgently.

### **ATSB**

It is important to correct a recent mis-statement. The Miller Report did not recommend that ATSB should be a government institution in its own right with its own funding. Safeskies, in fact, did do so and it applauds the Government decision that this is to take place. The appointment of a small number of commissioners is endorsed by Safeskies. Many of the remarks regarding the CASA Board in this paper may well apply to the group of Commissioners, with the additional proviso that they must be persons experienced in assessing accidents and their impact generally. As Commissioners they must have the ability to ask of the investigators 'the hard questions' that demand a unequivocal answer. There can be no room in the ATSB to protect errors and/or incompetence in its investigators and in its reports authors.

Safeskies further believes, following international comments, that the study of accidents in General Aviation, Recreational Aviation and Sport Aviation has to involve an increased responsibility, and so to be duly funded in the ATSB budget. Two points emerge. In the categories of Sport and Recreational Aviation, people involved in running the control organisations and supervising their safety, engineering and pilot practices, are more than enthusiastic amateurs, they are in fact dedicated professionals. Their work with ATSB investigators will lead to better safety outcomes.

### **Self Administration**

This system in Australia is the envy of the world. It has been satisfactorily in place with some air sport bodies for more than 53 years and must be encouraged

as in its operation it has led to what the world justly regards as best safety outcomes. Peer pressure is a huge deterrent from the carrying out of any unsafe practice - this can be coupled with the maintenance of the high reputation and its own system for each of the bodies involved. CASA must neither overlook its over-sighting and auditing responsibilities, nor overlook the fact that these bodies save the Australian public hundreds of thousands of dollars a year and do their job far better than any government authority could hope to do. It is encouraging to see that in considerable part the Green Paper acknowledges and encourages self administration. However, that does not justify any paucity of Commonwealth support from the CASA budget, which is the present situation.

### **Pilot Training**

The training of commercial pilots is expensive, and the majority of trainees are privately funded. This prevents an unknown but possibly large number of potential commercial pilots from being trained and entering the industry. This is not in the national interest. There are some mechanisms for funding assistance, but generally these are restrictive and some are State based, while others are Federal.

Fee Help access should be made available to any Australian trainee enrolled in an integrated program to train for a Commercial Pilot Licence delivered by any CASA accredited flight-training organisation. Similar assistance should be made available for pilots training to become instructors. Importantly this solution makes Fee-Help available to a larger number of pilot trainees, but does not produce restrictions for any existing training organization.

### **Central Flying School**

The current standard of pilot instruction in Australia is at an all time low, and needs to urgently be addressed. Safeski repeats its recommendation in

response to the Issues Paper that establishment of a Central Flying School would lead to improved standards of instruction and retention of skilled instructors. Safeskies has indentified that the present instructor situation presents a significant potential safety hazard, and strongly recommends urgent action be taken.

### **Conclusion**

Recommendations in this paper reflect the experience and knowledge gained by Safeskies through years of effort dedicated to aviation safety and through access to a wide field of information.

The Government is to be congratulated for at last giving Australia a clearly discernible National Aviation Policy. Should further input from interested parties be required, please include Safeskies Australia Inc amongst those contacted.

**25<sup>th</sup> February 2009**