

# **AVIATION SAFETY FORUM**

## **RESPONSE TO SAFETY-RELATED QUESTION IN ‘TOWARDS A NATIONAL AVIATION POLICY STATEMENT’**

### **Introduction**

The Aviation Safety Forum (ASF) welcomes the opportunity to provide input on the safety issues raised in the Government’s Issues Paper ‘Towards a National Aviation Safety Policy’. The Forum sees this Paper as a very positive step in the development of an integrated transport system in Australia. It also welcomes the initiative of placing infrastructure in the same federal agency as transport.

The **ASF** was established some years ago, with the support of successive Ministers, to provide strategic advice to the CASA CEO. It is the subject of a formal ‘charter’ and brings together people with experience and expertise from the length and breadth of the aviation industry. They are appointed for three year terms and provide comment and advice in their own right, are not advocates for any particular industry sector and provide their time and expertise free of charge. With 14 current members, it is able to reach conclusions without undue difficulty. This is despite individuals’ different perspectives.

The ASF considers issues referred to it by CASA or identified by members. Recent examples are the establishment of the Office of Airspace regulation within CASA, conformity of aviation weather forecasts with Annexe 3 of the Chicago Convention, the regulatory drafting issue, inconsistency between disability discrimination legislation and aviation safety requirements, regulatory differences between Australia and New Zealand and CASA’s fees for pilot medical examinations and CASA’s medical record systems and access to them by Designated Aviation Medical Examiners (DAMEs). Other examples are, the Classification of Activities, the introduction of Safety Management Systems, the measured introduction of the MPL, the ageing aircraft issue, critical skill shortages and, both ahead and after the finalisation of the Miller Report, steps that could be taken to improve the CASA-ATSB relationship. The Forum deliberately takes a “low key” approach befitting its strategic and non partisan position.

However its conclusions are most often taken up by CASA in its ongoing drive to update and streamline the aviation safety regulatory process.

Some initial comments can help by setting the context in which the questions raised by the Paper have been considered. Firstly, if viewed objectively, **Australia has an outstanding aviation safety record.** The longer this continues, the harder it is for that record to be maintained, as the industry's performance defies probabilities. The effort to maintain this record has demanded an outstanding performance from industry (operators, maintainers, air traffic control, airports etc) as well as CASA and the ATSB.

**On CASA's part, it has taken a range of steps to elevate its performance to unprecedented levels.** The first among these is the focus on the safety of the fare paying passenger. There has also been a changing of attitude both within the regulator and the industry at large where safety is seen less as compliance with regulator-set minimum standards and more as a matter of all involved in the aviation system being continuously responsible for safety, as they perform their tasks and fulfil their responsibilities. The key to this has been widespread acceptance of risk management as the basis of decision-making wherever decisions or actions are made that might have an operational impact. This has involved enormous effort in changing cultures and practices. An effort has been made by CASA to recruit personnel, particularly at senior level, with strong management as well as technical skills, so that their decisions and actions reflect mature and informed judgement on critical issues such as risk. A continued effort is being made to ensure that all CASA 'field' personnel understand this issue. The result is that 'continuous improvement' of safety outcomes is seen as highly desirable by most industry participants. Along the way, CASA has substantially improved its relationship with industry. The ASF has sought to assist and support CASA as it has proceeded in this direction.

It is with a view to mitigating risk that CASA has been involved in activities as diverse as a major program to improve the quality of flying training and ensuring 'top management' of aviation businesses are aware of their safety responsibilities. CASA has revised and reissued the former 'Classification of Operations' as the 'Classification of Activities' to provide guidance to those involved in rulemaking as to the level of risk involved in various activities and the intensity of regulation consequentially required.

The Paper does not raise the question: “**what can other elements of government do to assist safety?**” **The skills shortage** is one area where a whole of government approach may be useful as is the issue of ageing aircraft (where the government’s proposals to facilitate financing the purchase of aircraft may assist). We see a whole of government response with respect to this issue as critical to the long-term safety performance of the industry. The ASF contends that the education, finance and immigration elements of government as having significant roles with respect to these issues.

The **issue of infrastructure provision** is critical. It has long been policy that the “user should pay” and this is well understood by the aviation industry. While this approach is effective in areas where high levels of aviation activity produce significant cash flow, it does not hold true for some areas of regional and rural aviation where low profit levels do not allow for such investment. Aviation’s role in the regions is vital (both in terms of the support and economic benefit it provides to local communities and an on-the-job training opportunity for industry professionals) and, if it is to grow and develop safely modern up-to-date infrastructure is vital. Critical infrastructure for other forms of transport such as road and rail has long been funded by Commonwealth and State governments as they are seen as essential services. Regional aviation also provides an essential service to regional communities and the user pays principle is not always appropriate or practical. The need for government support to sustain the infrastructure necessary for these services should be thoroughly examined. The forum suggests that such infrastructure issues should be considered as part of the Audit of Infrastructure to be conducted by the recently formed Infrastructure Australia.

The paper does not refer to the **progressive merging of the Australian and New Zealand aviation markets** as a result of governmental and commercial decisions. The ASF regards the concept of a single ‘Australasian’ market, perhaps extending ultimately to the Asia/Pacific region, as sensible in both regulatory and economic terms. New Zealand has modernised its rules to a far greater extent than Australia. The implementation of a single market would offer the opportunity for aviation businesses to make decisions on commercial grounds unfettered by regulatory considerations. Such a market could offer significant advantages to the wider business community and the public in both countries. Meanwhile, it is important that Australia not become relatively unattractive to aviation businesses vis a vis New Zealand.

## **Safety Questions on p17:**

### **1. Are there ways in which the approach to safety management systems could be enhanced?**

The introduction of safety management systems (SMS) is well underway. CASA is currently undertaking a rule-making process (Part 119), which will require safety management systems to be progressively introduced for passenger-carrying AOC holders over the next twelve months. The ASF understands this to be consistent with Australia's ICAO obligations.

The approach taken by CASA has been to formulate a simple set of rules within the ICAO framework to provide for outcome based legislation rather than prescriptive legislation. It is important that this concept be adhered to and that the resultant legislation is workable for all sectors of the industry and not just the large operators. The challenge for CASA is to introduce these principles into the lesser resourced sectors of the industry without imposing an undue regulatory burden. This sector has more to gain by increased safety awareness through the successful introduction of SMS principles but it is also the most vulnerable in terms of its ability to supply the necessary resources.

It will be important that both operators and CASA understand that the establishment of a Safety Management System is the first stage rather than the last stage of a critical regulatory process. It will be vital that operators actively and diligently apply the SMS to their ongoing activities, responding to the signals that it generates on safety issues requiring attention; paying mere lip service to the SMS is unacceptable. From time to time, review of the SMS itself will be necessary to ensure that it continues to reflect the nature and risk of an operator's developing activities. In this context, CASA has two roles: to ensure that the SMS is effectively applied on an ongoing basis and that it is up to date relative to the operator's activity and risk profile.

CASA has also moved to appoint aviation safety advisers to educate operators in ongoing risk assessment and management strategies to manage and mitigate risks. These CASA officers operate separately from personnel involved in compliance and enforcement. The separation of these functions is appropriate and timely, although it could be strengthened by CASA

adopting a more structured approach to promotion of the benefits of such an initiative to the industry. There would appear to be scope for these personnel to further improve their value by ensuring that their itineraries reflect risk-assessed opportunities, planned and arranged in advance, so that their skills and time are effectively deployed.

The CASA CEO and senior CASA management meet regularly with AOC CEOs and have provided them with educational material (eg ‘Safety Management and the CEO’, issued at the end of 2007) with a view to them understanding their legal obligations (esp Sec 28BE of the Civil Aviation Act) with respect to management responsibility for safety issues. These discussions and the material also emphasise the commercial implications of being unsafe.

It is the ASF’s view that CASA is adequately addressing the question of SMS. However high level government support for their initiatives, in particular their emphasis on the safety of the fare paying passenger and the prioritising of resource allocation accordingly is essential to the programme’s success.

## **2. Should the governance arrangements for CASA be strengthened to better support the role of the safety regulator?**

The ASF notes that the Government’s policies call for the reintroduction of a Board to oversight CASA. The ASF sees merit in this policy and notes that public sector governance requirements may preclude the appointment to the Board of people currently involved in aviation enterprises or lobbying activities. Board members should however possess expertise and experience relevant to the stewardship of CASA in the context of the challenges that it faces. These include identification and management of risk, deployment of resources to where they can achieve most safety benefit, assuring the effectiveness of industry oversight and ensuring that satisfactory arrangements for the modernising and ongoing maintenance of the regulations and related materials are in place. Not least, it should ensure that CASA is managed in a ‘proper, efficient and effective’ manner (as required by the statutory mandate for the former Board and current CEO in the Civil Aviation Act). A related issue is the undesirability of a Board becoming too closely involved in ‘operational’ issues. It should not “push any particular industry sector barrows”, but work with the CEO to set the strategic

direction of the organisation and provide a review mechanism to ensure that performance and governance responsibilities are met.

In this context the strategic direction of CASA should be encouraged to continue with greater emphasis on the concept of working with industry to achieve safety outcomes rather than just concentrating on regulatory enforcement as has been past practice. In regard to the future role of CASA it should be noted that the FAA has in its activities statement the words ‘encouraging and developing civil aeronautics, including new aviation technology’. In bygone eras this was an area in which the old Department of Civil Aviation was active but this has over time fallen by the wayside under the imperatives of efficiency and cost recovery. A healthy, thriving industry is better able to achieve safety outcomes than one that is continually struggling and this should be factored into government policy and direction for CASA.

Notwithstanding the above, the ASF believes that it vital that the CASA CEO and any Board have access to a group of experienced and knowledgeable aviation industry personnel to act as a ‘sounding board’ and ‘early warning system’ with respect key strategic issues and emerging risks. The ASF, while not specifically a creature of the Civil Aviation Act (aside from its obligation to ‘consult’), has proven its ability to undertake this function consistent with CASA’s requirement to consult under the Act. In the absence of specific statutory ‘authority’, its approach is to work as though ‘alongside’ management. The ASF therefore sees a reintroduced Board and the continuation of the ASF as complementing each other. Together, they would provide a governance structure that ensures that CASA fulfils its responsibilities in a manner that both fulfils the expectations in the Civil Aviation Act and also obtains industry acceptance and support. The Standards Consultative Committee can continue to separately perform the more detailed and technical function of overseeing the timetable and content of the rewriting of the safety regulatory rules and, once rewritten, their ongoing review.

### **3. How can CASA strengthen the way it relates to industry while meeting the community expectations of a firm regulator?**

CASA faces a challenge in simultaneously seeking to positively engage with industry while retaining its ability to regulate effectively and, where no alternative exists, take enforcement action. It is also subject to conflicting

priorities from divergent industry sectors. Ongoing strong support of the CASA Board (if it is restored) and senior management by Government is essential if CASA is to continue as a strong but fair regulator. The Minister may wish to consider the well-documented low tolerance of the public, media and Parliament to aircraft accidents involving fare paying passengers. The response of such groups to the loss of a large passenger aircraft might well have dire consequences for all public agencies involved.

In the ASF's view, there are at least seven ways that CASA can 'strengthen the way it relates to industry':

- consultation: so that the design of new measures reflects as far as possible the practical realities faced by industry. Industry should be able to share in the design of new measures consistent with safety requirements being met
- expeditious issue of licences, certificates and approvals so that the time taken is no longer than necessary having regard to the safety issue involved; regulatory services should be devolved to industry where practicable as they currently consume too much of CASA's resources often for no tangible safety outcome
- increased use of outcome-focussed regulation: so that industry can design for itself mechanisms to satisfy a stipulated regulatory outcome and regulators 'think through' the ends which their regulatory measures are intended to achieve. These should be accompanied, where necessary, by appropriate supporting arrangements such as approved means of compliance, advisory circulars and so forth, in the context of the broader education contemplated in the immediately following paragraph
- provision of education so that industry understands the circumstances that lead to risks to safety, the consequential regulatory requirements and ways in which industry can mitigate risk and be compliant, consistent with continued affordable participation in aviation activity

- provision of the education just referred to by personnel who are not directly involved in the compliance and enforcement roles so that industry can be relatively frank in discussing their situation as they relate the advice to their specific activities
- being prepared to take strong enforcement action where there are implications for passenger safety, and to receive the right level of support from both Government and other involved agencies in achieving this. This is not only appropriate, but sends the right signals to the community
- impartial investigation of complaints so that industry considers that its grievances are being taken seriously.

In varying degrees and recognising the scope for strengthening in some areas, CASA currently uses all the above strategies to ‘engage’ with industry. For instance, the CEO has issued directives to strengthen consultation and scrutiny arrangements with respect to proposed regulations and ensure that they focus on identified risks. These have led to a greater likelihood that new rules will be compatible with industry’s *modus operandi* and be recognised as responding to genuine safety issues. New rules are thus more likely to be readily accepted by industry.

Similarly, the recent appointment of the Industry Complaints Commissioner is a very important step.

In relations to some areas of regulation, applying to specific segments of the industry, (eg Part 139 with respect to Airports) it would appear to be beneficial for there to be regular consultation between CASA and those affected so that emerging issues are dealt with pre-emptively – this practice is apparently followed by the Office of Transport Security and this element, at least, of its approach is seen as having merit

On the borderline between the two dimensions of CASA’s regulatory approach is the use of graduated enforcement strategies in the event of a rule breach. For isolated, unintended or lesser offences it can use counselling, further education or administrative fines.

In the event that there is a need for CASA to be ‘firm’ because, for instance of repeated or deliberate breaches, the ASF believes that it can utilise

penalties that are more severe rather than less severe, such as certificate action, prosecution and, in appropriate safety circumstances, immediate grounding of an operator. This can send a powerful message to the community at large that CASA is prepared to take strong enforcement action to protect passenger safety. For this to occur, CASA needs strong support from both Government and other involved agencies.

In utilising the range of penalties available, it is important that CASA act consistently and fairly. The ASF understands that current organisational arrangements have improved CASA's ability to achieve this outcome but further effort in this regard is still required.

Where practicable, ASF believes CASA should look to stipulating the safety outcomes to be met in regulations rather than providing for CASA to approve industry activities or actions. Use of such techniques encourages regulators to clearly indicate the 'end' their regulation is seeking to achieve, allows operators to make decisions for themselves where they are competent to do so in the context of a specific regulatory framework and allow CASA to deploy resources to where approvals or permissions are unavoidable or to education or surveillance activities.

As technology changes and develops, care needs to be taken to ensure CASA personnel are up-to-date. ASF encourages secondments, visits to 'technology leaders' and so forth, as appropriate.

#### **4. How can the Australian Government and industry ensure CASA completes its long-running regulatory reform process as soon as possible, to give clarity to industry and to clear the way for new approaches to meeting the regulatory challenge?**

The main hindrance to the finalisation of the new regulations is woefully inadequate drafting resources. This is beyond CASA's control as drafting is provided (or, in recent experience, not able to be provided) by the Attorney General's Department.

It is the ASF's view that the preparation of final non-legal drafts of regulations is running well ahead of the capacity of available legislative drafters to turn them into final legal rules. Removal of this bottleneck would see key elements of the process, such as Parts 43, 61, 91 and 119 enacted without undue delay, thus clearing the way for the remainder of the process

to proceed. If the situation cannot be improved there is surely a case for CASA being able to make independent drafting arrangements, provided the government's drafting standards are met.

Very importantly, the ASF observes that CASA is on the verge of implementing its 'Classification of Activities', via Part 119, which involves applying the requirement to have an AOC only where it can have real safety benefit and consequently allowing the redeployment of resources to where they can have the most such benefit, not least low-capacity RPT operations.

The ASF notes that CASA has used Civil Aviation Orders to introduce elements of the reform program, such as maintainer licensing, pending the final legal drafting of proposed rules. While it would prefer to see the prompt drafting of 'final' rules, ASF encourages use of this technique as a means of expediting regulatory reforms where appropriate. For instance, it sees this as an effective way to introduce Safety Management Systems pending finalisation of Part 119. Not only does it bring necessary reforms 'on stream' quickly, it also allows rule changes to be made quickly and easily should the early experience of implementation show this to be necessary.

The ASF strongly recommends that, if the performance of the Attorney-general's department cannot be improved, the legal drafting process be put under CASA's direct control.

The ASF is of the view that, in appropriate circumstances, harmonisation of rules can be a means of expediting the finalisation of rules and achieving benefits from adoption of 'best practice' and international trade in aviation products and services. It is consistent with the call in Article 37 of the Chicago Convention for 'uniformity' of rules. However, the reality is that harmonisation requires 'Australianisation' of rules by legal drafters, and is thus subject to the delay issues discussed above. A long-awaited suite of maintenance rules based on those applicable in Europe are yet to be enacted for this reason. Harmonisation reflects, at the macro level, the influence of the powerhouses of global aviation, the USA and Europe. At the micro level, it may address the integration of regulatory systems in adjacent countries. Both are worthy of consideration. As the major civil aircraft manufacturers are in Europe and the USA the harmonisation of maintenance regulatory structures with them is sensible. The manufacture and export of small aircraft and components for large aircraft from Australia have been

assisted by harmonisation of certification rules. At the micro level, the harmonisation of operating rules (such as Parts 121 and 91) between states also offers potential savings.

CASA has usefully negotiated arrangements with a number of overseas authorities (known as Bilateral Aviation Safety Agreements) whereby there is ‘mutual recognition’ of regulatory decisions which further facilitates the international activities of Australian aviation businesses.

### **5. What changes can be made to improve how Australia’s aviation safety agencies work together?**

The recent report by Russell Miller addresses this issue. The Minister’s direction that all recommendations that can be undertaken administratively be implemented forthwith appears sensible. The CASA CEO has issued a policy direction in this regard. This includes the establishment of an Accident Investigation review Board within CASA with the aim of ensuring that *all* lessons from an ATSB or coronial investigation are not just applied to CASA but are also taken up by industry, either as a result of regulatory change or persuasion. The ASF supports the CEO’s approach.

The thrust of the recommendations as to information-sharing with CASA are supported subject to adequate safeguards. Legislative changes may be required. ASF notes that Mr Miller recommends that the trigger for the provision of such information be ‘a serious and imminent threat to aviation safety’. This seems to be a sufficiently high threshold to prevent misuse of any power for ATSB to transfer information gathered in the course of an investigation to CASA and corresponds with the trigger for CASA’s immediate grounding power contained in the Civil Aviation Act.

The ASF assumes that any legislative changes will be consistent with Annexe 13 of the Chicago Convention and its focus on maximisation of the safety benefit of investigations.

Finally, the ASF encourages all agencies to understand the others’ roles and constraints, to build sound relationships supported by robust coordination procedures and to understand that aviation safety is best served by cooperation.

## **6. What steps can the aviation industry as a whole take to ensure it maintains safety standards as it grows and diversifies?**

The ASF supports the concept of the aviation industry recognising that CASA on its own cannot ensure safety. All members of industry share this responsibility; blind adherence to meeting standards is not enough and organisations must always be mindful not only of their common law duty of care obligations but also the need to assess risks, mitigate them then monitor the effectiveness of the processes within their individual organisation in the context of the overall aviation safety regulatory framework.

The ASF believes that the key to securing these benefits is to ensure that all employees, whatever their position in the organisation, understand the importance of safety and reflect such understanding in their behaviours, attitudes and decisions. The introduction of Part 119 is a key element in achieving this goal and it is therefore essential that it not be held up, regardless of the legislative drafting bottleneck.

The ASF recently discussed the paucity of accident data as an ironic result of Australia's safety record. It was noted that incident data consequently has a higher value than it otherwise might and should be carefully considered for the risks that it discloses so that responsive action can be taken. The possibility of joint CASA-industry-ATSB data bases, as apparently exist in Europe should be considered.

## **7. What steps should be taken to ensure Australia maintains a high standard of safety in the context of global developments?**

The participation by Australian agency staff in international aviation forums and activities is the most effective way of keeping abreast with international best practice. The ASF notes Australia's strong support for ICAO, participation in international programmes, support for safety initiatives in developing nations and specific tasks such as the Indonesian safety project. The ASF strongly supports such involvement

The ASF also notes that the 'Emerging Risks' project undertaken on behalf of the CASA CEO has recently released a report identifying such risks ('An assessment of trends and risk factors in passenger air transport'). This report also considers global trends and is intended to provide a framework for CASA, other government agencies and the industry to consider responses to

those risks. Also, this will involve the consideration of overseas developments and experience. This valuable initiative will require continued leadership by CASA so that there is overall coordination of agencies and industry bodies to address and monitor the risks described in the document, and the mitigation process.

CASA has recently accentuated its oversight and involvement in flying training. This has included a degree of specialisation within the inspectorate to ensure sufficient breadth of competency and capability on the part of Instructors and Flying Schools and the reconsideration of syllabuses, with a view to ensuring such matters as human factors and crew resource management are effectively covered. By taking these steps at pilot 'entry level' the ASF believes a lifelong commitment to safety is more likely to be established.

CASA takes note of overseas accident investigation reports and their recommendations. It is also part of the world wide network which coordinates ongoing airworthiness.

The ASF encourages CASA to continue to learn as much as possible from overseas rule-making for use in formulating Australia's rules, to participate where possible in discussion of leading-edge issues in forums such as ICAO, FAA-EASA harmonisation conferences and the conferences of safety regulators located in our immediate region. As our rules are progressively brought up to date, Australia's participation in overseas forums where regulatory experience is shared will become more meaningful. The ASF does not see the adoption of world good practice as the sole responsibility of CASA and encourages industry to take note of the technological and organisational developments overseas that enhance industry's safety achievement.

The ASF supports and encourages CASA to continue monitoring the work of other leading countries' aviation safety regulators' work on aviation medicine. Key issues include the role of illusions in GA accidents, the impact of diabetes on pilots, drug and alcohol treatment programs for pilots and so forth. The ASF sees merit in CASA applying relevant overseas knowledge and experience in Australia, even to the point of considering the adoption of overseas regulatory solutions to aviation medicine issues that might resolve them, in the Australian context. The ASF supports CASA undertaking or funding research on these sorts of issues, as it has already

done on the fatigue issue and using the findings to guide its own approach to safety regulation. It should also participate in international discussions on medical safety regulatory issues.

## **8. What issues should a 21<sup>st</sup> century aviation regulator be focussed on?**

The ASF believes that the Emerging Risks project report referred to above effectively responds to this question. The report identifies:

- global demand for aviation services
- environmental change awareness and initiatives
- aircraft, systems and technology and
- international instability and security

as *strategic* drivers of risk.

The report then identifies implications of those risks for operational tasks and safety support systems and for industry sectors. The ASF points out that many of these risks (such as ageing aircraft and skill shortages) had been earlier identified and discussed by it.

It further points out that the ‘risk scenario’ is not static and that a 21<sup>st</sup> century regulator will regularly review, from a zero base, the current risks which it should address. The effects of the current “oil crisis” on aviation safety is one risk area the ASF will continue to analyse.

In terms of the relationship of the structure of the regulatory framework to risk, the recently promulgated ‘Classification of Activities’ provides guidance with respect to such matters as the requirement that operators hold Air Operator’s Certificates.

## **9. Is self-administration a key factor in the growth of recreational aviation? Is there more scope for some parts of the industry to self administer? What are the opportunities and risks for the industry, regulators and the community in greater self administration?**

ASF notes the growth of aviation subject to self administration; it also notes that this refers specifically to self administration, not self regulation. There would appear to be scope for self-administration to extend to other parts of

the industry. The critical components of an appropriate regulatory regime (set by the Regulator) that would need to be met are:

- consistency of rules and standards applicable to self-administered activities with those to which other airspace users are subject
- accreditation of self-administering organisations with competency in airworthiness and flight operations. They would need to demonstrate their diligence in assuring the compliance of their members and aircraft owners to CASA and would be subject to oversight by CASA
- where the activities of the self administered entity impinge on passenger carrying activities, CASA would need to be satisfied that the high consequences of an accident are being effectively managed.

If these requirements are met, the ASF is of the view that the risks to the industry, regulators and the community should be acceptable. In this regard, ASF sees the current finalisation of parts 103 and 149 as important in providing a sound safety-regulatory platform upon which self-administration could be expanded in the event that it was decided to do so.

### **Safety Question on p 3**

**How might the Australian Government best ensure all international airlines flying into Australia maintain the highest of safety standards? How might the Australian Government most effectively monitor and enforce safety standards of airlines that lease aircraft rather than operating their own aircraft?**

The ASF understands that CASA takes its responsibilities with respect to the issuing of Foreign Airline AOCs seriously. Foreign airlines operating within Australian airspace are subject to CASA surveillance to assure compliance with operational and airworthiness standards.

The ASF also understands that CASA supports the ICAO oversight program which audits individual states' regulators and their regulatory frameworks to ensure that the requirements of the Chicago Convention and Annexes are met.

Leasing of aircraft by foreign (and for that matter Australian airlines) is not unusual and such aircraft are subject to home country and foreign country regulatory supervision in the same way as 'owned' aircraft. Code sharing raises issues where the code share partner does not operate to Australia and the ASF has sought advice as the safety regulatory arrangements applicable to such arrangements.

### **Safety question on p 5**

**Are security and safety measures adopted for major capital city trunk routes appropriate for regional and remote services? If not, what alternative measures could be adopted?**

The reality is that the greatest safety risk area of passenger-carrying operations is regional airlines using low capacity aircraft. The ASF has supported CASA applying an accentuated surveillance program to such operators. Implementation of the 'Classification of Activities' is expected to allow this to continue by freeing resources from AOC oversight which has had limited safety benefit.

Security measures applicable to major capital city trunk routes are not necessarily appropriate to regional and remote services and these should only be applied on an assessed risk basis.

### **Safety question on p 11**

**How can the regulatory regime better ensure that non-aeronautical developments do not compromise the aeronautical requirements of airlines and airports?**

To the extent that this question raises safety issues, the ASF supports CASA proactively seeking to discourage non-aeronautical developments that either clearly exacerbate operational risks at an airport or create risks to which users or the development itself might be exposed. Part 139 is obviously relevant in this regard in dealing with short-term impacts but CASA's case-specific view as to long term impacts should be sought at an early stage. The focus here should be on improved consultative arrangements between airports, CASA and other affected parties in the context of 'safety standards to be satisfied' rather than a prescriptive 'one size fits all' approach. This consultative approach should encourage a joint approach to project risk

assessment, and indeed ensure that an appropriate risk assessment process is in fact in place.

### **Safety question on p 12**

**How should guidelines be formulated for airport operators and others about public safety zones for locations at significant risk of on-the-ground fatalities from aircraft operations?**

See the answer to the immediately preceding question. While CASR Part 139 is intended to require risk-averse land-use planning at airports, the ASF encourages airport operators to share their development plans with CASA at the earliest opportunity so that case-by-case land use assessments can be made. The ultimate identification and categorisation (in terms of development restrictions) of such areas, where they are outside airport boundaries, will ultimately also involve States, Local Governments and their planning guidelines.

### **Safety questions on p 14**

**How do we enhance both air traffic management and safety and capacity and efficiency? How effective have Australian regulatory agencies been in pro-actively assessing the Australian air traffic management system and setting clear risk-based safety and efficiency outcomes requirements, having regard to international developments? Are we effectively aligning airspace classifications and the level of services and facilities provided to reduce risk to passenger transport operations? Can we better identify risk factors?**

Airspace is a strategic national resource; ASF encourages all parties to positively consider procedural and technological enhancements which have the potential to improve services from the perspective of airspace users as a whole as well as their specific sector or activity.

This issue will always spark controversy as it is an area where recreational aviation interfaces with passenger carrying activities. The key is the understanding of the risks involved through an analysis of both collision probability and consequence.

The ASF is of the view that the relatively recently enacted Airspace Act and Airspace Policy statement should be allowed to work through a cycle of airspace assessment and planning before the policy stipulations are re-examined. This view is taken in the light of the use of ICAO's internationally-recognised airspace classifications in the design of Australian airspace, the application of the common risk assessment model developed by Airservices, the Dept of Infrastructure, CASA and Defence in determining the design of Australia's airspace. The geographic vastness of Australia's airspace responsibilities, which extend to 11% of the earth's surface, is part of this issue. That disciplined and rigorous analyses of risks can produce a result under the current regulatory regime is demonstrated by the recently published review by the Office of Airspace Regulation of airspace adjacent to Avalon Airport.

Australia's system is integrated with overseas developments both by attention to overseas developments and the use of the ICAO classifications (which stipulate expected levels of ATS services to operators). Australia is, to a degree a world leader in technologies associated with air traffic management as demonstrated by this country's involvement in the development of FANS (Future Air Navigation Systems) and the recent ADS-B proposals. Australia has been a leader in ADS-B development and it is clearly the way of the future as has been acknowledged by the commitment to this technology from both the FAA and the EU.

The extensive use of ADS-B has been proposed as the basis for aircraft surveillance for ATS purposes in the future. It is understood Airservices has undertaken to meet a substantial portion of industry's adaptation costs. Sectors of the industry still have concerns over the implications of ADS-B for their operations. However for it to be effective in ensuring the safety of RPT operations this technology must be extended to recreational and private operations where they interact with passenger carrying activity and there is an unacceptable collision probability or consequence. An extensive consultation programme, where the various transition phases are described in detail and the question "what effect will this have on my operations?" is clearly answered is urgently required. Having regard to lead times, this consultation process should be undertaken expeditiously. Given effective consultation and honest responses to operators' concerns, the ASF supports the introduction of ADS-B systems however the industry must be convinced that the detailed transition plan adequately addresses the risks involved.

24/06/08