



Australian Government

Government Response

**Senate Rural and Regional Affairs and
Transport References Committee**

**Report into Aviation Accident
Investigations**

March 2014

Introduction

On 13 September 2012, the Senate agreed that the following matters be referred to the Rural and Regional Affairs and Transport References Committee (the Committee) for inquiry and report by 29 November 2012:

- a) the findings of the Australian Transport Safety Bureau into the ditching of VH-NGA Westwind II, operated by Pel-Air Aviation Pty Ltd, in the ocean near Norfolk Island Airport on 18 November 2009;
- b) the nature of, and protocols involved in, communications between agencies and directly interested parties in an aviation accident investigation and the reporting process;
- c) the mechanisms in place to ensure recommendations from aviation accident investigations are implemented in a timely manner; and
- d) any related matters.

The Committee delivered its report on 23 May 2013.

The Australian Government thanks the Committee for its examination of these important matters and the recommendations it has presented for consideration.

Australia's Aviation Safety System

Aviation plays a key economic and social role in Australia facilitating economic and productivity growth.

With strong international and domestic aviation passenger growth forecast to continue over the next decade, and with the Asia-Pacific being the fastest growing aviation market in the world, the Government has emphasised in its aviation policy the need to create a regulatory environment in Australia which facilitates this growth.

However in the context of this forecast growth, the Australian Government's highest aviation priority is to maintain and further improve our high aviation safety standards.

The strength of Australia's aviation safety framework depends upon our governance arrangements and clearly setting out the roles and responsibilities, processes and procedures to be consistently followed by our Government aviation agencies and industry.

The Government welcomes the Committee's report as an important contribution to further improve these arrangements.

Since the report was released there have been a number of important initiatives announced which address many of the Committee's recommendations.

In August 2013 an independent peer review was established by the Australian Transport Safety Bureau (ATSB) to examine the ATSB's methodologies and processes, concerns over which were raised in the Committee's report. The peer review report is scheduled to be completed by May 2014.

Also in August 2013 the Civil Aviation Safety Authority (CASA) released a Notice of Proposed Rule Making (NPRM) for public and industry comment proposing better safety standards for air ambulance flights. At the request of industry, the comment period for the NPRM was extended until October 2013.

Finally, consistent with this Government's Aviation Policy we have announced the establishment of an Aviation Safety Regulation Review to investigate the structures and processes of all aviation agencies involved in aviation safety.

The review is being conducted by a panel of international aviation experts.

Having regard to these significant developments, the Government's responses to the Committee's 26 recommendations, and the supplementary recommendation of a participating member of the Committee, are attached.

This is the Government's initial response to the Committee pending the completion of the above significant reviews.

Recommendation 1

The Committee recommends that the ATSB retrieve VH-NGA flight data recorders without further delay.

Response

The Government notes this recommendation.

However advice from our independent aviation safety agencies, the ATSB and CASA, does not support retrieval of the recorders.

The ATSB has given detailed consideration to the Committee's recommendation.

The ATSB has reached its position on the basis that:

- the cockpit voice recorder (CVR) covered communication between the crew for the last two hours of the flight which is after the critical instances and decision points of the flight i.e. receipt and assimilation of the various weather updates and decisions on flight planning and fuel management; and
- the flight data recorder (FDR) only recorded five basic parameters and would provide limited benefit to the understanding of the accident.

Therefore with respect to the ditching of aircraft VH-NGA, the ATSB advises that data to be obtained from the CVR and FDR would offer little information directly relevant to the key safety issues in the investigation not already available from other sources.

The ATSB has also advised that any information obtained would not likely lead to any commensurately significant safety learning or improvement to transport safety. Retrieval of the recorders would also not represent a proper use of limited public resources, consistent with the provisions of the *Financial Management and Accountability Act 1997* and the *Public Service Act 1999*, with which the Chief Commissioner is obliged to comply. It is considered unlikely to lead to a better understanding of any significant lessons learned for the aviation industry.

The current international position, which is what applies to the Committee's recommendation, is that the relevant International Civil Aviation Organization (ICAO) Annex 13 provides that effective use shall be made of flight recorders in accident or incident investigations.

Determining effective use involves weighing up the likely safety benefits to be derived from the information obtained, alongside the cost of the recovery action and having regard to where a crash site is difficult to access.

The Government is however cognisant of the Committee's concerns over the carrying out of the investigation and therefore supports the current Canadian Transportation Safety Board peer review of the ATSB investigation methodologies and processes having regard to Australia's obligations under ICAO Annex 13. The peer review report is scheduled to be completed by May 2014.

Recommendation 2

That the Minister, in issuing a new Statement of Expectations to the ATSB, valid from 1 July 2013, make it clear that safety in aviation operations involving passengers (fare paying or those with no control over the flight they are on, e.g. air ambulance) is to be accorded equal priority irrespective of flight classification.

Response

The Government supports this recommendation.

The Government notes that the updated Statement of Expectations (SOE) provided to the ATSB in April 2013 continued to give priority to transport safety investigations that have the potential to deliver the best safety outcomes for the travelling public.

The ATSB has also committed, acknowledging a finite level of resources, to investigate all fatal accidents involving powered aircraft with a civil registration (VH), regardless of the nature of the operation, including aeromedical flights.

The Government will consider any further changes to the ATSB SOE arising out of the recommendations of the independent Aviation Safety Regulation Review.

Recommendation 3

That the ATSB move away from its current approach of forecasting the probability of future events and focus on the analysis of factors which allowed the accident under investigation to occur. This would enable the industry to identify, assess and implement lessons relevant to their own operations.

Response

The Government supports this recommendation in-principle.

However it is important to note that the current ATSB investigation approach is not just focussed on future events but involves establishing the facts pertaining to an occurrence, conducting the associated analysis of those facts to identify safety factors and issues contributing to, or arising from, the occurrence, and then considering the risk to future safety associated with those factors and issues.

The ATSB's investigation policies and procedures are currently being reviewed with a view to considering how the visibility of safety factors, identified as part of the investigation, can be enhanced and other improvements to its risk analysis processes.

The Canadian Transportation Safety Board peer review of the ATSB's methodologies and processes will consider investigation management and governance; reporting processes; external communication strategies; and will have regard to obligations under ICAO Annex 13 and issues raised in the Committee's report.

Recommendation 4

That the ATSB be required to document investigative avenues that were explored and then discarded, providing detailed explanations as to why.

Response

The Government supports this recommendation.

The ATSB's investigation policies and procedures currently require investigators to document investigative avenues that were explored and discarded. However ATSB policies and procedures are being reviewed with the objective of ensuring that information is published more explicitly in investigation reports.

The Canadian Transportation Safety Board peer review of the ATSB investigation methodologies and processes will also examine this issue.

Recommendation 5

That the training offered by the ATSB across all investigator skills sets be benchmarked against other agencies by an independent body by, for example, inviting the NTSB or commissioning an industry body to conduct such a benchmarking exercise.

Response

The Government supports this recommendation.

It is proposed that benchmarking be undertaken as part of an ongoing ATSB training process not a "one-off" exercise.

The ATSB has previously benchmarked its training arrangements and also consults and collaborates with its international counterparts, through a range of forums, on issues of shared interest.

The ATSB will consult with members of the International Transport Safety Association to pursue further benchmarking of member agency training.

The ATSB is a Registered Training Organisation that is subject to regular external audit. Its training programs are also regularly used by safety professionals and industry participants, including staff from regulators and other investigative agencies.

Recommendation 6

That, as far as available resources allow, ATSB investigators be given access to training provided by the agency's international counterparts. Where this does not occur, resultant gaps in training/competence must be advised to the Minister and the Parliament.

Response

The Government supports this recommendation in-principle.

However training of ATSB investigators should include a range of on-the-job experience and professional development and not just revolve around access to international counterparts.

The ATSB has established processes for professional development, including through engagement with overseas counterparts and attendance at international investigator and transport safety forums. The ATSB also engages with industry to ensure familiarity with technological advancements.

While the ATSB's auditing and benchmarking exercises have not identified any gaps in its training program, the ATSB will continue to identify enhancements where possible.

The Minister and the Parliament will be advised on the ATSB's training strategies and outcomes through the ATSB Annual Report.

Recommendation 7

That the *Transport Safety Investigation Act 2003* (TSI Act) be amended to require that the Chief Commissioner of the ATSB be able to demonstrate extensive aviation safety expertise and experience as a prerequisite for the selection.

Response

The Government does not support this recommendation.

The ATSB is a multi-modal safety investigation agency and the current provisions in the TSI Act regarding appointment of commissioners ensure an appropriate balance of expertise across transport modes.

The Chief Commissioner is supported by staff with a diverse range of transport expertise, including expertise in aviation as well as maritime and rail transport.

The ATSB's workforce planning aims to ensure it has access to the skills and competencies necessary to function as a modern transport safety agency. To assist in achieving this key objective, the ATSB will develop, and update annually, a strategic workforce plan setting out its approach to meeting and maintaining future workforce and skills requirements.

Recommendation 8

That an expert aviation safety panel be established to ensure quality control of ATSB investigation and reporting processes along the lines set out by the committee.

Response

The Government does not support this recommendation.

Australia's internationally recognised aviation safety governance arrangements do not require another layer of oversight as proposed by the Committee.

The ATSB is an independent statutory authority with that independence being specifically provided for under the TSI Act.

Independence for accident investigation authorities is important for avoiding conflicts of interest and external interference, and is consistent with international standards. In this regard, standard 5.4 of Annex 13 to the *International Convention on Civil Aviation (the Chicago Convention)* provides that "the accident investigation authority shall have independence in the conduct of the investigation and have unrestricted authority over its conduct."

Establishing a separate body to quality control the work of the ATSB would undermine these arrangements.

The Government considers that the ATSB should use its established quality control processes to ensure the veracity of its findings and is prioritising enhancements to its Safety Information Management Systems and Safety Investigation Quality System to further enhance the quality and timeliness of its investigations.

The ATSB investigation procedures also require that investigation reports are subjected to a range of internal management and peer reviews, and consultation with involved parties, before reports are submitted to the Commission for approval.

The Canadian Transportation Safety Board peer review of the ATSB will also assess the adequacy of quality control procedures and make recommendations as appropriate as to how the ATSB can further improve these procedures.

Recommendation 9

That the Government develop a process by which the ATSB can request access to supplementary funding via the Minister.

Response

The Government supports this recommendation.

The Government is committed to ensuring that suitable mechanisms continue to allow the Chief Commissioner of the ATSB to request additional funding on an as required basis to ensure the high standard of investigations is maintained.

Accordingly the Chief Commissioner and the Secretary of the Department of Infrastructure and Regional Development will be providing joint advice to the Government on the most effective means of giving effect to the Government's commitment.

Recommendation 10

That the investigation [of the Pel-Air Incident] be re-opened by the ATSB with a focus on organisation, oversight and broader systemic issues.

Response

The Government notes this recommendation.

Consistent with undertakings given to the Committee, the ATSB will be amending the Pel-Air investigation report to correct administrative errors which have been brought to its attention, including at the inquiry hearings.

However the re-opening of investigations is ultimately a matter for our independent aviation safety investigatory body, the ATSB.

In this regard, in accordance with ICAO Annex 13, the reopening of an investigation should be considered by the investigating agency where significant new evidence comes to light.

The ATSB's Commission has closely monitored the proceedings of, and submissions to, the inquiry and has advised the Government that it does not consider that any significant new evidence has arisen on issues that have already been considered which are likely to have contributed to the accident.

The ATSB investigation report included the identification of two safety issues which are focussed on organisation, oversight and broad systemic considerations:

- the available guidance on fuel planning and on seeking and applying en route weather updates was too general and increased the risk of inconsistent in-flight fuel management decisions to divert; and
- the operator's procedures and flight planning guidance managed risk consistent with regulatory provisions but did not effectively minimise the risks associated with aeromedical operations to remote islands.

Further organisation, oversight and systemic issues have been assessed and addressed by the operator, CASA, and other parties, which is acknowledged in the ATSB report.

Therefore the ATSB does not consider that re-opening its investigation will add further safety benefits, but would unnecessarily divert investigative resources currently involved in other ongoing investigations.

The Government also notes the Committee's concerns regarding aspects of the investigation and these will be examined as part of the Canadian Transportation Safety Board peer review of the ATSB investigation methodologies and processes having regard to Australia's obligations under ICAO Annex 13.

Recommendation 11

That CASA processes in relation to matters highlighted by this [Air Accident] investigation be reviewed. This could be an evaluation benchmarked against a credible peer (such as FAA or CAA) of regulation and audits with respect to: non-RPT passenger carrying operations; approach to audits; and training and standardisation of FOI across regional offices.

Response

The Government supports this recommendation.

Since 2009 CASA has advised that it has been acting consistently to improve its performance in each of the areas highlighted by the Committee including:

- the release of a Notice of Proposed Rule Making proposing better safety standards for air ambulance flights and ongoing work on proposed regulatory provisions covering passenger charter flights;
- increased specialised training, in particular for technical staff such as inspectors, and often with industry participation;
- greater standardisation and coordination of surveillance and enforcement activity, including through the use of new IT systems, new and regularly updated Surveillance, Air Operator's Certificate and Enforcement manuals and centralised oversight of both surveillance and enforcement activities; and
- the establishment of a Safety Systems Office to analyse available safety data to identify any adverse safety trends and propose relevant safety interventions to mitigate risks and systemic issues.

Australia's aviation safety system will be monitored under the ICAO Continuous Monitoring Program. This is an appropriate mechanism for the evaluation of aviation safety regulation in Australia.

The Government will also consider further improvements to CASA processes arising out of the recommendations of the independent Aviation Safety Regulation Review once completed.

Recommendation 12

That CASA in consultation with an Emergency Medical Services industry representative group (e.g. Royal Flying Doctor Service, air ambulance operators, rotary wing rescue providers) consider the merit, form and standards of a new category of operations for Emergency Medical Services. The Minister should require CASA to approve the industry plan unless there is a clear safety case not to. Scope for industry to assist as part of an audit team should also be investigated where standardisation is an issue. This should be completed within 12 months and the outcome reported publicly.

Response

The Government supports this recommendation in-principle.

On 5 August 2013, CASA released a Notice of Proposed Rule Making (NPRM) which provides for better safety standards for air ambulance flights.

The benefits of the classification of air ambulance flights as passenger transport include:

- higher levels of training and checking for pilots;
- more robust aircraft equipment requirements;
- fatigue risk management specific to aeromedical operations;
- greater operational and tasking flexibility for some operations; and
- potential for greater recognition of Australian authorisations during international operations.

The NPRM was published last year seeking comments from the public with an extended timeframe for consultation until October 2013. CASA is currently considering comments.

CASA, as part of its legislated responsibilities, is Australia's aviation safety regulator charged with both the development and implementation of the aviation safety regulations.

Therefore the Government does not support industry effectively drafting its own regulations through an "industry plan" as suggested by the Committee. Industry however should be closely consulted in the development of aviation safety regulatory proposals and CASA will continue to draw on industry expertise as part of regulatory development and review processes.

Similarly, it would not be appropriate for passenger transport industry members to participate in safety audit activities given the clear potential for conflicts of interest.

Recommendation 13

That a short inquiry be conducted by the Senate Standing Committee on Rural and Regional Affairs and Transport into the current status of aviation regulatory reform to assess the direction, progress and resources expended to date to ensure greater visibility of the processes.

Response

The Government supports this recommendation in-principle.

The Government has announced the establishment of an Aviation Safety Regulation Review to investigate the structures and processes of all aviation agencies involved in aviation safety.

The review will consider, amongst other issues, the current status of aviation safety regulatory reform and the outcomes and directions of the regulatory review process being undertaken by CASA.

The Government would welcome the input of the Committee members as part of the consultation process for the review.

Recommendation 14

That the ATSB-CASA Memorandum of Understanding be re-drafted to remove any ambiguity in relation to information that should be shared between the agencies in relation to aviation accident investigations, to require CASA to:

- advise the ATSB of the initiation of any action, audit or review as a result of an accident which the ATSB is investigating; and
- provide the ATSB with the relevant review report as soon as it is available

Response

The Government supports this recommendation.

A revised Memorandum of Understanding (MoU) between the ATSB and CASA will be put in place following the completion of the Aviation Safety Regulation Review.

Recommendation 15

That all meetings between the ATSB and CASA, whether formal or informal, where particulars of a given investigation are being discussed be appropriately minuted.

Response

The Government supports this recommendation.

The two agencies have confirmed that procedures are in place to ensure outcomes of meetings and discussions are recorded and filed. These procedures will be reviewed by the two agencies, as appropriate, to ensure their ongoing adequacy and effectiveness.

Recommendation 16

That, where relevant, the ATSB include thorough human factors analysis and discussion in future investigation reports. Where human factors are not considered relevant, the ATSB should include a statement explaining why.

Response

The Government supports this recommendation.

The ATSB confirms that human factors are an essential part of its investigation process, and its policies and procedures governing the investigation of human factors are consistent with ICAO guidance on human factors.

ICAO guidance states that human factors information should be integrated into the appropriate areas of the factual part of the report, rather than under a separate heading, to ensure that human factors issues are appropriately addressed in investigations and reports.

The Canadian Transportation Safety Board peer review of the ATSB investigation methodologies and processes will examine the consideration of human factors issues and make any recommendations for further improvements as appropriate.

Recommendation 17

That the ATSB prepare and release publicly a list of all its identified safety issues and the actions which are being taken or have been taken to address them. The ATSB should indicate its progress in monitoring the actions every 6 months and report every 12 months to Parliament.

Response

The Government supports this recommendation.

The ATSB publishes on its website a list of all safety issues and actions highlighted in its investigation reports, including recommendations. The status of these issues and actions is updated quarterly.

The ATSB Annual Report to Parliament also provides details of safety issues and advices published in the ATSB investigation reports and advice on the status of recommendations.

Recommendation 18

That where a safety action has not been completed before a report being issued that a recommendation should be made. If it has been completed the report should include details of the action, who was involved and how it was resolved.

Response

The Government supports this recommendation in-principle.

ATSB policies and procedures require that the details of actions taken in response to safety issues identified as part of an investigation are included in the investigation report. The ATSB website provides an ongoing status report on the action undertaken in response. The ATSB reviews and updates this information quarterly.

The ATSB will review its policy on the use of recommendations, including in relation to international best practice and having regard to the final report of the Canadian Transportation Safety Board peer review.

Recommendation 19

That the ATSB review its process to track the implementation of recommendations or safety actions to ensure it is an effective closed loop system. This should be made public, and provided to the Senate Regional and Rural Affairs and Transport Committee prior to each Budget Estimates.

Response

The Government supports this recommendation.

The ATSB has processes in place to track and report action in response to safety issues identified through its investigations. The safety issue and action information gathered by the ATSB is publicly available on the ATSB website.

Consistent with Recommendation 18, the ATSB will review its processes to ensure transparency and timely closure in relation to safety actions and recommendations.

As appropriate, the ATSB will also assist the Secretariat to the Senate Regional and Rural Affairs and Transport Committee to access the safety issue and action information published on the ATSB website prior to each Budget Estimates.

Recommendation 20

That where the consideration and implementation of an ATSB recommendation may be protracted, the requirement for regular updates (for example 6 monthly) should be included in the TSI Act.

Response

The Government notes this recommendation.

The ATSB advises that there are already existing arrangements for regular public reporting on the status of safety recommendations and safety actions. For example, the ATSB already publishes on its website a list of all safety issues and actions highlighted in its investigation reports, including recommendations. The status of the issues and actions is updated quarterly.

Therefore, based on this advice, amendment to the ATSB's governing legislation, for an administrative reporting matter, is not necessary.

Recommendation 21

That the Government consider setting a time limit for agencies to implement or reject recommendations, beyond which ministerial oversight is required where the agencies concerned must report to the Minister why the recommendation has not been implemented or that, with ministerial approval, it has been formally rejected.

Response

The Government notes this recommendation.

All recipients of recommendations are required to respond with details of intended action (if any) within 90 days and this response is published by the ATSB. This arrangement provides for oversight of implementation and the identification of related factors or processes impacting the timeframe for implementation of specific recommendations.

The implementation of safety actions, including the time needed and the resources involved, may vary on a case by case basis. Further, the implementation of some safety actions may be tied to the implementation of others, or other regulatory initiatives, meaning that implementation needs to be accommodated within broader aviation safety regulatory processes.

Ministerial intervention in safety actions by its independent safety agencies is not necessary and could undermine the proper independence of our statutory agencies in acting in accordance with their legislative mandates.

Recommendation 22

That Airservices Australia discuss the safety case for providing a hazard alert service with Fijian and New Zealand ATC (and any other relevant jurisdictions) and encourage them to adopt this practice.

Response

The Government supports this recommendation in-principle.

Airservices Australia (Airservices) has confirmed that Australia, Fiji and New Zealand all follow internationally agreed protocols which define the nature and obligations for the provision of information to flight crews by air traffic control. This includes the provision of a Flight Information Service (FIS), as defined by ICAO, which includes relevant weather information and other information likely to affect safety.

Airservices notes that it uses the term "hazard alert" to describe information provided under the FIS which is new and not yet captured in a meteorological report or formal Notice to Airmen (NOTAM). While Fiji and New Zealand do not use the term "hazard alert", the service provided in all cases is effectively the same internationally agreed FIS.

Airservices has drawn Fijian and New Zealand air traffic authority's attention to the safety lessons learnt from the Pel-Air accident, both in writing and at the South West Pacific Safety Forum in May 2013.

Airservices made a presentation at the Forum which reviewed the lessons learnt from this event and the importance of accurate and timely communication and information between air traffic service providers and air crew which can include the provision of advice of deteriorating and hazardous conditions.

Recommendation 23

That the relevant agencies review whether any equipment or other changes can be made to improve the weather forecasting at Norfolk Island. The review would include whether the Unicom operator should be an approved meteorological observer.

Response

The Government supports this recommendation.

The Bureau of Meteorology (BoM) upgraded its equipment at Norfolk Island subsequent to a relevant ATSB report in 2000. This included the provision of instruments that measure cloud height and visibility automatically. A radar unit was also installed in 2003 for upper air measurements and weather watch.

The Bureau of Meteorology (BoM) will be undertaking the review relating to Norfolk Island in consultation with other agencies and industry and expects to complete the review by 30 June 2014.

BoM reports that new international higher resolution satellite imagery is scheduled to be available in 2015. This additional information may lead to improvements in monitoring and forecasting of weather services at Norfolk Island.

BoM also advises that it currently runs approved training courses for authorised weather observers which can be accessed by any airport staff.

Recommendation 24

That the relevant agencies investigate appropriate methods to ensure that information about the incidence of, and variable weather conditions at, Norfolk Island is available to assist flight crews and operators managing risk that may result from unforeseen weather events.

Response

The Government supports this recommendation.

BoM currently provides information on various meteorological hazards to aviation through a number of publications, including the Manual of Aviation Meteorology. BoM staff also provide presentations at safety forums for pilots which include weather issues related to destinations such as Norfolk Island.

Through the BoM's aviation web site, specific information on climatological conditions at Norfolk Island can be found in *Aerodrome Climatologies*, which provides information about the frequency of low cloud and reduced visibility at Norfolk Island.

To supplement this information, the BoM has worked with Airservices and CASA to produce a brochure on aviation weather hazards at Norfolk Island. This brochure was developed and made available on the BoM web site in December 2013. It will also be made available at meetings with industry.

Recommendation 25

That the Aeronautical Information Package (AIP) En Route Supplement Australia (ERSA) is updated to reflect the need for caution with regard to Norfolk Island forecasts where the actual conditions can change rapidly and vary from forecasts.

Response

The Government supports this recommendation in-principle.

Variability of weather conditions from forecast is something for which flight crews should always anticipate and plan irrespective of which airport they operate to, including island destinations.

There are however, some concerns with the Committee's recommendation.

The specific identification of weather variability for a single location within the AIP could introduce its own risks. There is potential for a lack of such a statement at other locations to imply that weather is not variable, or forecasts are more accurate, at those other locations.

Commentary or classification about the reliability of weather forecasts of susceptibility to weather changes should not be done in isolation at a single location unless the safety implications have been assessed by the relevant agencies. Accordingly, Airservices is consulting with the BoM and CASA to determine whether the current ERSA provisions should be updated for Norfolk Island. If agreed, changes will be incorporated into the next scheduled issue of ERSA.

Recommendation 26

That in relation to mandatory and confidential reporting, the default position should be that no identifying details should be provided or disclosed. However, if there is a clear risk to safety then the ATSB, CASA and industry representatives should develop a process that contains appropriate checks and balances.

Response

The Government supports this recommendation in-principle.

The updated Statements of Expectations applying to ATSB and CASA, issued in April 2013, require that both agencies work closely together to ensure that arrangements are in place for the appropriate sharing and use of safety information by the ATSB and CASA. The Statements also require that these arrangements are transparent to the aviation industry and consistent with a strong reporting culture.

In response, the ATSB and CASA publicly released a joint Safety Policy Information Statement in June 2013 clarifying the use of information by both agencies and as a guide to further consultations with industry on the implementation of this policy in the operations of both agencies. Any legislative changes that may be developed to give effect to the Statement would be subject to public and industry consultation.

The information sharing approach outlined in the joint Safety Policy Information Statement is entirely consistent with international best practice and is reflected in the recommendations of the ICAO multi-disciplinary taskforce formed to specifically consider information sharing issues.

Additional Comment (Recommendation) by Participating Member

That the Government establish, as a matter of urgency, the role of Inspector-General of Aviation Safety, with the necessary powers, resources and expertise to oversee and independently review the activities of CASA, the ATSB and other relevant organisations to an appropriate level.

Response

The Government does not support this recommendation.

Australia's internationally recognised aviation safety governance arrangements do not require another layer of administration or oversight.

CASA and the ATSB are independent statutory authorities, with that independence being specifically provided for in their relevant enabling legislation and both are accountable to Parliament.

The Government sets out Statements of Expectations for both agencies consistent with their respective enabling legislative provisions. These will be updated for CASA and ATSB in the first half of next year once the independent safety review is completed and its recommendations considered by the Government.

Independence for regulatory and accident investigation authorities is vital for avoiding conflicts of interest and external interference, and is consistent with international best practice and ICAO standards.

Therefore establishing a separate body to oversee and review the work of the CASA and the ATSB would undermine well established, governance and oversight arrangements, which enjoy bipartisan support and strike an appropriate balance between independence and accountability.