

Rural & Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Supplementary Budget Estimates November 2013

Infrastructure and Regional Development

Question no.: 141

Program: ATSB

Division/Agency: (ATSB) Australian Transport Safety Bureau

Topic: Safety – Colour Vision Deficiency

Proof Hansard Page/s: 67 (18/11/2013)

Senator Fawcett asked:

Senator FAWCETT: I assume you have been watching on the monitor the proceedings with CASA. Are there any accidents or incidents or concerns in Australia that have been brought to ATSB's attention as a result of a pilot having a colour vision deficiency?

Mr Dolan: I am not aware of any investigations we have undertaken where a contributing factor to an accident was colour vision deficiency. My colleagues might have a different view.

Mr Walsh: No, we would have to take it on notice to do a search of the database to see if we have any cases on record.

Mr Dolan: We will search the database to confirm, but we are reasonably certain that we do not have one of those.

Answer:

A review of the ATSB's data base revealed one occurrence in 1996 that makes reference to colour blindness. The incident (ATSB reference 199603027) happened on 20 September 1996 and involved a privately operated Piper Navajo that landed with the landing gear retracted at Roma, Queensland. The investigation found that the pilot probably forgot to lower the landing gear when he became distracted after landing checks were delayed and as a result of trying to sight another aircraft. The occurrence record noted that the pilot had a colour vision deficiency where he could not discriminate between red and green. It is not clear whether the colour vision deficiency played any role in the pilot not observing the landing gear position, noting the landing gear indication lights are red (up) and green (down), but the pilot should still have been able to observe only one light illuminated for the up position as opposed to three lights for the down position. Pilot distraction is a common cause of occurrences involving wheels up landings, irrespective of any colour vision impairment.

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Question no.: 142

Program: ATSB

Division/Agency: (ATSB) Australian Transport Safety Bureau

Topic: Pel-Air

Proof Hansard Page/s: Written

Senator Xenophon asked:

It is now over four years since the ditching of VH-NGA off Norfolk Island, and nearly seven months since the committee issued its report on aviation accident investigations. Has the ATSB formulated a response to this report?

- a. If so, please provide a copy of the response provided to the Minister or department.
- b. Will the ATSB be implementing any of the report's recommendations? If so, when?
- c. In particular, will the ATSB be withdrawing its report into the Pel-Air incident and conducting a further investigation?
- d. Does the Chief Commissioner still maintain the ditching was the fault of the pilot, and that there were no systemic issues involved?

Answer:

Yes.

- a. The ATSB provided advice to the Department on 31 July 2013, to assist it in briefing the Minister on a proposed government response. The various agency contributions, including the ATSB's, to assist in the preparation of the Government's response to the Senate Inquiry, are internal working documents provided to the Department as part of a deliberative Government process.
Each Government aviation agency cleared parts, pertaining to their organisation, of the proposed Government response to the Senate Inquiry before the response was provided to the Government. Accordingly agency views on the Senate Inquiry's report will be reflected in the final Government response, which will be provided to the Committee as soon as it is approved by the Government.
- b. The ATSB will implement those elements of the government response which are relevant to it and are consistent with the provisions of the *Transport Safety Investigation Act 2003*. The timeframe for implementation will depend on the publication of the government's response as well as the outcomes of the review of aviation safety regulation announced by the Deputy Prime Minister on 14 November 2013. The review team is expected to report to the government in May 2014.
- c. The ATSB has no power to withdraw the Pel-Air report or plans to conduct a further investigation.
- d. The ATSB stands by the findings of its report. Neither the Chief Commissioner nor the ATSB have apportioned blame for the ditching. The report identified systemic issues against which action has been taken by the relevant organisations.

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Question no.: 143

Program: ATSB

Division/Agency: (ATSB) Australian Transport Safety Bureau

Topic: Air Safety – Loss of separation occurrences and Pel-Air

Proof Hansard Page/s: Written

Senator Xenophon asked:

The ATSB recently completed a review of loss of separation incidents in Australia, and concluded that issues with military ATS were primarily to blame.

- a. How does this compare with the CASA review of Airservices Australia, which found serious regulatory breaches and resulted in CASA revoking ASA's ongoing approval? Isn't this in contrast to the ATSB's findings?
- b. Given the findings of the Pel-Air report, what confidence can the Australian public have that the ATSB was thorough and rigorous in its investigation, and did not seek to mitigate any impact the investigation may have on CASA or Airservices Australia?
- c. Does the ATSB acknowledge that the significant failings of the Pel-Air report, and the lack of response to those failings, puts the ATSB's reputation at risk?

Answer:

The ATSB's review did not conclude that issues with military ATS were primarily to blame for loss of separation incidents in Australian airspace.

- a. The CASA Part 172 audit solely looked at Airservices Australia and used an audit methodology concerned specifically with regulatory compliance.

In contrast, the ATSB's Loss of separation (LOS) between aircraft in Australian airspace, January 2008 to June 2012 research report analysed safety data in relation to reported incidents and associated ATSB investigations. Using an evidence-based approach, it aimed to document the level of safety in relation to aircraft separation across all controlled airspace. In doing so, the ATSB examined CASA's involvement in aircraft separation as well as that of Airservices Australia and the Department of Defence.

The ATSB research report found that most (80%) LOS incidents involved aircraft under the control of Airservices. The report highlights areas of concern relating to Airservices in relation to these occurrences; it also identified a safety issue relating to Airservices not actively monitoring or investigating LOS occurrences deemed attributable to pilots. This resulted in a recommendation to CASA, who currently do not require Airservices to report on pilot-attributable LOS occurrences. The research report also makes reference to other safety issues involving Airservices that were concurrently identified in ongoing ATSB occurrence investigations, two of which were released on the same day and identified a range of safety issues relating to Airservices and included recommendations to Airservices (AO-2011-144, AO-2012-012). The research report also noted that:

While a number of the above investigations are ongoing at the time of writing this report, and more detailed findings and associated safety actions will be included in those reports when published, most of the issues are consistent with some of those

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identified in the Civil Aviation Safety Authority's *Review of CASR Part 172 Air Traffic Service Approval of Airservices Australia*, which was finalised in January 2013.

The ATSB research report also examined LOS occurrences involving military air traffic control, which is currently not regulated or overseen by CASA. Analysis found that there was a disproportionate rate of LOS incidents in military terminal area airspace, and that these occurrences involved contributing air traffic controller actions more often than for equivalent civil airspace occurrences. The ATSB considers that, although small in terms of the volume of aircraft controlled, military airspace currently carries a higher risk of a separation loss than civil airspace and attention should be directed to reducing this risk. Two recommendations were made in relation to this, one to the Department of Defence, and the other to CASA.

- b. Consistent with international conventions, legislative obligations and the expectations of government, the ATSB operates independently of regulators and other safety agencies. The ATSB has negotiated Memoranda of Understanding (MoUs) with these safety agencies that recognise their separate and independent roles but confirm a shared commitment to achieving the best possible outcome for transport safety.

Noting the concerns of the Senate References Committee Inquiry, the government has announced a review of aviation safety regulation which will consider the relationships between safety agencies.

Notwithstanding the Reference Committee's concerns, the ATSB makes a significant contribution to the safety of the Australian aviation industry through investigation, analysis, open reporting and education on civil aviation safety matters, free of any conflict of interest and without fear or favour.

- c. The government is considering its response to the Senate References Committee report into Aviation Accident Investigations. Separately, the ATSB has invited the Transportation Safety Board (TSB) of Canada to review the ATSB's investigation methodologies. The Australian public should have every confidence in the ATSB's ability and commitment to carry out its functions fully. The ATSB looks forward to the outcomes of both the government review and the TSB review as an opportunity to further improve the ATSB's contribution to transport safety.

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Question no.: 144

Program: ATSB

Division/Agency: (ATSB) Australian Transport Safety Bureau

Topic: Pel-Air

Proof Hansard Page/s: Written

Senator Xenophon asked:

I note that the Canadian TSB has been commissioned to undertake an independent review of the ATSB's reporting processes.

- a. Who commissioned the review?
- b. Why was the TSB chosen, and who made that choice?
- c. What is the process for the review?

Answer:

- a. The ATSB Commission agreed to enter into an MOU with the TSB of Canada to facilitate the review, on 24 July 2013. The MOU was executed by the ATSB Chief Commissioner and the Chair of the TSB on 29 July 2013.
- b. The TSB was identified by the Chief Commissioner as well placed to conduct the review because the TSB has a similar legislative framework to the ATSB and a long-standing commitment to systemic investigation to improve safety.
- c. The review will involve the TSB conducting a comparative analysis of ATSB and TSB investigation methodologies, including a comparison against ICAO Annex 13. As part of the review, the TSB will analyse a selection of ATSB investigations, including the Pel-Air investigation, to assess how the investigation methodology was applied. The review will also assess the ATSB's approach to the management and governance of the investigation process, the investigation reporting process and external communications.

The TSB expects to publish its report by May 2014.