



The Gliding Federation of Australia
"Gliding Australia"
C4-1/13 the Gateway
BROADMEADOWS VIC 3047

0422 006 111
president@glidingaustralia.org

Committee Secretary
Senate Standing Committees on Rural and Regional Affairs and Transport
PO Box 6100
Parliament House
Canberra ACT 2600

13th July 2020

**GLIDING FEDERATION OF AUSTRALIA SUPPLEMENTARY SUBMISSION –
SENATE COMMITTEE ON RURAL AND REGIONAL AFFAIRS AND TRANSPORT
INQUIRY INTO GENERAL AVIATION IN AUSTRALIA**

Introduction

This Supplementary Submission adds to the Gliding Federation of Australia (GFA) submission dated 8th July 2020.

Terms of Reference Addressed

This supplementary submission applies to the full terms of reference for this inquiry.

Reason for Supplementary Submission

At the time of drafting the first submission of 8th July 2020, our GFA research into the *Civil Aviation Amendment Act 2019* drew upon information at the APH website at https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=r6305 as well as the Department of Parliamentary Services Bills Digest No 10, 2019-2020, dated 22 July 2019.

GFA now understands that the subsequent parliament did, in fact, pass legislation to change the *Civil Aviation Act 1988*. GFA has today received third party advice of updated information at https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=s1207

The key effect of this change was to change Section 9 of the *Civil Aviation Act 1988* to require CASA, in developing and promulgating aviation safety standards, to “...*consider the economic and cost impact on individuals, businesses and the community of such standards; and take into account the differing risks associated with different industry sectors.*” The amended Act did not change the primacy of safety, nor the safety of air navigation as its most important consideration.

Discussion

GFA’s misunderstanding of the status of the Act does not substantially change the arguments and recommendations of the 8th July submission. The term “*affordable safety*” does not appear in the Act, nor does any obligation to “*foster aviation in Australia*”, nor “*ensure the viability and sustainability of aviation whilst achieving both safety and economic outcomes*”.

GFA has not seen tangible evidence of any beneficial change in CASA focus, behaviour or culture since the Act was amended. This increases the urgency of further changes, including explicit directions to balance safety and economic impacts within a context of both safe and economically viable aviation industry.

With respect to the Inquiry’s terms of reference, the legislation is still not fit for purpose, does not balance safety and economic impacts, does not adequately assess relative risks, does not balance immediate and long term social and economic impacts of CASA decisions, does not foster the maintenance of an efficient and sustainable Australian aviation industry including viable general aviation and training sectors, and does not foster accessibility to regional aviation across Australia.

The total regulatory system remains cumbersome, impenetrable, legalistic, technocratic, overly prescriptive, and costly to implement.

Aviation, like all forms of transportation and recreational activity, has some inherent risks. Risk is the effect of uncertainty on objectives¹. Opportunity is the positive aspect of risk. For sensible regulation, the challenge is to address readily foreseeable risks and then apply risk mitigation strategies that do not create risk outcomes worse than those they are intended to treat.

For CASA, the objectives cannot be just safety, nor safety at all costs above all other considerations. If CASA’s regulatory activities stifle or impede regional and general and recreational aviation, then drive high adverse economic impacts and costs on those enterprises, then its overall objectives cannot be met.

A continued cycle of legal and technocratic over-prescription and over-regulation may in fact drive worse safety outcomes, as well as stifling general and recreational aviation. Loss of opportunity and accessibility of aviation is not acceptable in Australian society. Behaviour change in CASA must be driven by changes in culture and expectations, and a more balanced and collaborative approach.

GFA submits that wider expectations for fostering both safe and affordable aviation must be clearly specified in a revised Ministerial Statement of Expectations to CASA, pending development and passage of revised legislation to achieve required reforms. These

¹ AS/NZS 31000:2009 Risk Management – Principles and Guidelines

expectations should emphasise accountability for meeting revised, balanced Government objectives for CASA.

I would welcome the opportunity to address the committee in person, if required.

A handwritten signature in blue ink, appearing to read 'Peter Cesco', with a long horizontal stroke extending to the right.

Peter Cesco
President, Gliding Federation of Australia

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