

Rural & Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Supplementary Budget Estimates October 2012

Infrastructure and Transport

Question no.: 157

Program: N/A

Division/Agency: (ATSB) Australian Transport Safety Bureau

Topic: Closing the loop on ATSB safety recommendations

Proof Hansard Page/s: 77-78 (16/10/12)

Senator FAWCETT asked:

Senator FAWCETT: Chair, given the inquiry on Monday I do not actually have a huge number of questions, except to follow up something with Mr Mrdak. Last time we spoke about closing the loop between ATSB recommendations and CASA following through with regulation as a consequential change within a certain time frame. The view was expressed that it was not necessarily a departmental role to have that closed loop system. I challenged that at the time. I just welcome any comment you may have three or four months down the track as to whether there has been any further thought within your department as to how we make sure we have a closed loop system for recommendations that come out of the ATSB.

Mr Mrdak: It is something we are doing further work on in response to your concerns. We recognise that we do need to ensure the integrity of the investigatory response and then the regulatory response. So it is something we are looking at closely. I and the other chief executives in the portfolio will do some further work on that area.

Senator FAWCETT: Do you have a time frame on when you might be able to report back to the committee?

Mr Mrdak: Not as yet. I will come back to you on notice with some more detail.

Answer:

One of the principal safety improvement outputs of an ATSB investigation is the identification of 'safety issues'. Safety issues are directed to a specific organisation. They are intended to draw attention to specific areas where action should or could be taken to improve safety. This includes safety issues that indicate where action could be taken by CASA to change regulatory provisions.

The ATSB encourages relevant parties to take safety action in response to safety issues during an investigation. Those relevant parties are generally best placed to determine the most effective way to address a particular safety issue. In many cases, the action taken during the course of an investigation is sufficient to address the issue and the ATSB sets this out clearly in its final report of an investigation.

Where the ATSB is not satisfied that sufficient action has been taken or where proposed safety action is incomplete, the investigation report will record the safety issue as remaining open. In addition, if the issue is significant and action is inadequate, the ATSB will make a recommendation, to which the relevant party is required to respond within 90 days.

The ATSB monitors all safety issues (including all associated recommendations) until action is complete or it is clear that no further action is intended. At this point, the issue will be

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classified as closed. When safety issues are recorded as closed, the basis for this decision is also specified: whether the issue has been closed as adequately addressed, partially addressed, not addressed, no longer relevant or withdrawn.

A safety issue remains open (like a recommendation) until such time as it is either adequately addressed, or it is clear that the responsible organisation does not intend taking any action (and has provided its reasons). In the event that no, or limited, safety actions are taken or proposed, the ATSB has the option to issue a formal safety recommendation. However, experience has been that this is rarely required.

The ATSB policies and procedures for identifying and promoting safety issues, including through the issuance of a formal recommendation, is outlined in its submission to the Senate References Committee Inquiry into Aviation Accident Investigations.

The ATSB's Annual Plan and part of the ATSB's Key Performance Indicators specifically relate to a measurement of safety action taken in response to safety issues; in the case of 'critical' safety issues, the target is for safety action to be taken by stakeholders 100% of the time, while for 'significant' safety issues, the target is 70%. For 2011-12, there were no identified critical safety issues and 28 significant safety issues. In response to the significant safety issues, adequate safety action was taken in 89% of cases and a further 4% were assessed as partially addressed.

As previously advised to the Committee (Q59 – May 2012), CASA has a formal process for following up on recommendations and safety issues identified by the ATSB, as provided for in the Memorandum of Understanding between the agencies. Aviation safety agency heads will continue to monitor the present arrangements to provide an adequate system for addressing issues identified through ATSB investigations.

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Question no.: 158

Program: n/a

Division/Agency: (ATSB) Australian Transport Safety Bureau

Topic: Wind turbines

Proof Hansard Page/s: Written

Senator HEFFERNAN asked:

1. Does ATSB have a policy in relation to aircraft and wind turbines in Australia? If so, please provide details.
2. Does ATSB have any regulations in relation to aircraft and wind turbines? If so, please provide details.
3. Has ATSB investigated any incidents of aircraft flying near wind turbines? If so, please provide details?
4. Considering the wind turbines near Crookwell NSW are on the top of the hill, which is 320 ft above the Crookwell aerodrome making it approx 800 plus ft total height, sometimes the top of the hill is in the mist, with south easterly winds in the summer and low cloud in the winter, is ATSB concerned about the safety of helicopters (eg South Care) and fixed wing flying through the gap under low cloud, would ATSB undertake a review? Or only undertake a review once an accident/ incident occurs? Please provide details?

Answer:

1. No.
2. No – the ATSB does not have a regulatory function.
3. No – the ATSB has no reports recorded in its data base of incidents involving wind turbines.
4. The ATSB has no evidence of a safety issue relating to wind turbines in Australia. The ATSB routinely considers the need to investigate all reported transport safety matters. This would include a transport safety matter where a wind farm was considered a factor.

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Question no.: 159

Program: n/a

Division/Agency: (ATSB) Australian Transport Safety Bureau

Topic: Loss of separation incidents

Proof Hansard Page/s: Written

Senator XENOPHON asked:

1. How many 'lack of separation' incidents is the ATSB currently investigating?
2. How many relate to ASA and how many to military control of civilian airspace?
3. How long does it normally take to investigate such an incident?
4. Under what conditions would the controller in question be stood down? How long for?
5. Does ATSB request that the controller in question be stood down?
6. What procedures apply in relation to the controller's return to work?
7. Does ATSB oversee or supervise this process?

Answer:

1. As at 8 November 2012 the ATSB was conducting 13 investigations into 'Loss of Separation' or 'Loss of Separation Assurance' incidents.
2. Ten investigations relate to civil airspace and three to military airspace.
3. Investigation completion time varies depending on complexity, but the ATSB aims to complete investigations within 1 year.
4. This is a matter for a controller's employer.
5. No.
6. See answer to 4 above.
7. No.

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Question no.: 160

Program: N/A

Division/Agency: (ATSB) Australian Transport Safety Bureau

Topic: CASA access to mandatory notification reports

Proof Hansard Page/s: Written

Senator XENOPHON asked:

The Consultation document on Enhanced Aviation Mandatory and Confidential Reporting proposes to give CASA open access to all mandatory reports.

1. Was this proposal initiated by CASA, the ATSB or the Minister?
2. Does the ATSB believe that the granting of open access to mandatory reports will have an adverse impact on aviation safety reporting?

Answer:

1. Initiation of Proposal

This proposal was initiated by the ATSB.

2. Effect of granting open access

The ATSB considers that a framework for opening up access to notifications information for CASA can be developed in which a strong reporting culture can be maintained.