

Aviation Safety Regulation Review

Terms of Reference

Objectives

The principal objectives of the review are to investigate:

- the structures, effectiveness and processes of all agencies involved in aviation safety;
- the relationship and interaction of those agencies with each other, as well as with the Department of Infrastructure and Regional Development (Infrastructure);
- the outcomes and direction of the regulatory reform process being undertaken by the Civil Aviation Safety Authority (CASA);
- the suitability of Australia's aviation safety related regulations when benchmarked against comparable overseas jurisdictions; and
- any other safety related matters.

Outcomes

The report of the review will:

- examine and make recommendations as required on the aviation safety roles of CASA and the Australian Transport Safety Bureau (ATSB) and other agencies as appropriate;
- outline and identify any areas for improvement in the current interaction and relationships between CASA and the ATSB, as well as other agencies and Infrastructure;
- examine and make recommendations as required on the appointment process and criteria applied for key aviation safety roles within CASA and the ATSB;
- examine the current processes by which CASA develops, consults on and finalises changes to aviation safety regulations and other legislative instruments (such as civil aviation orders) and make any proposals for improving these processes such that new regulations are best practice in safe operations for each relevant sector of the aviation industry;
- review the implementation of the current aviation safety regulatory reform programme and assess the effectiveness of the planning and implementation of regulatory changes, including cost impacts on industry;
- examine and make recommendations on options for improving future aviation safety regulatory reform having regard to international experience and stakeholder views, and the Government's objective of reducing the cost of regulation to business;
- provide advice to Government on priorities for future regulatory development and implementation strategies; and
- provide advice to Government on options for improving oversight and enforcement of aviation regulations, including rights of review.

Consultation

The review will seek the views of the CASA Board and senior management and staff, and the ATSB Commission and senior management and staff in developing its advice to Government on the review's objectives, and consult closely with:

- international, domestic, regional, general aviation, sport and recreational aircraft and maintenance operators and organisations;
- federal, regional and local airport operators;
- other relevant Government agencies including Infrastructure, Airservices Australia, the Department of Defence and the Office of Parliamentary Counsel (OPC); and
- other industry and public stakeholders.

Background

Australia's aviation safety governance structures and processes have continued to evolve since the initial establishment of the *Civil Aviation Act 1988* (covering the operations of CASA), the *Air Services Act 1995* (covering the operations of Airservices) and *Transport Safety Investigation Act 2003* (covering the operations of the ATSB).

In addition the establishment of an Aviation Safety Regulatory Development Taskforce in March 2010, comprising dedicated resources from CASA and OPC, was specifically aimed at helping expedite the completion of the regulatory drafting work for an aviation safety regulatory reform programme.

The current regulatory reform programme involves completion of three main regulatory suites covering aircraft maintenance, aircraft operations and flight crew licensing. The maintenance and licensing suites are largely completed with the operations suite scheduled to be completed next year.

The aviation industry and CASA are in the process of implementing the maintenance and licensing regulatory changes already made and in which significant investment in improved systems, training and education is completed or under way.

Work on updated regulations for areas affecting general aviation such as amendments to Civil Aviation Safety Regulations - Part 42 (Continuing Airworthiness - amendments for charter and aerial work), Part 132 (Limited Category Aircraft Operations - Warbirds), Part 138 (Aerial Work Operations) and for sport and recreational aviation (Parts 103, 105 and 149) are scheduled to be progressed in the next twelve months.

Earlier this year a Senate report into Aviation Accident Investigations highlighted a range of issues with the regulation and governance of aviation safety within Australia.

It is therefore timely to consider future aviation safety structures and regulatory development approaches and processes in Australia by evaluating the effectiveness of the current approach, looking at international experience and possible options for future improvements and bearing in mind the commitment of the Australian Government to reduce the burden of regulation on the economy.

It is also timely to look at which areas should be priorities for future regulatory development to meet continued growth in aviation demand.

Review Membership and Timing

The review panel will comprise Mr David Forsyth (chair), Mr Don Spruston and Mr Roger Whitefield. The panel will be assisted by a Secretariat established within Infrastructure, and will be supported as required by specialist advisers.

The review will report to the Minister for Infrastructure and Regional Development in May 2014.