



The Hon. Mr Warren Truss,  
Deputy Prime Minister,  
Minister for Infrastructure and Regional Development,  
Parliament House,  
Canberra, ACT, 2600.

**Subject: Aviation Strategic Direction Change**

Dear Deputy Prime Minister,

Our association understands the political difficulties that confront the Coalition in this Parliament and wish you all the success that is possible. As a minimum, aviation is looking forward to a positive, inspirational new direction that will see growth in a safe and sustainable aviation industry, especially in rural Australia.

To achieve this, we expect three matters to be addressed before the end of the year.

1. Change Section 3A of the Civil Aviation Act to provide a new “**Object**” that will include the word “**sustainable**” so that safety regulations also ensure a safe and **sustainable** industry;
2. A new Minister’s Strategic Direction be given to the Board of CASA so that safety also supports the viability and growth of all sectors of aviation outcomes by CASA; and
3. The Strategic Direction must also address the manner in which CASA interacts with the aviation industry in encouraging safety.

### **Clarification**

#### **1. Amending Section 3A of the Civil Aviation Act.**

- a. The current 3A of the Act states the Main Object of the Act is to create regulations that prevent accidents and incidents. It is well known worldwide that accidents and incidents happen despite the amount of regulations.
- b. New Zealand has the main objectives listed to achieve an integrated, safe, responsive, and sustainable transport system that meets New Zealand’s obligations under international civil aviation agreements such as the Chicago Convention.

#### ***Australia: 3A Main object of this Act***

*The main object of this Act is to establish a regulatory framework for maintaining, enhancing and promoting the safety of civil aviation, with particular emphasis on preventing aviation accidents and incidents.*

#### ***New Zealand: The objectives of the Minister under this Act are —***

- (a) to undertake the Minister’s functions in a way that contributes to the aim of achieving an integrated, safe, responsive, and **sustainable** transport system; and*
- (b) to ensure that New Zealand’s obligations under international civil aviation agreements are implemented.*

What a difference when compared to the Australian Civil Aviation Act. Even the United States of America has requirements for the Administrator to promulgate minimum safety regulations. CASA once had a Mission Statement that stated “safe and viable aviation” which kept the focus on making “business” type regulations instead of the structure of legislation today. In the long term, there will need to be a change in the legislative presentation of aviation requirements.

## 2. Strategic Direction to Board of CASA

- a. Industry expects the Minister to provide a new Strategic Direction to the Board of CASA that will focus the direction of CASA to provide a regulatory system that will provide for a safe and viable aviation industry.
- b. To mitigate safety risks associated with introducing new regulations, the commencement date must be at least 6 months after CASA has promulgated the regulation's associated Manual of Standards and advisory material. This enables training and time to understand and comply with the new regulation.
- c. The Direction must also focus CASA on reducing red tape so that industry regulatory imposts and costs are kept to a minimum.
- d. Also, CASA must be focused on timeliness when providing cost recoverable regulatory services to improve the safe trade outcomes of businesses.

## 3. The manner in which CASA interacts with aviation businesses.

- a. Currently, the interaction between CASA and the industry is not conducive to the improvement of aviation safety as it has become a 'them-and-us' approach.
- b. During a period of massive regulatory exchange it is imperative that CASA be directed to work with industry in a manner where they provide safety guidance with implementation of regulation and safety practices.
- c. That CASA enforcement processes should only be used where there is evidentiary examples of an aviation participant refusing, or not able, to meet any corrective action process agreed to, or directed by CASA.

### *Section 12A of the Civil Aviation Act*

#### *Minister may give the Board notices about its strategic direction etc.*

*(1) The Minister may notify the Board in writing of the Minister's views on the following matters:*

*(a) the **appropriate strategic direction for CASA;***

*(b) the **manner in which CASA should perform its functions.***

*(1A) Subsection (1) does not permit the Minister to notify views in relation to a particular case or a particular holder of a civil aviation authorisation.*

*(2) In performing its functions, the Board must act in accordance with notices given under subsection (1).*

Minister, AMROBA members, and most of the rest of the non-airline sectors of aviation, are waiting for you to provide a new 'strategic direction' for CASA specifying the 'manner in which CASA performs its functions'. The Minister can make an immediate difference.

There must be a new interaction between CASA and industry in the interest of aviation safety where openness, trust and respect exists to improve safety.

We hope that these 3 major steps can be implemented prior to 2014.

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Ken Cannane  
Executive Director  
AMROBA  
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*Safety All Around.*  
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