

## THE NEXT HURDLE – CIVIL AVIATION 2021 & ON

New CEOs/Chairman of CASA doesn't mean a change in government direction for the civil aviation industry. Airlines are the most focal point for the average public but the ability to create jobs in the other sectors have not been well addressed in the past.

There are a number of fundamental provisions missing from the aviation system that most other nations have addressed. You only have to compare Australia's latest draft aviation [State Safety Program](#) to New Zealand's aviation [State Safety Program](#) to realise where the basic fault lies. In addition, we look at the Australian [National Aviation Safety Plan](#).

ICAO mandated that all States establish a State Safety Programme (SSP), in order to achieve an **Acceptable Level of Safety Performance** (ALoS<sub>P</sub>) in civil aviation.

There are 4 components of a SSP:

- Safety Policy and Objectives;
- Safety Risk Management;
- Safety Assurance;
- Safety Promotion.

A State Safety Programme (SSP) is defined by ICAO as an integrated set of regulations and activities aimed at improving safety. It includes specific safety activities that must be performed by the State, and regulations and directives promulgated by the State to support fulfilment of its responsibilities concerning **safe and efficient delivery of aviation activities in the State**. Notice the word **efficient**.

The SSP covers 'activities' and not just 'operations'. Activities includes design, manufacturing, maintenance & overhaul, training and delegated regulatory functions.

If you compare the current Australian draft SSP to NZ's SSP there is a marked difference in the approach. NZ has commitment and clarity.

One SSP looks like a marketing document and the other sounds positive and definitive. Australia's SSP endorses "principles" whereas NZ "promotes and regulates to manage risks, deliver economic benefits to NZ and supports a safe, efficient transportations system." No wonder NZ has a better global recognition than Australia.

There is no mention of Articles 37/38 of the Convention in our SSP or National Aviation Safety Plan (NASP) as there is in the NZ SSP. Is this the reason why we never seem to harmonise but create unique regulations.

Take into consideration NZ commitment to the Convention; real practical commitment.

*"1.2. **Legislative framework** New Zealand has an aviation legislative framework supported by the necessary rules and regulations that aim to implement the Chicago Convention and its Annexes. New Zealand's aviation legislative framework is as follows:*

*1.2.1 **International obligations** The international standardisation and safety of civil aviation is the primary purpose of ICAO and the Convention on International Civil Aviation 1944 (the Convention).*

*Articles 37 and 38 of the Convention require States to adopt SARPs to the extent practicable. SARPs are implemented through the Ministry wherever they are relevant in the New Zealand context and justified by robust cost-benefit economic analysis.*"

Australia's SSP (46 pages)	New Zealand's SSP (27 pages)
<p>The Australian Government <u>has endorsed the following safety principles</u> that underpin the future aviation safety system.</p> <ol style="list-style-type: none"> <li>1. Safety is the primary consideration of Australia 's aviation agencies and industry in the performance of their functions.</li> <li>2. The highest safety priority should be afforded to passenger transport operations.</li> <li>3. Australia's regulatory approach and responses are based on sector-based risk assessments .</li> <li>4. Aviation agencies and industry collaborate to identify aviation safety risks and ensure that the most appropriate methods, practices and technologies are adopted to address and reduce these risks.</li> <li>5. A strong 'just culture' approach underpins information sharing between industry and safety agencies to assist in preventing future safety events.</li> <li>6. Recognition that Australia's safety regulatory system plays an important role in ensuring that Australia has a safe, efficient and competitive aviation industry.</li> <li>7. Australia 's aviation regulatory procedures, processes and approach to regulation is fair, transparent and promotes nationally consistent outcomes.</li> <li>8. Active and ongoing engagement by industry and safety agencies will help inform future regulatory priorities and the development of simpler regulations, standards and orders.</li> <li>9. The safety performance of our aviation safety system will be continuously monitored and measured through the State's aggregate safely performance indicators as well as service providers safety performance indicators.</li> </ol> <p>Sufficient financial and human resources for safety management and oversight will be allocated; and staff will be equipped with the proper skills, knowledge and expertise to discharge their safety oversight and management responsibilities competently</p>	<p>The Government <u>promotes and regulates</u> civil aviation in New Zealand to:</p> <ul style="list-style-type: none"> <li>• manage and reduce safety risks;</li> <li>• deliver economic benefits for New Zealand;</li> <li>• support a safe, efficient and resilient transportation system; and</li> <li>• support environmental sustainability.</li> </ul> <p><b>To achieve these objectives, the New Zealand Government, through its agencies, will:</b></p> <ul style="list-style-type: none"> <li>• <u>Enable</u> the adoption of innovative technologies where appropriate;</li> <li>• <u>Set</u> policies and <u>rules in line with</u> the Standards and Recommended Practices of the International Civil Aviation Organization (ICAO), where to do so is in New Zealand's best interest;</li> <li>• <u>Ensure</u> its regulatory approach and interventions meet best practice regulatory principles to facilitate safe aviation, based on sound assessment of the level of risk associated with particular aviation operations;</li> <li>• <u>Identify</u> safety trends within the aviation system and, where appropriate, adopt a risk-based and performance-based approach to address areas of safety concern or need;</li> <li>• <u>Investigate</u> accidents, incidents and non-compliance with aviation regulation and legislation to contribute to the maintenance and continuous improvement of the safety and integrity of New Zealand's aviation system;</li> <li>• <u>Engage</u> internationally (ICAO and the Asia-Pacific region, in particular) to deliver complementary safety outcomes;</li> <li>• <u>Encourage</u> the collection, analysis, protection and sharing of relevant safety information at all levels of the aviation system to improve safety management;</li> <li>• <u>Continuously</u> monitor and measure the aviation system's safety performance;</li> <li>• <u>Actively</u> collaborate and consult with the aviation sector, including the public, to identify and address safety matters, to continuously enhance aviation safety;</li> <li>• <u>Promote</u> good safety practices and a positive safety culture within the aviation sector based on sound safety management principles; and</li> <li>• <u>Allocate</u> sufficient resources to equip aviation regulatory staff with the proper skills and expertise to discharge their safety oversight and management responsibilities competently."</li> </ul>
<b>Australia's NASP (44 pages) (discussed later)</b>	

Once read, it is not hard to decide which Program is about the civil aviation industry and which is about the bureaucracy system. One says “deliver economic benefits for”; the other does not make such commitment or commit to the Convention Articles 37/38.

A look at Singapore, India and other SSPs in the Asia Pacific region show they have more commonality with the NZ approach than the Australian approach.

However, in Australia you have to refer to the Australian *National Aviation Safety Plan* to find a mention of an Acceptable Level of Safety Performance. This is another 44 page document.

It is a wonder that not one of the contributing Departments/Agencies would have identified that the SSP/NASP don't give priority to the Convention Articles 37/38 like the NZ SSP does: **Where is the Department of Education** – input re ICAO competency skills.

- *Department of Infrastructure, Transport, Regional Development and Communications;*
- *Civil Aviation Authority*
- *Airservices Australia*
- *Australian Transport Safety Bureau*
- *Australian Maritime Safety Authority*
- *Department of Defence*
- *Department of Foreign Affairs and Trade*
- *Department of Home Affairs; and*
- *Bureau of Meteorology*

The NASP six aviation safety goals for 2021-23 are:

- Improve the safety of Australian aviation operations across all sectors;
- Strengthen Australia's oversight capabilities;
- Embed an effective State Safety Programme that delivers and acceptable level of safety performance;
- Reduce the likelihood of Australians being involved in an aviation accident outside of Australia by supporting and influencing global aviation safety;
- Expand the use of industry safety programmes by Australian industry; and
- Ensure Australia has the appropriate aviation infrastructure to support safe operations.

The NASP states that “*Australia's acceptable level of safety performance, or the sum output of Australia's safety goals, is:*

*No accidents involving commercial air transport that result in serious injuries or fatalities, no serious injuries or fatalities to third parties as a result of aviation activities and improving safety performance across all sectors.”*

Operational focused, not across all activities.

**Solution:** So CASA can propose practical, harmonised, standardised regulations and aviation safety standards, government must amend these documents to include a commitment to the Convention Articles 37/38 in the same manner as New Zealand. Instead of listing ‘principles’ change to positive and practical objectives that will provide clarity for those involved in regulatory development.

At least this will enable CASA's new, CEO Ms Pip Spence, to clear the next hurdle.