

# A NEW DIRECTION

CEO of the Civil Aviation Safety Authority, Bruce Byron, explains his vision for the future of safety regulation.

Fundamental changes are being made to aviation safety regulation in Australia. These changes result from several years of hard work and thinking within CASA about how to achieve better safety outcomes, while lifting unnecessary burdens on the aviation industry.

At the heart of the changes being implemented by CASA is a fresh definition of the relationship between the regulator and the industry. CASA must not be seen or act as a “nanny-regulator”. CASA cannot and should not take complete responsibility for safety outcomes. It is obvious that CASA does not fly or maintain aircraft, manage aerodromes or train pilots and engineers.

Yet in the past there has been a mindset, both within CASA and some people in the industry, that safety was primarily the concern of the regulator and the regulations. For some years safety and operational professionals have recognised that this mind set is flawed and naive.

Nevertheless, many people are still focusing on compliance with the regulations, not whether CASA and the industry are achieving the best possible safety outcomes. This blinkered view grew up in the early days of aviation when the regulator did indeed hold-the-hand of industry whenever safety issues had to be addressed.

In the 21st century it is certainly no longer a viable approach to safety as it is simplistic and not based on any analysis of the ever changing risks the aviation industry faces. Indeed, risk analysis is one of the keys to understanding why CASA must change the way it works with industry.

Risk cannot be managed solely by measuring whether regulatory standards are being met or not. Risk management has to be focussed on the safety outcomes, not the processes.

All this means both CASA and people in the aviation industry have to think more critically and deeply about safety and whether or not risks are currently being managed in the best possible ways.

The good news is that CASA has developed a plan to change the way it operates and behaves to embrace these concepts of risk management and safety outcomes. However, CASA cannot do this alone and the Australian aviation industry has to accept the challenges being thrown up by this new approach to safety.

**Responsibility:** People in the industry must accept they have the core responsibility for managing their own safety risks. Air operators, maintenance organisations, aerodromes and training organisations – large and small as well as individuals – must identify their own safety risks and develop systems to manage those risks.

Many organisations already do this, some better than others, while there are still more that have yet to understand and accept this responsibility. While CASA cannot manage the day-to-day operational safety risks of industry, there is, of course, much we can and will do to support and foster risk management across the various sectors of aviation.

CASA will still be the safety gatekeeper by using entry control mechanisms, such as issuing air operator certificates, certificates of approval, licences and other permissions.

These mechanisms make sure that organisations and people entering the aviation industry meet the minimum required safety standards and where necessary have appropriate safety systems in place. In other words, that they accept their responsibility to actively manage their own risks.

With aviation organisations being required to manage their own safety risks,

CASA will take an even harder analytical look at prospective industry participants during the entry control process.

At the other end of the regulatory spectrum, CASA will continue to remove organisations or people from the industry who are unable or unwilling to accept their safety responsibilities. This will be done promptly where organisations or people demonstrate they do not have the capability to deliver the safety outcomes CASA and the community expect.

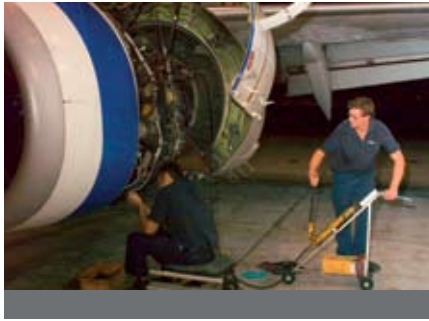
But between entry control and enforcement, CASA will take a very different approach to its role. CASA’s main emphasis will be on helping organisations and people to manage their own risks, by using motivation and education.

Although the amount of industry surveillance has and will continue to increase, there will be far less emphasis on getting involved in the operational detail of organisations through issuing administrative notices such as requests for corrective action, as this is in effect CASA doing the work of managing safety for industry.

Instead, CASA will look at the risk management systems organisations have developed and implemented and assess



**Risk management:** CASA CEO, Bruce Byron, believes that both CASA and people in the aviation industry need to think more critically about whether risks are being managed in the best possible ways.



## MOVE TO EUROPEAN MAINTENANCE RULES

New rules will provide more flexibility, says John Gratton.

New European-style maintenance rules, due to be implemented in the next few months, will not actually change the way you do maintenance. They will, however, provide a regulatory format that is outcome-based, rather than detailed and process driven.

European safety rules are supported by specifically targeted guidance material called acceptable means of compliance (AMCs). AMCs give industry one or more options of achieving the outcome of the regulations, but are not binding. This gives industry organisations maximum flexibility in the way they wish to conduct their business.

To speed up the introduction of the new outcome-based approach, CASA is making some changes to civil aviation orders (CAOs) ahead of the lengthy process of drafting new regulations. The changes will deliver the flexibility that the European rule set provides.

Existing CAOs will be left in place exactly as they are, and an alternative CAO will be drafted for those organisations and people who wish to use the new, more flexible system. This will allow industry to move to the new and advantageous structures.

When the new regulations are finished they will give exactly the same result as the new CAO, so industry will only have to transition once.

To make sure that all stakeholders have a chance to comment on this overall process, a notice of proposed rule making (NPRM) is due to be issued in October. The NPRM will describe the outcomes that have been discussed with industry for the areas of maintenance policy, maintenance organisations, licensing and training. The NPRM will be available on the CASA website ([casa.gov.au](http://casa.gov.au)).

*John Gratton is head of CASA's maintenance review project.*

## TRANS-TASMAN RECOGNITION

Australian legislation for the New Zealand Mutual Recognition Bill has now been passed through Australian Parliamentary processes and will become operational within the next six months.

The Bill allows Australia and New Zealand to mutually recognise air operator's certificates for aircraft with more than 30 seats or weighing more than 15,000kg.

The passage of the legislation through the Australian Parliament is the final step in allowing mutual recognition to proceed and is the result of a long international and interdepartmental effort dating back as far as 1993.

Former Transport Minister Warren Truss says mutual recognition will deliver savings to operators through the removal of unnecessary regulatory hurdles.

"Under the legislation, eligible airline operators will be able to use aircraft in Australia and New Zealand without the need to be issued with air operator's certificates (AOC) from both civil aviation authorities," Mr Truss says.

"This will cut down on red tape and will be achieved through a new type certificate, known as an AOC with ANZA (Australian and New Zealand Aviation) privileges.

"While there may be some differences in detail, the safety standards in Australia and New Zealand are compliant with international requirements and achieve the same safety outcomes."

Measures have been built into the Bill to ensure that safety is maintained at the current levels. An operator with ANZA privileges will still have their activities and safety oversight monitored by their home regulator.

The only change is that airlines will no longer have to duplicate regulatory processes in order to operate in both countries.

The Bill was signed off by the Governor-General on September 16 and will be operational by March next year.

The mutual recognition initiative is seen as a major step forward in the integration of the trans-Tasman aviation market and marks an historic development in the aviation relationship between Australia and New Zealand.

whether they are adequate or suitable.

Organisations and individuals must also be given the ability to accept more responsibility for safety by reducing the number of permissions CASA issues. If you are operating successfully and properly managing risks, you should not need to come to CASA for many of the permissions that are currently required.

In short, CASA will not be knocking on your door armed with the regulations and a plan to dig around until breaches are found.

When CASA carries out an audit or other surveillance the focus will be on your safety systems, safety culture and how you manage your risks. This does not mean CASA will stop examining how you are operating. Audits and surveillance, for example, will still include observations of line-flying, maintenance work and training.

But this will be done as a way of measuring the practical outcomes of safety systems – not as an end in itself. If shortcomings in your safety systems are found, CASA will help you to improve through safety education and support, although you will have to do the hard work to reach acceptable standards.

Failure by anyone in industry to accept and act on their safety responsibilities will continue to bring appropriate action from CASA, as the role of the safety policeman cannot and will not be abandoned. It should be very clear the new approach to managing safety risks is certainly not about the regulator lowering standards or walking away from its role as the safety watchdog.

However, the watchdog will be taking a far more sophisticated approach to achieving safety outcomes: one that will reduce unnecessary burdens on the aviation industry, while working towards an even better air safety record in Australia.