





CASA Regulator Performance Framework Self-assessment report 2018–19

Date

February 2020

Civil Aviation Safety Authority

The Civil Aviation Safety Authority (CASA), Australia's civil aviation safety regulator, is a corporate Commonwealth entity under the *Public Governance, Performance and Accountability Act 2013* (PGPA Act) and was established on 6 July 1995 under the *Civil Aviation Act 1988* (the Act). The main objective of the 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. CASA's key role is to conduct the safety regulation of civil air operations in Australian territory and the operation of Australian aircraft outside Australian territory. CASA is also responsible for ensuring that Australian-administered airspace is administered and used safely.

Regulator Performance Framework

The Australian Government's Regulator Performance Framework (the Framework) applies to all Commonwealth regulators that administer, monitor or enforce regulation.

The Framework articulates the Government's overarching expectations of regulator performance and comprises six outcomes based key performance indicators (KPIs) as listed below:

- 1. Regulators do not unnecessarily impede the efficient operation of regulated entities.
- 2. Communication with regulated entities is clear, targeted and effective.
- 3. Actions undertaken by regulators are proportionate to the regulatory risk being managed.
- 4. Compliance and monitoring approaches are streamlined and coordinated.
- 5. Regulators are open and transparent in their dealings with regulated entities.
- 6. Regulators actively contribute to the continuous improvement of regulatory frameworks.

These KPIs are supported by measures of good regulatory performance to assist regulators in assessing their achievement of the KPIs. The Framework requires regulators to undertake a self-assessment against the KPIs. This self-assessment is then considered by CASA's external performance validation panel which comprises a representative from the Department of Infrastructure, Transport, Regional Development and Communications, a representative from a comparable regulator, a CASA representative and four industry representatives.

Further information on the regulator performance framework is available at: https://www.pmc.gov.au/resource-centre/regulation/regulator-performance-framework

Performance assessment

CASA has undertaken a self-assessment of its performance against the Framework for 2018-19. A combination of quantitative and qualitative measures were used to assess CASA's performance against the six mandatory KPIs.

<u>CASA Annual Report 2018–19</u> is the primary source of information used in the compilation of CASA's self-assessment report.

Service delivery metrics for a number of regulatory services can be accessed on the CASA website from https://www.casa.gov.au/service-delivery-statistics.

CASA's self-assessment ratings against the KPIs

The self-assessed rating of overall performance against each of the KPIs is outlined below:

Re	Rating	
1.	Regulators do not unnecessarily impede the efficient operation of regulated entities.	Excellent Very good Good Satisfactory Developing Unsatisfactory
2.	Communication with regulated entities is clear, targeted and effective.	Excellent Very good Good Satisfactory Developing Unsatisfactory
3.	Actions undertaken by regulators are proportionate to the regulatory risk being managed.	Excellent Very good Good Satisfactory Developing Unsatisfactory
4.	Compliance and monitoring approaches are streamlined and coordinated.	Excellent Very good Good Satisfactory Developing Unsatisfactory
5.	Regulators are open and transparent in their dealings with regulated entities.	Excellent Very good Good Satisfactory Developing Unsatisfactory
6.	Regulators actively contribute to the continuous improvement of regulatory frameworks.	Excellent Very good Good Satisfactory Developing Unsatisfactory

Self-assessment validation by external panel

The Framework requires that a regulator has the results of their self-assessment externally validated. External validation provides an avenue for stakeholders to provide feedback on whether the self-assessment results accord with the views of industry.

The validation panel can also be a sounding board for the regulator before it finalises its self-assessment.

The views of the validation panel are provided to the Minister when the regulator submits its self-assessment.

The Aviation Safety Advisory Panel is CASA's external validation panel.

KPI 1 Regulators do not unnecessarily impede the efficient operation of regulated entities.

Rationale

This assessment includes a measure of the progress of corporate initiatives contributing to regulation development and implementation aimed at regulatory reform and service delivery initiatives which reduce the compliance costs for industry.

The conformance to regulatory reform requirements such as Preliminary Impact Assessments and Regulatory Impact Statements submitted to the Office of Best Practice Regulation and assessed as adequate, combined with consultation documents for rule-making, provide an indication that regulatory development processes do not impede the efficient operation of regulation entities.

The number of requests for regulatory services that met service delivery targets also provides an indication that regulated entities can plan the submission of their requests based on the service delivery targets.

Summary of 2018–19 performance against KPI 1

CASA performed solidly in terms of the completion of activities in Goal 1 identified in the 2018–19 Corporate Plan (which is aligned with KPI 1) with 76 per cent of relevant activities being completed or substantially completed. CASA's regulatory program also did not increase regulatory burden in 2018–19.

Self-assessment = Satisfactory

Performance measure	Comments
New regulations are developed using a stakeholder engagement process Applications for authorisations submitted to the Client Services Centre meet service delivery	During 2018–19, the Aviation Safety Advisory Panel (ASAP) met four times and oversaw 19 technical working group meetings, with a focus on flight operations regulations, continuing airworthiness, and the fatigue rules. The minutes of the technical working groups, which involved 140 industry participants, are published on CASA's website.
standards	Service delivery standards continued to fall short of targets. In April 2019, CSC established a 15-person licensing taskforce to focus on clearing the backlog until July 2019. This had a dramatic effect.
	The taskforce achieved a 52 per cent reduction in open jobs at 30 June 2019 (noting that most jobs were closed outside the service delivery standard). This will have positive impact on service delivery rates moving forward.
	There was an improvement in Maintenance Personnel Licensing and Permissions Issue. However, service delivery was reduced for Flight Crew Licensing and for Aircraft Registration, due to public holidays and leave, staff availability, and the continued influx of new work. CSC has established working agreements with project teams which need CSC support, to ensure that capacity problems are managed more effectively. The following table summarises the achieved service delivery standards for CSC in 2018–19 as published in the 2018/2019 Annual report.
	Proportion of authorisations processed by the Client Services Centre within service standards, 2018–19 (%)
	Apr–Jun Overall 50.23 FCL 33.30 Permissions 88.56 AvMed 81.35 MPL 88.42 Aircraft Reg 44.31

CASA Corporate Plan 2018-19

The CASA Corporate Plan 2018–19 contains 30 performance measures against three corporate goals.

CASA's Goal 1 includes 17 performance measures and is broadly aligned to KPI 1. A key summary of CASA's performance against Goal 1 is outlined below:

Goal 1	Measures/result	Key achievements
Maintain and enhance a fair, effective and efficient aviation safety regulation system	Of 17 performance measures: • 76 per cent were assessed as being completed or on track, • 18 per cent had possible delays, and • 6 per cent were delayed.	The flight operations regulations – Civil Aviation Safety Regulations (CASR) Parts 91, 119, 121, 133, 135 and 138 – were made on 6 December 2018 and are scheduled to commence in March 2021. CASA revised the flight crew fatigue rules following an independent review of those rules; Transition arrangements for CASR Parts 141 and 142 ceased on 1 September 2018. A total of 203 existing operators and 39 new operators were assessed against the revised requirements.

Source: CASA Annual Report 2018-19

KPI 2 Communication with regulated entities is clear, targeted and effective.

Rationale

Positive feedback from the industry on CASA's interaction through forums and safety seminars is an indicator of the effectiveness of stakeholder engagement. The data includes feedback from CASA's aviation safety seminars along with media and website metrics.

Progress on corporate initiatives and related survey data are also considered.

Summary of 2018–19 performance against KPI 2

The Aviation Safety Advisory Panel (ASAP), which was established in 2017 by the Director of Aviation Safety, has continued to mature into CASA's primary, high-level engagement mechanism. During 2018–19, the ASAP established 19 technical working groups to provide expert technical advice on a range of matters, including fatigue rules, dangerous goods, remotely piloted aircraft systems, airworthiness, and the flight operations suite of regulations. This has allowed CASA to establish regulations which are fit for purpose and supported by industry. The ASAP has predominantly industry membership and Professor Patrick Murray, University of Southern Queensland, is the ASAP's independent Chair.

CASA continued to develop its capability and capacity to consult with industry through the CASA Consultation Hub. This web-based platform, accessed via the CASA home page, provided an accessible means for industry and the general public to formally respond to 37 external consultations conducted during the year. Encouragingly, almost 8,000 responses to the consultations were submitted.

CASA released the results from its 2018 Stakeholder Satisfaction Survey in October 2018. The survey was conducted by research organisation Colmar Brunton between April and May 2018 and examined attitudes towards CASA and aviation safety regulation. A random selection of 11,000 stakeholders across all major stakeholder groups were invited to participate.

The results demonstrated a steady improvement in the overall level of satisfaction with CASA's performance, increasing from 4.2 out of 10 in the 2015 survey to 6.2 in 2018.

Those stakeholders who were 'satisfied or very satisfied' with the relationship with CASA increased from 25 per cent in 2015 to 53 per cent in 2018. Additionally, those who were 'dissatisfied or very dissatisfied' decreased from 46 per cent in 2015 to 20 per cent in 2018.

Satisfaction with our service delivery rose to a rating of 6.2 compared to 3.8 in the previous survey; satisfaction with audits and compliance rose to 6.3 from 4.8; and satisfaction with development of regulations rose to 5.5 from 3.0.

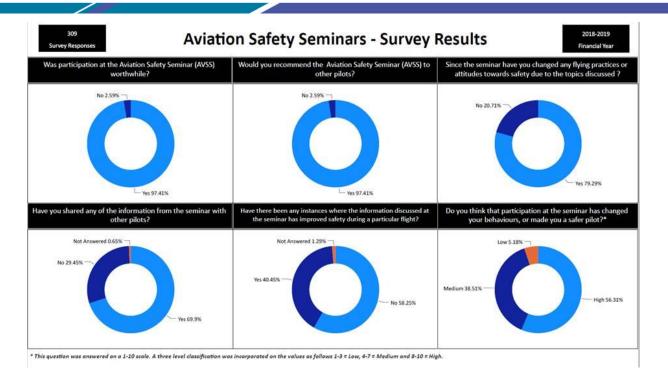
All key ratings rose in the 2018 survey, including ease of complying with regulations, which is now rated at 5.9, and CASA seeking to promote safety best practice, which is rated at 6.7.

CASA's aviation safety seminars, held in locations around Australia, continue to receive high satisfaction rankings from attendees.

A new stakeholder engagement survey is scheduled for 2020.

Self-assessment = Good

Performance measure	Comments
2a. Stakeholder feedback mechanisms maintained through the use of ASAP forums, formal	CASA's feedback mechanisms include industry forums, public consultations, complaint processes, and social media.
public consultation processes and clear complaints processes	A range of communication plans have been developed and implemented in support of specific safety initiatives and outcomes.
	Usage statistics are reviewed regularly for CASAflyer, CASA's internal electronic magazine; Horace Extra, CASA's internal email newsletter; and casa.gov.au
	Social media statistics are also reviewed regularly.
	Feedback from external forums was positive. Survey results indicated that 95% of AvSafety seminar attendees understood the role of CASA's aviation safety advisors and their positive impact on safety.
	CASA maintains constructive relationships with media representatives.



CASA Corporate Plan 2018–19

CASA's goal 2 encompassing stakeholder engagement is broadly aligned to KPI 2. The goal includes eight of the Corporate Plan's 30 performance measures. A key summary of CASA's performance against Goal 2 is outlined below:

Goal 2	Measures/result	Key achievements
Collaborative engagement with the wider aviation community to promote and support a positive safety culture	Of eight performance measures: • 100 per cent were assessed as being completed or on track	In its second year of operation, the Aviation Safety Advisory Panel (ASAP) met four times and focused on ensuring that the CASA regulatory program was effectively informed and supported by industry. Having established and consulted technical working groups composed of industry experts, the ASAP provided advice to the Director of Aviation Safety on matters including the flight operations regulations, proposed fatigue rules and remotely piloted aircraft systems registration and accreditation.
		CASA's international stakeholder relationships were enhanced. A new memorandum of understanding on aviation safety was signed with the Civil Aviation Authority of New Zealand; CASA's Chief Executive Officer and Director of Aviation Safety

Goal 2	Measures/result	Key achievements
		was elected to chair the Regional Aviation Safety Group – Asia and Pacific Regions for three years; and CASA and the Pacific Aviation Safety Office signed a working arrangement for provision of technical assistance or advice on matters relating to civil aviation safety.
		CASA conducted 221 aviation safety seminars, engineering safety seminars and flight instructor safety workshops around Australia, reaching more than 8,500 industry members. The primary objective of the seminars and workshops is to educate pilots and engineers in areas including human factors, decision-making, threat and error management, regulatory changes and licensing privileges.
		The Aeromedical Training Program completed its first rotation. The program is a collaborative effort between Virgin Australia, Qantas and CASA to support the professional development of aviation medicine doctors through a rotational exchange program.

Source: CASA Annual Report 2018–19

KPI 3 Actions undertaken by CASA are proportionate to the regulatory risk being managed.

Rationale

This assessment measures compliance activities undertaken to support the safe operation of air services for the Australian public by regularly reassessing regulatory risk. Compliance and enforcement actions are amended to address new and evolving regulatory threats and a risk-based approach is adopted to detect potential non-compliance.

Regulatory reform outcomes, safety assurance (compliance) enforcement actions, applications lodged by CASA in the Administrative Appeals Tribunal, and a case study have all been considered in measuring KPI 3.

Summary of 2018–19 performance against KPI 3

While there is a degree of subjectivity in measuring performance against this KPI, as the aviation safety regulator, CASA makes tens of thousands of administrative decisions every year with only a very small percentage ever disputed and escalated through an appeals process. In the first instance, CASA is far more likely to use enforcement actions such as infringement notices or counselling rather than prosecution.

Industry has welcomed the development of sector risk profiles for: aerial mustering, aerodromes, small aeroplane transport, large aeroplane (exceeding 97 seats) transport, aeroplane medical transport, helicopter medical transport, and commercial balloon.

Self-assessment = Good

Results from KPI specific performance measures

Performance measure	Comments
3a. Regulatory burden is only increased with a clear safety case	There were no regulatory changes that increased the regulatory burden in 2018–19.
3b. Enforcement action is proportionate to the infringement identified	CASA issued 129 aviation infringement notices during 2018–19.
3c. Number of complaints where CASA has acted disproportionately to the risk being managed	As in previous years, most Administrative Appeals Tribunal applications arose from aviation medical certificate matters. Most of the cases were able to be settled prior to the hearing.
Joing Managou	In 2018-19, CASA's Industry Complaints Commissioner resolved 148 complaints, 120 of which were classified as either 'standard' or 'complex'.

Explanation of CASA's enforcement process and actions

The coordinated enforcement process provides CASA's decision-makers with the benefit of legal, regulatory and technical and/or operational input when considering action that might be taken as a result of a breach of the civil aviation legislation.

Results of this process may include compliance-related action, enforcement action, or both. This may involve administrative action, which could result in a suspension, variation or cancellation of a civil aviation authorisation.

It may also include a suspension under section 30DC of the *Civil Aviation Act 1988* where there is a serious and imminent risk to safety. Alternatively, or in combination with such action, we may issue aviation infringement notices attracting a small pecuniary fine or refer matters to the Commonwealth Director of Public Prosecutions.

CASA may also accept enforceable voluntary undertakings from individuals and companies, or may counsel them, depending on the circumstances of the breach and the appropriateness of doing so. In many cases, however, the coordinated enforcement process may result in a recommendation that no enforcement action be taken.

The table below shows compliance-related actions over the past five financial years.

Compliance-related actions, 2014–15 to 2018–19

Action	2014–15	2015–16	2016–17	2017–18	2018–19
Enforceable voluntary undertakings	_	1	_	1	_
Counselling	17	39	68	106	105

Source: CASA Annual Report 2018–19

KPI 4 Compliance and monitoring approaches are streamlined and coordinated.

Rationale

This assessment considers information on the progress of corporate initiatives relating to streamlined and coordinated approaches for compliance and monitoring and the stakeholder survey.

Under its National Surveillance Selection Process, CASA achieved 93 per cent of scheduled surveillance against a target of 90 per cent.

To support its assessment against this KPI, CASA has used KPI specific performance measures, annual report cameo and case studies.

Summary of 2018–19 performance against KPI 4

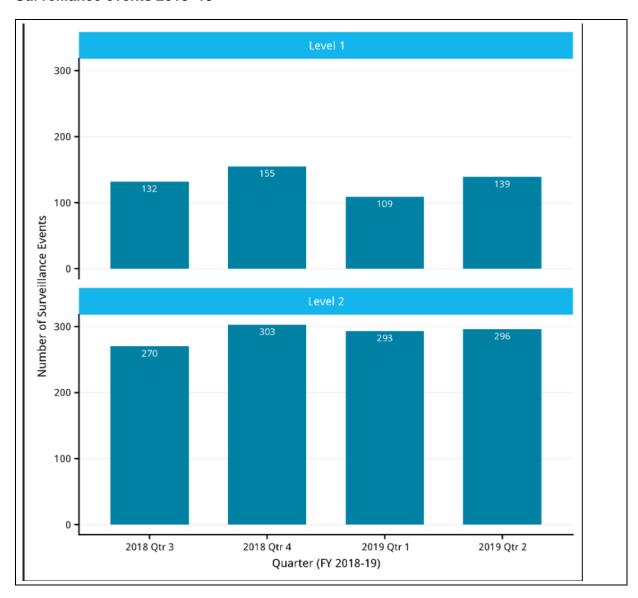
Since February 2018, quality assurance reviews have been undertaken by CASA's Governance and Government Relations Branch on the conduct of industry surveillance, to provide assurance to management that surveillance activities are conducted consistently and comply with surveillance policies and procedures. These reviews are typically either an off-site desktop review of records, or an on-site observation review of work being conducted.

From the *Measuring our Performance* survey the category of 'Satisfaction with how CASA performs its audit and compliance function' improved from 4.8 in 2015 to 6.3 in 2018.

Self-assessment = Satisfactory

Performance measure	Comments
4b. Oversight of regulated entities is undertaken in accordance with the CASA Surveillance Manual	In 2018–19 CASA achieved a completion rate of 93% of regulated entities selected for surveillance during the year.

Surveillance events 2018-19



Types of surveillance

Level 1 – Surveillance event

This level of surveillance is a structured, forward-planned, larger-type, surveillance event and covers:

- Systems audits
- Health checks
- · Post-authorisation reviews.

Systems audits

A systems audit is an audit based on a defined scope developed to consider the specific activities conducted by an authorisation holder ensuring their compliance with regulations and the authorisation holder's systems which are associated with the activities surveilled.

Health checks

This type of surveillance event is a reduced version of a systems audit and is usually of a shorter duration. The scope for a health check is based on a mandatory set of elements that over time have demonstrated significant non-compliance and/or poor safety risk mitigation across a specific aviation sector.

Post-authorisation reviews

Once an initial authorisation has been issued, a post-authorisation review must be conducted to ensure entry control standards are being maintained. Depending on the type of authorisation issued, a post-authorisation review must be conducted within six to 15 months following the initial issue.

Level 2 - Surveillance event

Operational checks

This type of surveillance event relates to less formal interactions with authorisation holders and may be in the form of checklist-based compliance and product checks of a specific section of its systems. The operational check frequently is used to verify the process in practice of the system being assessed. They are significantly shorter in duration, are generally compliance assessments and are usually, but not always, scheduled through the normal surveillance planning and approval process based on areas of concern identified by an authorisation management team.

Level 2 surveillance events include the following surveillance types:

Operational checks

- ramp check inspection of an aircraft, including documentation, equipment and procedures associated with that operation
- site inspection inspection of a site associated with an authorisation holder's operation
- en-route check inspection where the inspector travels on the flight and observes the actions of the flight crew
- manual review a review undertaken of an authorisation holder's operating manuals
- key personnel interview an interview (phone or face to face) with a person with a key
 role in an authorisation holder's operation during which matters of significance are
 discussed which can be constituted as surveillance
- safety meeting meeting with an authorisation holder involving significant safety outcomes which can be considered as surveillance.

Unscheduled

- occurrence investigation request: desktop a review of all associated information and questionnaire results relating to the follow up of an occurrence event
- occurrence investigation request: site an on-site inspection of any location associated with an occurrence event that may also include a review of associated information and questionnaire results
- request from Executive an inspection that is the result of a specific direction from a member of the CASA executive group.

KPI 5 Regulators are open and transparent in its dealings with regulated entities.

Rationale

This performance area is assessed through the completion of corporate initiatives and *Measuring our Performance* survey in addition to several performance metrics. The metrics identified for this KPI assess CASA's effort to maintain open and transparent dealings through publishing all relevant material on the CASA website, consulting on proposed new or amended regulations and conducting forums in accordance with agreed terms of reference.

Under the category of 'Satisfaction with CASA contact' in the stakeholder survey, there was a mean result of 7.5 for respondents who found CASA helpful and 'on Satisfaction with CASA's ongoing dialogue with industry', CASA moved from 3.7 in 2015 to 5.6 in 2018.

To support its assessment against this KPI, CASA has used KPI specific performance measures and an explanation of ongoing transparency through its annual reporting approach.

Summary of 2018-19 performance against KPI 5

Evidence that supports transparency in dealing with regulated entities includes a range of documents on CASA processes, guidance and manuals available on CASA's website.

CASA also provides a statement of reasons when it makes unfavourable decisions and ensures that industry meetings have an agenda, minutes and actions. In 2018–19 data also indicates no complaints against CASA were upheld in relation to lack of transparency.

Aviation Safety Advisory Panel (ASAP) and Technical Working Groups (TWGs) continues to mature, panel members can provide their representative members and bodies with additional context and background to CASA's decision making.

The ASAP and TWGs have been acknowledged by industry as being open and transparent in their operation. The TWGs are appointed by the ASAP and provide an opportunity for much broader representation in the consultative process by sectors of industry that are expert in their field. Although there have been differing views in the past between sectors, the TWGs have shown strong collaboration and a commitment to aviation safety and practical outcomes.

The ASAP met four times and oversaw 19 TWGs.

During 2018–19, the ASAP established 19 technical working groups to provide expert technical advice on a range of matters, including fatigue rules, dangerous goods, remotely piloted aircraft systems, airworthiness, and the flight operations suite of regulations.

CASA continues to strive for transparency in its corporate reporting and has consistently included information about its key achievements and initiatives which have not been progressed and the factors behind the delay, deferral or discontinuation of these initiatives.

Self-assessment = Good

Results from KPI specific measures

Performance measure	Comments
5a. Processes, guidance and applicable policy manuals (standards, enforcement and surveillance) are available on the website	 Processes, guidance and applicable policy manuals are available on the CASA website. CASA has undertaken a content review to archive dated and inaccurate content, as well as content that is infrequently accessed. All new CASA documents must meet accessibility guidelines.
5b. Unfavourable decisions are accompanied by a statement of reasons where required under legislation or other authority and are published on the CASA website	 All regulatory decisions to refuse an authorisation were accompanied by a statement of reasons and followed the formal enforcement process administered by CASA's Legal and Regulatory Affairs Division.
5c. Industry forums are conducted in an open and transparent manner	 All minutes and meeting notes of technical working groups, ASAP and regional airspace and procedures advisory committees were published on CASA's website.
5d. Regulations are subject to public consultation	Public consultation was conducted on all regulation changes that required it.
5e. Number of complaints about CASA not being open and transparent	 The Industry Complaints Commissioner found that CASA failed to act openly and transparently in the handling of four of the 123 complaints resolved during 2018-2019.
5f. Authorisations are only refused, amended, suspended or cancelled by the Client Services Centre when there is a regulatory or safety imperative	 All regulatory service decisions were made in accordance with the relevant legislation, rules and policies or if there is a safety concern.

CASA Corporate Plan 2018–19

The CASA Corporate Plan 2018–19 contains performance measures against three corporate goals. Goal 2 encompassing stakeholder engagement is broadly aligned to KPI 5. All measures in place against this goal were assessed as on track or completed.

KPI 6 Regulators actively contribute to the continuous improvement of the aviation safety regulatory framework.

Rationale

A sound aviation safety regulatory framework underpins an acceptable level of safety performance and helps ensure that the safety system is monitored and reviewed to maintain and enhance the level of safety performance in a cost-effective way. The extent to which the safety regulatory framework is improved is based on International Civil Aviation Organization (ICAO) Standards and Recommended Practices, post-implementation reviews of regulations and regulatory development projects to address emerging risks in the aviation safety system.

To support its assessment against this KPI, CASA has used specific performance measures, ratings from aviation safety advisor seminars, and performance against the CASA Corporate Plan 2018–19.

Summary of 2018–19 performance against KPI 6

CASA has a program of work and processes in place that support continuous improvement of the aviation safety regulatory framework. This is reflected in the completion of activities highlighted in the corporate plan; the ongoing and heightened level of activity improving compliance with international standards and processes that are in place to receive feedback from and engage with industry representatives.

Self-assessment = Good

Performance measure	Comments
6a. CASA has a program of initiatives in place to	CASA's priority for improvement of the aviation safety regulatory framework is to complete the regulation reform program.
improve the aviation safety regulatory framework 6b. CASA standards meet ICAO minimum standards –	CASA has initiated changes to aviation medicine and flight crew licensing via exemptions ahead of legislative changes. CASA has a process in place to receive feedback from industry, CASA
for Australian applicable standards	staff, the ICAO, the Australian Transport Safety Bureau and the public.
	CASA has made, but not yet commenced, legislative changes regarding fuel carriage and associated requirements.
	CASA has implemented a process in relation to required performance standards for communication and surveillance in foreign airspace for Australian operators.
	CASA has processes in place to record and consider industry proposals for regulatory change. The processes will improve over time to capture more of the informal feedback from industry.
	Survey data collected from participants in CASA's information sessions for aviation safety advisors indicated a high satisfaction rating.

With regard to Australia's alignment with ICAO Standards and Recommended Practices (SARPs): CASA contributed to Australia's increase to 95.02% compliance with ICAO's Universal Safety Oversight Audit Program (USOAP*) – up from 85.05%.

Following the ICAO audit, Australia agreed to undertake 39 corrective action plans to further achieve compliance and CASA is solely or jointly responsible for 35 of those plans. Thirteen plans were completed in 2018-19 and the remaining 26 were on track for completion as at 30 June 2019.

* USOAP measures whether a State is effectively and consistently implementing the critical elements of a safety oversight system, which enables the State to ensure the implementation of ICAO's SARPs.

CASA Corporate Plan 2018-19

The performance information for CASA's goal 1 in the corporate plan is also broadly aligned to KPI 6. Against this goal, 80 per cent of performance measures were on track or completed, 20 per cent substantially complete.