



Australian Government
Civil Aviation Safety Authority

DAS DIRECTIVE – 01/2015

**Development and Application of Risk- Based and
Cost- Effective Aviation Safety Regulations**

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Directive

This Directive reaffirms CASA's commitment to ensure that regulatory changes are justified on the basis of safety risk and do not impose unnecessary costs or unnecessarily hinder participation in aviation and its capacity for growth.

It also extends the principles underlying this commitment to the application and administration of the regulations by CASA, to the fullest practicable extent consistent with the interests of safety.



Guiding Principles

Development of Aviation Safety Regulations

- Aviation safety regulations must be shown to be necessary. They are to be developed with a view to addressing known or likely safety risks that cannot be addressed effectively by non-regulatory means alone.
- Consistent with CASA's obligations under the Civil Aviation Act and other Commonwealth laws and Government policies, every proposed regulation must be assessed against the contribution it will make to aviation safety, having particular regard to the safety of passengers and other persons affected or likely to be affected by the activity involved.
- If a regulation can be justified on safety-risk grounds, it must be made in a form that provides for the most efficient allocation of industry and CASA resources. Regulations must not impose unnecessary costs or unnecessarily hinder levels of participation in aviation and its capacity for growth.
- Aviation safety regulations should conform to the framework for the classification of aircraft operations, and align with other standards and practices, adopted by the International Civil Aviation Organization (ICAO), unless differences are necessary to address particular features peculiar to the Australian aviation environment and those differences can be justified on safety-risk grounds. On the same basis, the aviation safety regulations should be consistent with international best practice, as reflected in the standards and practices of other leading aviation countries.
- Recognising that international standards and practices vary, CASA will align its regulations with those that effectively address identified safety risks in the most cost-effective manner.
- Where it is appropriate to do so, aviation safety regulations are to be drafted to specify intended safety outcomes. Where known or likely safety risks cannot be addressed effectively utilising an outcome-based approach (in whole or in part), more prescriptive requirements will be specified.
- In developing aviation safety regulations, CASA must consult appropriately with industry in an open and transparent manner ensuring that all communication is clear, timely and effective.
- Subject to the applicable drafting requirements, CASA will strive to ensure aviation safety regulations are drafted as clearly and concisely as possible.
- Where practicable, aviation safety regulations should be developed within a three-tier framework, comprising the Civil Aviation Act, the Civil Aviation Safety Regulations and Manuals of Standards.
- Supportive advisory and guidance materials, including other acceptable means of compliance with regulatory requirements, will be promulgated and disseminated in conjunction with new and amended regulations, having regard to the time when compliance with new or amended regulations will be required.



Application of Aviation Safety Regulations

- In accordance with the Civil Aviation Act, the safety of air navigation is the most important consideration for CASA in performing its functions and exercising its powers.
- Consistent with that obligation, the principle of legality and the explicit requirements of the civil aviation legislation in any particular case, CASA must always have regard to *all* relevant considerations when exercising discretionary powers, including the cost and other burdens involved in the application of regulatory requirements.
- This cannot and does not mean that CASA must demonstrate that, in exercising its discretionary powers under the regulations *in any given case*, it has adopted or will adopt a course of action involving the lowest cost to, or least adverse impact on, the person or persons affected by that action.
- What it does mean is that, where a person who is or will be affected by CASA's exercise of discretionary powers under the regulations convincingly demonstrates, on evidence, that:
 - the same safety outcome contemplated by the applicable regulatory requirement can be achieved on another, more cost-effective and/or otherwise less onerous basis;
 - the person is able and willing to adopt and give meaningful effect to that alternative approach to compliance;
 - the alternative approach proposed can be implemented fully and effectively in a timely fashion, having regard to the interests of safety;
 - the adoption and implementation of such an alternative approach by CASA would not involve unreasonable additional oversight or administrative responsibilities on CASA's part; and
 - no other persons would be adversely or unfairly affected by the adoption of that alternative approach,

CASA will entertain a reasonable proposal for the adoption of another approach and, in the absence of good reason not to do so, CASA will adopt such an alternative approach.

Signed

Mark Skidmore AM
Director of Aviation Safety
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