

Questions on notice

Questions to be asked to the Civil Aviation Safety Authority (CASA) for the Rural and Regional Affairs and Transport Committee Inquiry into:

The current state of Australia's general aviation industry.

Background

In 2014 the Aviation Safety Regulation Review (ASRR) made 37 recommendations for the Australian Government to consider. Only recommendation 20 was not agreed to by the government.

The following questions on notice are with reference to recommendations 30 and 31, which are:

1. *The Civil Aviation Safety Authority changes the current two-tier regulatory framework (act and regulations) to a three-tier structure (act, regulations and standards), with:
 - (a) regulations drafted in a high-level, succinct style, containing provisions for enabling standards and necessary legislative provisions, including offences
 - (b) the third-tier standards drafted in plain, easy to understand language.*
2. *The Civil Aviation Safety Authority structures all regulations not yet made with the three-tier approach, and subsequently reviews all other Civil Aviation Safety Regulation Parts (in consultation with industry) to determine if they should be remade using the three-tier structure.*

Furthermore, many submissions to this inquiry make reference to the complexity and difficulties with comprehension of the current regulations, including the recently developed CASRs and their associated Manual of Standards (MOS).

Questions on notice:

1. Does CASA acknowledge that regulatory complexity and difficulties with comprehension of regulations and standards relate to ASRR recommendation 30 (b)?

CASA is aware that some aviation stakeholders can be frustrated by the complexity of civil aviation legislation as a whole or with parts of the three tiers of legislation. However, CASA consults all proposed legislation with industry providing the opportunity for any feedback to be incorporated in the final legislation where possible.

2. Regarding regulatory complexity and comprehension issues, including the time lost for the stakeholder's activities due to this, does CASA acknowledge the legitimacy of the frustrations from aviation stakeholders and that these relate directly to a divergence by CASA to ASRR recommendation 30 (b) and to paragraph 1 (c) of s9 of the Civil Aviation Act (1988)?

Refer response to Question 1. In addition, CASA does not agree it has diverged from paragraph 9(1)(c) of the Civil Aviation Act and considers we have acted in accordance with the Government's in-principle agreement of ASRR recommendation 30(b) and notes that implementation of this recommendation is continuing.

3. Does CASA acknowledge that the cost impact expressed by many aviation stakeholders is referenced to and due this complexity of regulations and standards, and that the time wastage and lost economic activity resulting is a significant cost impact to their activities?

CASA acknowledges that complexity in regulations and other aviation safety standards will in some cases have an unavoidable cost impact on stakeholders. However, CASA does not agree that this impact is generally of a significant nature or that time and economic 'loss' is fairly attributable to compliance with unnecessarily complex regulatory requirements.

4. Does CASA include lost time and lost economic activity in its cost impact considerations and if so, how does CASA make this assessment and will CASA provide detail as to how it calculates and includes the cost of lost-time and lost business opportunities into its cost impact considerations and calculations?

CASA prepares a Regulation Impact Statement (RIS) for any new or amendment regulation or standard that may have a significant cost impact on stakeholders. The RIS outlines the total cost impact of the new or amended regulation, including the cost of lost time for business to comply with the regulatory requirements. This involves estimating the time that affected businesses are required to devote to complying with the new or amended regulation. RIS and the incorporated estimates for cost of lost time are reviewed and assessed by the Department of Prime Minister and Cabinet.

5. Given that CASA has actually moved to a four-tier model of regulatory structure, with the fourth-tier including the development and promulgation of plain English language guides, will CASA acknowledge that this is evidence that the third-tier, Manual of Standards, have not been developed and promulgated in "plain, easy to understand language"?

CASA has not moved to a 'four tier' model of regulatory structure as guidance material including Plain English Guides (PEGs) are not the law. The PEGs are a CASA initiative to provide a convenient, simple and consolidated summary of the rules using graphic illustrations and other aids to help facilitate another means of understanding for the relevant legislative requirements.

6. Can CASA explain and detail what aviation stakeholder consultation they conducted in order to establish aviation sector support for such a departure from adopting ASRR recommendation 30 (b)?

CASA's responses to questions 1, 2 and 5 confirm that CASA continues to act in accordance with the Government's in-principle agreement of ASRR recommendation 30(b).