

7 September 2020

Committee Secretary  
Senate Standing Committees on Rural and Regional Affairs and Transport  
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Parliament House  
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Dear Senators

**RE: SUBMISSION - INQUIRY INTO THE CURRENT STATE OF AUSTRALIA'S GENERAL AVIATION INDUSTRY**

As a former Chairman of both the Civil Aviation Authority and Civil Aviation Safety Authority, I believe the inquiry into the current state of Australia's General Aviation Industry must prioritise amending the wording of the overarching *Civil Aviation Act*. Unless this is addressed, any change to underlying legislation will be futile.

The *Civil Aviation Act* states:

***"9A Performance of functions***

- (1) In exercising its powers and performing its functions, CASA must regard the safety of air navigation as the most important consideration."***

The problem relates to the "absolute" wording that safety must be the most important consideration. This wording fails to address the fact that there are different regulated levels of safety which relate to the type of operation and the cost a passenger would be able to pay for a ticket. For example, a joy flight for three passengers would be prohibitively expensive if conducted in a multi-engine turbine powered aircraft with two flight crew.

This absolute statement in the *Civil Aviation Act* is resulting in the destruction of the general aviation industry as regulations become increasingly expensive in order to comply. Operators cannot remain viable with these increasing costs and the expectations of their passengers.

In February 2018, Transport Minister Barnaby Joyce and Shadow Minister Anthony Albanese agreed to amend the *Civil Aviation Act* to the following wording, recognising the importance of high levels of safety while emphasising the vital importance of general aviation in Australia.

***"9A Performance of functions***

- (1) In exercising its powers and performing its functions, CASA must seek achieve the highest level of safety in air navigation that is consistent with:***
- (a) Maintaining an efficient and sustainable Australian aviation industry, including a viable general aviation and training sector***
  - (b) The need for more people to benefit from civil aviation."***

The amendment was abandoned when Minister Michael McCormack replaced Barnaby Joyce.

Instead, an amendment was made in a later section of the *Civil Aviation Act* mentioning that cost must be taken into account, however that amendment is ineffective as long as the current wording of section 9A remains. ***“CASA must regard the safety of air navigation as the most important consideration”*** is the road-block quoted whenever any regulatory reform is suggested.

On 26 April 2018, I gave an address in Wagga Wagga entitled ***“The destruction of the general aviation and flight training industry in Australia”***, covering the decline in general aviation and the proposed wording change to the *Civil Aviation Act*. A copy of that address is attached for your reference.

I ask you to consider the merits of changing the wording of the *Civil Aviation Act* to the wording agreed by Barnaby Joyce and Anthony Albanese to allow general aviation to thrive in Australia.

Yours sincerely

Dick Smith AC

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