

Submission to the Review of Aviation Safety Regulation

My intention in this document is to confine myself to comments on the organisation of air safety and role of the ATSB relative to that of CASA.

My comments are those of a long-term observer of Australia's aviation scene and not that of an industry professional per se. Consequently I shall not comment at all on the regulations per se or on how CASA administers and enforces them.

Governance and Role of the ATSB

In an earlier submission on the Miller Report in April 2008, I argued strongly for the complete independence of the ATSB and its governance by a board. These objectives were realised when the ATSB was subsequently reorganised into its current structure.

I made a number of observations, taking 'leaves' out of the United States NTSB's 'book' as a model. I will reiterate some of these here.

The NTSB (United States)

The forward to the NTSB Annual Performance Report to Congress states that the NTSB's origins can be found in the Air Commerce Act of 1926 in which civil aviation was vested in the Department of Commerce.

The NTSB was established in 1967 as an independent agency, with a clearly defined mission, within the US Department of Transportation (DoT) for administrative purposes. Subsequently, in 1974, the NTSB was re-established by Congress as a completely separate entity outside of the DoT. The reasoning for this change was the consideration that:

‘ No Federal agency can properly perform such (investigatory) functions unless it is totally separate and independent from any other ... agency ... ’.

These arguments were accepted in making the ATSB a statutory body governed by a Board of three Commissioners with a full time Chief Commissioner.

The structure of the ATSB having been developed appropriately, to perform its tasks and some of the additional roles noted below, the ATSB must be appropriately resourced.

Like the NTSB, the ATSB conducts, in addition to accident investigations for the purpose of improving safety, research studies into the broad transport area as a method of more proactively preventing accidents; as well as conducting training in transport safety.

The research function, including the conduct of detailed and sophisticated statistical analysis of safety data, is a vital part of the task of accident prevention and should be maintained. The resources of the ATSB’s statistical unit might be enhanced and constituted as the central repository of statistics on the aviation sector for use also as a management tool for the policy and administrative arms.

In recent discussions with the aviation tertiary education sector it was noted by a university academic that apart from the defence forces, there is no organisation providing on-going and structured training for future air accident investigators. This is conducted in the US by both academic institutions such as Embry-Riddle University the University of Southern California, Purdue and the like, and by the NTSB Academy.

It is my proposal that the ATSB be resourced to increase its training program for industry personnel, with a view to eventually creating, perhaps in concert with another training institution such as the aviation department of a university, an Aviation Safety Academy.

The NTSB also conducts safety audits of the programs of other government agencies which impinge on transport safety.

While requiring significantly higher resources this might be a useful further task which a newly resourced ATSB might consider. These services might be provided as a 'consultancy' fee-for-service basis so that once established, these activities would not be a call on the Bureau's overall resources.

The investigatory processes and methodology of the ATSB's transport investigations and safety research studies are readily transferrable to a range of other environments. Many of the advances in accident investigation and prevention have in fact been derived from work in other industries – for example the petroleum and mining sectors and in medicine. A future Aviation Safety Academy could play a part in the dissemination of these management techniques *to and from* these sectors.

It has been suggested in some quarters that an organisation's role as promoter and educator of aviation safety is incompatible with its main role as regulator. If this was accepted this would imply a transfer of these resources and roles from CASA to the ATSB.

The ATSB currently releases reports of its investigations and conducts media briefings. This might be augmented by adopting the US NTSB enquiry process of holding public hearings on current investigations, as an enhancement of the transparency of the process.

The ATSB, along with the other aviation instrumentalities, Airservices Australia and CASA, would be available and would of course be consulted, on all Aviation industry policy set by government, in line with the principles of Safety Management Systems (SMS). This would ensure that officers of the Department of Infrastructure would have on hand expert advice to assist in the framing of appropriate and effective aviation policies.

In framing the structure and resources of the ATSB it should be reconfirmed that whenever an aircraft of the type used in the

Australian register is involved in a crash or major incident not within Australia, that an ATSB officer be detached to take part in the investigation. Consideration should also be given to such officers attending other aviation safety investigations, not necessarily relating to types on the Australian register. This ensure that the ATSB is fully appraised and up to date with all relevant information on these aircraft types and that experience to ATSB officers are well versed and experienced in broader investigations affecting safety management systems. (A similar policy might also be considered for marine and rail investigators to attend major occurrences overseas.)

Finally, while I am a Board member of Safeskie Australia Conferences Inc, the above are my own personal views only, and do not necessarily reflect the position of the Board, nor of any other individual Board member.

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