

6 JULY 2015

## MEDIA RELEASE

### REX STRONGLY SUPPORTS CASA'S NEW POLICY DIRECTIVE ON RISK-BASED SAFETY MANAGEMENT

Regional Express (Rex) applauds the release of the Civil Aviation Safety Authority's (CASA) new policy Directive (see attached) in relation to the Development and Application of Risk Based and Cost Effective Aviation Safety Regulations.

The Directive issued by the newly appointed Director of Aviation Safety, Mr Mark Skidmore AM, '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'.

Commenting on CASA's new approach, Rex's Chief Operating Officer Mr Neville Howell said, "The Directive issued under the new CASA Chair Jeff Boyd and CEO Mark Skidmore is a breath of fresh air and provides reason to believe that the aviation industry can now start to recover from the severe damage inflicted over the last six years by the previous CASA administration which was the focus of the Government's Aviation Safety Regulation Review."

"This new direction and regime is strongly supported by Rex as, among other things, it makes it clear that aviation safety regulations must 'be shown to be necessary' and 'address known or likely safety risks' and that 'every proposed regulation must be assessed against the contribution it will make to aviation safety'".

"We look forward to continuing to work with CASA to achieve a safer aviation environment through regulatory reforms that are grounded on rational and evidence-based policies," Mr Howell concluded.

Regional Express (Rex) is Australia's largest independent regional airline operating a fleet of more than 40 Saab 340 aircraft on some 1,300 weekly flights to 53 destinations throughout New South Wales, Victoria, Tasmania, South Australia and Queensland. The Rex Group comprises Regional Express, air freight and charter operator Pel-Air Aviation and Dubbo-based regional airline Air Link, as well as the pilot academy Australian Airline Pilot Academy, and MRO company AVIEX.

**Rex Media Contact: Corporate Communications – +61 402 438 361**

*\*DAS Directive – 01/2015: Development and Application of Risk-Based and Cost-Effective Aviation Safety Regulations, Civil Aviation Safety Authority, 29 May 2015. (Relevant text highlighted in the attached document – Attachment 2).*



## ATTACHMENTS

- 1) Extract from enewsletter – The CASA Briefing – June 2015
- 2) DAS Directive – 01/2015 Development and Application of Risk-Based and Cost-Effective Aviation Safety Regulations, Civil Aviation Safety Authority, 29 May 2015.

# Extract: The CASA Briefing, June 2015

## From the Director of Aviation Safety, Mark Skidmore

I recently released an important new policy directive about the development and application of the aviation safety regulations. While the directive reaffirms CASA's position on the development of regulations, it takes the principles a step further by clearly setting out how they relate to the application and administration of the regulations. CASA must still apply the regulations in accordance with their intent and safety must be regarded as the most important consideration. But we must also consider all other relevant issues, including costs and administrative burden. This means there is the opportunity for people in the aviation community to show CASA how the right safety outcomes under the regulations can be achieved at a lower cost or administrative burden. In other words, CASA is not saying "it is our way or the highway" when it comes to the exercise of our discretionary compliance powers.

Of course, anyone who wishes to put forward an alternative approach to the application and administration of the regulations will have to be able to convincingly demonstrate they can achieve the same safety outcome intended by the regulations. The alternative approach they propose must not be inconsistent with an express regulatory requirement. They will also have to show how they will fully and effectively implement the alternative approach to compliance in a timely fashion. Alternative approaches must not require unreasonable additional oversight or administration by CASA and no other persons should be adversely or unfairly affected. The directive I issued concludes by saying: "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."

When developing regulations the directive makes it clear CASA must address known or likely safety risks that cannot be addressed effectively by a non-regulatory means alone. Every proposed regulation must be assessed against the contribution it will make to aviation safety, having particular regard to the safety of passengers and others who may be affected. Regulations must not impose unnecessary costs or unnecessarily hinder levels of participation in aviation or the capacity for growth. Regulations should be aligned with the standards and practices of the International Civil Aviation Organization and leading aviation countries, unless differences are necessary due to unique Australian factors and can be justified on the basis of safety. Where it is appropriate, regulations are to be drafted to specify intended safety outcomes. In developing regulations, CASA must consult appropriately with the aviation community 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 regulations are drafted as clearly and concisely as possible within a three-tier framework.

Please read the new directive and if you have any comments send them to me.

This is the directive about the [development and application of regulations](#).

Send your [feedback](#) to me.

Safe flying

*Mark Skidmore AM*

*Extract taken from the CASA Briefing June 2015 issue:*

[http://www.casa.gov.au/scripts/nc.dll?WCMS:STANDARD::pc=PC\\_102578](http://www.casa.gov.au/scripts/nc.dll?WCMS:STANDARD::pc=PC_102578)



**Australian Government**  
**Civil Aviation Safety Authority**

**DAS DIRECTIVE – 01/2015**

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

**Date of Directive:** 29 May 2015  
**Directive No:** 01/2015

**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 be aligned with the standards and practices of the International Civil Aviation Organization and leading aviation countries, unless differences are necessary to address particular features peculiar to the Australian aviation environment and those differences can be justified on safety-risk grounds.
- 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 as 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 demonstrate, 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  
Date: 29 May 2015