

EXPLANATORY STATEMENT

CIVIL AVIATION SAFETY AUTHORITY

STATEMENT OF EXPECTATIONS 2021-2023

Statement of Expectations – Civil Aviation Safety Authority

Outline

The Statement of Expectations (SOE) was issued by the Minister as a notice under section 12A of the *Civil Aviation Act 1988* to the Civil Aviation Safety Authority (CASA).

Section 12A of the *Civil Aviation Act 1988* provides that the Minister may notify the Board of CASA in writing of the Minister's views on the appropriate strategic direction for CASA and the manner in which it should perform its functions.

This SOE outlines the Minister's expectations for CASA in regard to its operations and performance over the period 1 July 2021 to 30 June 2023.

The SOE emphasises the need for CASA to perform its functions in a manner that supports Government policy, including that aviation safety remains the highest priority. CASA is also expected to comply with relevant legislation and to keep the Minister and the Secretary of the Department of Infrastructure, Transport, Regional Development and Communications (the Department) informed of CASA's actions and initiatives.

The SOE includes sections on CASA's governance, regulatory approach, key initiatives and stakeholder engagement.

The SOE outlines the Minister's expectations in relation to the way CASA conducts its functions and the need for consultation with the community, industry and Government agencies.

Details of the SOE are set out in the Attachment.

CASA was consulted in finalising the SOE.

Notices issued under section 12A of the *Civil Aviation Act 1988* are a legislative instrument for the purposes of the *Legislation Act 2003*.

The SOE commences on 1 July 2021 and expires at the end of 30 June 2023 as if it had been repealed by another SOE.

Authority: Section 12A of the *Civil Aviation Act 1988*.

Details of the Statement of Expectations

Section 1: Overview

This section outlines the legislative framework and purpose for issuing the Statement of Expectations (SOE) to the Civil Aviation Safety Authority (CASA) Board. It confirms the Minister's expectation that CASA acts in accordance with the *Civil Aviation Act 1988* (the Act), the *Airspace Act 2007*, the *Public Governance, Performance and Accountability Act 2013*, as well as other relevant legislation.

It includes the expectation that CASA will operate in a manner consistent with the standards expected of a highly professional public sector organisation with a strong culture of accountability and transparency in line with the values and conduct expected within the Australian Public Service.

Section 2: Governance

This section outlines the respective roles and responsibilities of the CASA Board and the Director of Aviation Safety (DAS) and the importance of these roles working together to ensure that CASA operates in a manner consistent with a world-best-practice aviation safety regulator.

It states the expectation that the Board is responsible for matters set out in the Act and for CASA's strategic direction, risk management and corporate planning.

It outlines that the Board is responsible for ensuring CASA progresses on its strategic priorities and the key aviation initiatives identified in the SOE.

It sets out the expectation that the Board will facilitate effective relationships between CASA and industry to promote aviation safety.

The section outlines the expectation that, subject to the Act, the DAS, as the Chief Executive Officer, is responsible for managing all day-to-day operations of CASA including its statutory, financial, personnel and administrative activities.

It outlines that the Board is responsible for keeping the Minister and the Secretary of the Department informed of CASA's actions related to the SOE through quarterly reports on the Corporate Plan and the SOE, promptly advising of developments that may impact its operations.

This section sets out the expectation that CASA will perform its functions consistent with Australia's international obligations where appropriate. In particular, CASA will strive to ensure its regulatory requirements, policies and practices are consistent with International Civil Aviation Organization (ICAO) standards and harmonise with best international regulatory practice. Harmonisation does not necessarily mean replication, and where it is appropriate to do so, CASA's regulatory requirements, policies and practices should reflect considerations that are distinctive to the Australian aviation environment.

Section 3: Regulatory Approach

This section outlines the expectation that CASA will continue to adhere to its regulatory philosophy which sets out the principles that guide and direct CASA's approach to the performance of its regulatory functions and the exercise of its regulatory powers.

Paragraph (a) — Aviation Safety

This paragraph sets out the expectation that CASA will continue to ensure the highest priority is given to aviation safety.

Paragraph (b) — Regulatory Impact

This paragraph sets out the expectation that CASA will consider the economic and cost impacts on individuals, businesses and the community.

Paragraph (c) — Regulatory Approach

This paragraph sets out the expectation that CASA will adopt a regulatory approach based on a sound assessment of the level of risk associated with particular aviation operations.

Section 4: Key Initiatives

This section outlines the expectation that CASA, as the aviation safety regulator, will focus on the following key initiatives:

Paragraph (a) — Flight Operations Regulations

This paragraph sets out the expectation that CASA will engage with industry in order to implement the flight operations suite of regulations. The regulations (Civil Aviation Safety Regulations (CASR) Parts 91, 119, 121, 133, 135 and 138) will commence on 2 December 2021 and are part of the progressive updates of the CASR.

Paragraph (b) — Air Traffic Management System

This paragraph sets out the expectation that CASA will support Airservices Australia (Airservices) in the implementation of the OneSKY project with timely approval and certification activities, and continued oversight of Australia's existing air traffic management system. The OneSKY project is a partnership between Airservices and the Department of Defence, replacing existing air traffic management systems with an advanced integrated system known as the Civil Military Air Traffic Management System (CMATS).

Paragraph (c) — Remotely Piloted Aircraft Systems (RPAS)

This paragraph sets out the expectation that CASA will support the integration of Remotely Piloted Aircraft Systems (RPAS) into Australian airspace, including regulatory oversight of the safety aspects of unmanned aviation operations. This also includes supporting, and leading where identified, the measures outlined in the Government's National Emerging Aviation Technologies (NEAT) Policy Statement.

Paragraph (d) — Flight Information Management System

This paragraph sets out the expectation that CASA will provide timely regulatory advice to Airservices in support of the development and implementation of a new flight information management system (FIMS). This is a central component of future unmanned traffic management, ensuring the safety of all airspace users through integration of new users such as drones and Advanced Air Mobility (AAM).

Paragraph (e) — Major Aerodrome Infrastructure Projects

This paragraph sets out the expectation that CASA will provide regulatory oversight for major aerodrome infrastructure projects, including significant new runway projects, as well as providing advice on other airport developments to assist the Minister meet the statutory requirements of the *Airport Act 1996*.

Paragraph (f) — Regulatory Oversight for Western Sydney Airport

This paragraph sets out the expectation that CASA will continue to ensure sufficient resources are applied to the regulatory oversight of the development of Western Sydney Airport (WSA) and associated airspace in order to facilitate the scheduled opening of WSA in 2026.

Paragraph (g) — Sharing Air Safety Information

This paragraph sets out the expectation that CASA will continue to receive safety information from the Australian Transport Safety Bureau in line with the Safety Information Policy agreed with the Australian Transport Safety Bureau (ATSB). The ATSB advises CASA about accidents and serious incidents as soon as the ATSB is informed. CASA uses safety information from the ATSB principally for two purposes: first, to have sufficient information about an occurrence to decide whether to initiate its own, independent regulatory inquiries; and secondly, to maintain a database of occurrence information so that trends in aviation safety can be detected and, where necessary, safety action can be taken.

Paragraph (h) — Australian Future Airspace Framework

This paragraph sets out the expectation that CASA will work with the Department and Airservices to modernise airspace management and lead the development of an Australian future airspace framework in line with the Government's airspace policy objectives, thus shaping Australia's future airspace policy and regulatory framework. The Australian Airspace Policy Statement provides guidance to CASA on the administration of Australian airspace while noting CASA's functions and powers are subject to the Act and the *Airspace Regulations 2007*.

Paragraph (i) — Satellite Based Augmentation System

This paragraph sets out the expectation that CASA will collaborate with Geoscience Australia, Airservices and the Department in the implementation of satellite based augmentation systems in the air traffic management environment in a safe and timely manner. A satellite based augmentation system would allow regional carriers flying turboprop and smaller aircraft to use continuous vertical guidance similar to larger aircraft without the need for Instrument Landing System infrastructure.

Paragraph (j) — Space Based Systems

This paragraph sets out the expectation that CASA will collaborate with the Australian Space Agency to develop their regulatory framework for high powered rockets and facilitate the development of Australia's space industry, by providing timely advice and approval for operation under their regulations, ensuring safe integration into the existing air traffic management environment. CASA has previously amended regulations to transfer oversight of regulatory risk of high power rockets to the Australian Space Agency while retaining the regulation of model and non-high power rockets. The amendments reflect ongoing work to avoid overlapping regulatory frameworks.

Paragraph (k) — Training and Recruitment

This paragraph sets out the expectation that CASA's training and recruitment regimes provide its staff the required skills and expertise to meet the current and emerging challenges in aviation safety regulation.

Section 5: Stakeholder Engagement

This section outlines the expectation that CASA, in performing its functions, will continue to have regard to effective and timely stakeholder engagement.

Paragraph (a) — Engagement and Communication with Industry

This paragraph sets out the expectation that CASA will undertake effective and ongoing engagement with the aviation industry to create collaborative relationships based on mutual understanding and respect.

Paragraph (b) — Regular Communication with Stakeholders

This paragraph sets out the expectation that CASA will communicate regularly with the aviation industry, Government agencies and other key stakeholders on its functions and activities.

Paragraph (c) — Portfolio Arrangements

This paragraph sets out the expectation that CASA will work closely with the Department and other Government agencies, including the Department of Defence, the ATSB and Airservices, to deliver integrated and comprehensive airspace management and safety advice to Government, aviation industry and the community.