

REVISION OF THE AUSTRALIAN AIRSPACE POLICY STATEMENT (AAPS) – ASAC COMMENT

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The following comments are made in the knowledge that the AAPS is currently being revised. ASAC looks forward to commenting on the draft document as soon as it is available. However, the following are seen as particularly important.

1. The AAPS needs to be more strategic. Good governance requires a separation of powers between policy and implementation. Further, much of the changes made over the past few years have had the aim of getting regulation out of the Minister's office. This will be undermined if the AAPS makes more than policy determinations.

These policy determinations are, however, very important.

2. ASAC supports the Government priority for protection of the travelling public but also strongly supports the need for efficiency and equitable access. If these objectives are to be met and the best safety outcomes achieved then all decisions must be required to meet a risk management and, where appropriate, a cost benefit justification.

Firstly, the best safety outcomes are only achieved by targeting the protection to identified need. Some have said that this risk management justification leads to 'affordable safety' with the connotation of a lower (affordable) level of safety. This is WRONG. If the best safety outcomes are to be achieved the protection provided and, particularly any restriction imposed, must be strictly targeted to need and have credibility in the eyes of all. This can only be ensured by the strict application of the very best risk management justification.

The AAPS must require this approach at all times.

3. Further, there is, by its very nature, going to be conflicting needs for access. If these are to be met while maintaining the best protection of the travelling public, conflicting demands must be decided strictly on a risk management and, where appropriate, a cost benefit basis.

With regard to a cost benefit justification, I keep saying, 'where appropriate'. Recent experience shows that while a risk management justification is a universal requirement, too rigid an application of the requirement for a quantitative cost benefit justification has been counter productive. This has forced an attempt at a cost benefit justification where either one is not really justified or a strict cost benefit study is not possible because of intangibles. Hence this requirement needs to be qualified by the words 'where appropriate'. The concept is always important and this must be universal – but a strict quantitative cost benefit justification is not always desirable.

4. If we are to achieve the best safety outcomes based on a risk management justification, we need the very best risk assessment methods. The development of a common risk framework has been a great success – but CASA and the OAR need an in-house 'centre of excellence' for risk assessment and risk management.

When it comes to risk assessment in airspace matters, Airservices have the hard data. CASA (the OAR) and Airservices must be required to cooperate to set up such a centre of excellence. All the

resources, both material and personnel, exist between the two organisations but these need to be put together to produce this centre of excellence.

This needs to be 'in-house' rather than outsourced because CASA and the OAR need control over the standard and commonality of this process which is so central to the safety decisions made by the regulator – and the service provider for that matter.

I am aware that both groups would like to see this occur.

Comments have been made that the regulator and the service provider need to both be, and be seen to be, separate. However, risk assessment is a scientific process and does not involve judgement of a political or regulatory type. What is done with the data is entirely different and this must both be, and be seen to be, separate for the regulator and service provider, but the scientific process of risk assessment is not a matter for such concerns. In fact it is better that both are seen to be working from the same best estimate. Much of the controversy in airspace regulation has pivoted on arguments about the validity of risk estimates.

Bob Hall

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