



Australian Government

Australian Transport Safety Bureau

Summary of Consultation Paper

Amendment to the Transport Safety Investigation Regulations 2021 – Exposure Draft and related matters

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12 Moore Street
Canberra ACT 2601
Australia

ABN 65 061 156 887

PO Box 967
Civic Square
ACT 2608

1800 020 61
(+61) 02 6257 2463

www.atsb.gov.au
@atsbgovau
atsbinfo@atsb.gov.au

Publishing information

Published by: Australian Transport Safety Bureau
Postal address: PO Box 967, Civic Square ACT 2608
Office: 62 Northbourne Avenue Canberra, ACT 2601
Telephone: 1800 020 616, from overseas +61 2 6257 2463
Accident and incident notification: 1800 011 034 (24 hours)
Email: atsbinfo@atsb.gov.au
Website: www.atsb.gov.au

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Glossary

The following reference table provides a guide to acronyms or abbreviations used in this consultation paper and the proposed amendments.

Acronym	Description
AAUS	Australian Association for Unmanned Systems
AIP	aeronautical information publication, available at: https://www.airservicesaustralia.com/aip/aip.asp
AMSA	Australian Maritime Safety Authority
APF	Australian Parachute Federation
ATSB	Australian Transport Safety Bureau
CASA	Civil Aviation Safety Authority
CASR	Civil Aviation Safety Regulations 1998, available at: https://www.legislation.gov.au/Series/F1998B00220
DITRDC	Department of Infrastructure, Transport, Regional Development and Communications
Exposure Draft	the consultation version of the proposed legislative instrument to amend the TSI Regulations, known as the Transport Safety Investigation Amendment (2022 Measures No. 1) Regulations 2022
GFA	Gliding Federation Australia Incorporated (also trading as Gliding Australia)
ICAO	International Civil Aviation Organization
IRM	immediately reportable matter, under section 18 of the TSI Act
ONRSR	Office of the National Rail Safety Regulator
RPA	remotely piloted aircraft
RRM	routine reportable matter, under section 19 of the TSI Act
RSNL	Rail Safety National Law, being the <i>Rail Safety National Law (South Australia) Act 2012</i> under which ONRSR is established, and equivalent legislation in each other Australian State and Territory
TSI Act	<i>Transport Safety Investigation Act 2003</i> , available at: https://www.legislation.gov.au/Series/C2004A01102
TSI Regulations	Transport Safety Investigation Regulations 2021, available at: https://www.legislation.gov.au/Series/F2021L01248

Consultation method

Proposed changes to TSI legislation

Between 28 January 2022 and 7 March 2022, the Australian Transport Safety Bureau (**ATSB**) conducted public consultation on a package of documents supporting proposed changes to the Transport Safety Investigation Regulations 2021 (**TSI Regulations**) and the *Transport Safety Investigation Act 2003* (**TSI Act**) (together, the Transport Safety Investigation legislation). Central to the consultation package was a consultation paper that identified and explained the legislative changes in the Exposure Draft and policy rationale across 6 key issues.

The purpose of conducting a public consultation process was to seek feedback from the aviation, marine and rail industry (including pilots, operators and peak associations), transport portfolio regulators and policy makers in the Commonwealth and State governments, and wider general public.

The ATSB employed a multi-channel campaign to reach stakeholders. The Chief Commissioner wrote to 65 organisations across the three transport modes informing counterparts of the legislative proposals and consultation period. A media release was published by the ATSB on the opening date of the consultation period which included a short video message on YouTube from the Chief Commissioner which was viewed over 120 times. Social media (Twitter, Facebook and LinkedIn) was used to reach the ATSB's audience of over 15,000 subscribers – some messages were also cross-promoted by the Civil Aviation Safety Authority in their social media feeds.

In addition, the ATSB facilitated at least 6 virtual (online) group information sessions and issue-specific briefings which were in response to organisational requests or openly advertised to the public. Several individual briefings and discussions also took place. Due to prevailing interstate travel limitations and border uncertainties in response to the COVID-19 pandemic, it was considered appropriate to facilitate most meetings online with interested stakeholders.

There were two primary methods of providing feedback to the ATSB – completing an online survey facility or by written correspondence addressed to the ATSB consultation email address. The survey method provided some guided questions which could be selectively skipped if not relevant to an industry respondent, and enabled the ATSB to use limited dashboard analytics to assist reviewing the responses. Survey responses submitted online averaged 10 minutes.

Consultation formally closed on 7 March 2022 after a 5 week period. Several industry participants requested extensions to finalise submissions, which were granted. The final response was received on 18 March 2022.

A total of **40 responses** were received by the ATSB:¹

- 30 responses by online survey: 23 aviation industry; 4 marine industry; 3 rail industry.
- 10 responses by correspondence: 6 aviation industry; 3 marine industry; 1 rail industry.

Some responses were coordinated on behalf of multiple industry participants (whether associated organisations or members), which reflects a higher level of participation and coordination than the number of responses would otherwise indicate.

¹ Some respondents are government agencies or participants in other industries but have identified with or have stronger affiliations with one of the 3 transportation modes.

The questionnaire is extracted in [Annexure A](#) and is identical in its online and Word format iterations. The Word format was provided to assist organisations to coordinate responses across multiple internal teams.

Some survey questions asked for views on whether respondents agreed or disagreed with proposals. Not every consultation issue warranted a question of this nature (for example, Issue 4 which proposed technical and machinery amendments to improve the legislative framework). For those respondents who submitted online surveys or returned Word versions of the survey, the data is included in [Annexure B](#) alongside graphical representations.

The list of respondents is included in [Annexure C](#).

The ATSB thanks the individuals and organisations across all three transport modes who invested their time to provide survey, written and verbal feedback throughout the consultation process.

Overview of feedback received

Issue 1: Re-categorisation of aircraft operations (aviation)

Overview

The legislative changes grouped under Issue 1 propose to re-align different kinds of aircraft operations with recently amended civil aviation legislation (2 December 2021) and allocates aircraft operations into four categories for occurrence reporting purposes (Category A, B, C and D). The kinds of immediately reportable matters and routine reportable matters are prescribed for each category, with a focus on greater occurrence reporting for passenger carrying operations (Category A) and gradually lower levels of reporting through to the least reporting burden for Type 2 RPA² and uncrewed balloon operations (Category D). The rationale for the changes is to reduce over-reporting of events that the ATSB is unlikely to use for improving transport safety and to better align the aviation occurrence reporting framework with ICAO Annex 13 (Aircraft Accident and Incident Investigation) standards and recommended practices.

What you said

The ATSB put forward 3 survey questions for Issue 1:

- Do you agree with the re-categorisation of aircraft operations?
 - 64% agreed or strongly agreed
 - 23% disagreed or strongly disagreed
- Do you agree with each of the new categories of aircraft operations and how they are linked with different reporting requirements for immediately reportable matters and routine reportable matters?
 - 50% agreed or strongly agreed
 - 32% disagreed or strongly disagreed
- Does the draft AIP assist your understanding of the new requirements – if not, what aspects could be clarified?
 - 54% agreed or strongly agreed
 - 10% disagreed or strongly disagreed

This feedback was complemented by free text written comments (optional) in the survey and also by written submissions (non-survey) sent to the ATSB consultation email address. The majority of this written feedback occurred where the respondent expressed a contrary view or sought further clarity with the proposed changes. The written feedback received is set out below.

Feedback from the Civil Aviation Safety Authority (**CASA**) suggested revising the definitions of Category B (commercial non-passenger) to clarify distinctions between commercial aerial work operations regulated substantively by grant of an aerial work certificate under Part 138 of the Civil Aviation Safety Regulations 1998 (**CASR**) and non-commercial aerial work operations – known as “limited aerial work operations” – which do not require holding a certificate but are regulated under provisions in the Part 138 Manual of Standards. In subsequent inter-agency discussions, CASA also made some observations about clarifying the categorisation of flight training between Part 141 and Part 142 flight training, flight training facilitated by sport aviation bodies, and private flight training.

² A **Type 2 RPA** (defined in the TSI Regulations) will typically include **small RPA** (between 2 kg to 25 kg) or **very small RPA** (between 250 g and 2 kg) within the meaning of CASR, which are not type certificated and which are not operated for sport or recreation.

Airservices Australia (**Airservices**) was supportive of the rationale for re-categorisation of aircraft operations but commented that its data systems are unable to differentiate between Categories A, B and C. It suggested that it would be over-reporting significant occurrences to the ATSB, if this is the intended outcome.

The Commonwealth Department of Infrastructure, Transport, Regional Development and Communications (**DITRDC**) reviewed submissions provided by its portfolio agencies noting overall support and highlighting CASA's suggested clarifications. DITRDC offered to continue supporting the ATSB to seek policy authority to amend the TSI Act if and when required.

Qantas Group (**Qantas**) disagreed with the re-categorisations mentioning that it had raised concerns with CASA on the definition of passenger transport operation and is seeking an exemption from CASA since the definition does not cover all Qantas operations. It also commented that the policy appears to apply greater reporting requirements for the safety of the travelling public and the same aircraft which conducts passenger operations and freight on different days would have different reporting requirements (this difference is that serious incidents are immediately reportable for the former, and routine reportable for the latter). It observed that while alignment with the CASR is prima facie desirable, the ATSB needs to be aware that there are areas of safety-related legislation that are not yet incorporated within the CASRs (for example flight and duty limits, fatigue and fatigue risk management systems are contained within the Civil Aviation Orders). Qantas safety systems are unable to appropriately differentiate between categories of aircraft operations and will assume all reporting will be Category A. It however agreed that the AIP assisted understanding the new requirements.

QBE Insurance (**QBE**) supported the proposal to re-categorise aircraft operations across 4 categories and considered it prudent to cross-reference operational concepts in the CASR.

Gliding Australia (previously the Gliding Federation of Australia or **GFA**) observed that Category A should include reference to glider charter flights (that is, flights conducted under an Air Operator's Certificate for hire or reward) and Category C should include flight training conducted under a Part 149 organisation to differentiate it from Category B flight training. The GFA further observed that the AIP did provide clarity on reporting requirements and recommended including glider charter operations under section 3.3.1 of the AIP.

We also received feedback from the Australian Parachute Federation (**APF**) who disagreed that parachuting operations carried passengers (rather, informed participants). The Department of Transport for Western Australia (**WA Transport**) which responded on behalf of 6 port agencies also queried which category of aircraft operations would include marine pilot helicopter transfers (these being operations where the marine pilot is a passenger being transported to an offshore vessel or facility).

In relation to feedback on linking immediately reportable matters (**IRM**) and routine reportable matters (**RRM**) with each of the new categories of aircraft operations, industry participants mentioned that declarations of emergency should be excluded as an RRM for Category B and Category C aircraft operations, but should be an RRM for Category A aircraft operations. Western Australia Police (**WA Police**) commented that reportable matters should be standardised irrespective of classification.

Other individual feedback mentioned that accidents should be investigated regardless of categorisation in the aviation occurrence reporting framework. Similarly, there were also observations that Recreational Aviation Australia (**RA Aus**) aircraft have had a weight increase to 760 kg granted by CASA. This should be included in Category C reporting and the ATSB should allocate more resources to investigate recreational aviation accidents rather than for RA Aus to self-investigate.

What we did

The ATSB considers there is utility in differentiating between commercial aerial work operations (for example, line inspections for an energy company) and aerial work operations conducted privately (for example, mustering operations on the pilot's own farmland). While both are aerial work operations, they carry different risks – in particular, privately conducted aerial work only poses risk to the operator, while commercial aerial work operations are likely to have client considerations and expectations that influence how a pilot or operator conducts an operation.

In relation to over-reporting of occurrences, the ATSB and Airservices had further discussions where it was explored as to how over-reported events would be data reviewed by the ATSB. Both agencies agreed to continue implementation discussions to ensure safety reporting outcomes are enhanced. Similarly, it appears that Qantas is concerned that operational staff will forget freight has different immediate reporting requirements to passenger operations, and will need to provide crew with two lots of documentation about reporting (for passenger and for freight). The result is likely to be that serious incidents involving freight will be reported immediately in a similar manner to the over-reporting identified by Airservices. The ATSB makes no observation as to how regulated entities and the civil aviation safety regulator may transact in relation to operational exemptions, other than noting that the occurrence reporting framework operates independently and separate to aviation safety regulations.

If flight training is an operation conducted for a commercial purpose (including for hire or reward) it will be covered in Category B – this will include a student pilot attending a Part 141 or Part 142 training organisation or taking part in a training program administered by a sport aviation body (including Part 149 approved self-administering organisation) if payment is made for that training. Any other flight training activities conducted non-commercially (where there is no payment for training) will be covered in Category C. These matters will be clarified in explanatory material.

In relation to glider charter flights, the ATSB refers to the definition of **passenger transport operation** (within the meaning of CASR)³ which would include such operations conducted in a glider. These operations were formerly known as “charter” or “regular public transport” under the CAR but are defined as passenger transport operations after 2 December 2021.⁴ Passenger transport operations will be included in Category A of the aviation occurrence reporting framework. Consistent with feedback received, section 3.3.1 of AIP will be amended to clarify that glider operations where it is not a cost-sharing flight will be captured under Category A aircraft operations.

One of the key purposes of the proposed changes is to harmonise concepts in the ATSB's aviation occurrence reporting framework with the civil aviation safety legislation administered by CASA. This includes adopting the meaning of “passenger” and “passenger transport operation” in the CASR, which relevantly covers the carriage of any person who is not a crew member of the aircraft.⁵ Certain operations are excluded from being a passenger transport operation, such as: an operation of an aircraft with a special certificate of airworthiness, a medical transport operation or a cost-sharing flight. While the ATSB acknowledges that parachuting operations are regulated under Part 105 of CASR and the regulatory framework does not appear to clearly identify parachutists as “passengers”, it should be observed that parachuting operations are not

³ In the CASR Dictionary, a **passenger transport operation** means an operation of an aircraft that involves the carriage of passengers, whether or not cargo is also carried on the aircraft, other than operations which are excluded for the purposes of the definition (such as cost-sharing flights, a medical transport operation or an operation of an aircraft with a special certificate of airworthiness).

⁴ To avoid doubt, the operation of a glider involving the carriage of passengers that is conducted for hire or reward (by holding an Air Operator's Certificate) continues to be regulated under paragraph 206(c) of CAR, but this is also a passenger transport operation within the meaning of CASR.

⁵ In the CASR Dictionary, a **passenger** means, among other things, a person who intends to travel on a particular flight on the aircraft and who is not a crew member of the aircraft. This includes an **aerial work passenger** who is further prescribed in the CASR Part 138 Manual of Standards.

excluded from the meaning of passenger transport operation in the civil aviation safety regulatory framework. Further, for safety reporting purposes it is important that accidents and incidents are reported consistent with other passenger carrying operations for use in trend monitoring and safety analysis. Importantly, the ATSB only requires the reporting of occurrences affecting the aircraft operation and not in relation to individuals who have exited the aircraft and commenced their parachuting descent. The ATSB appreciated the opportunity to meet with the APF to directly hear their concerns. The explanatory material will clarify how the meaning of “passenger” is understood within the legislative context.

In respect of marine pilot transfers, to the extent that the person (the marine pilot) being carried is not a crew member of the aircraft conducting the aerial work operation, the ATSB considers that it would be a passenger transport operation (within the meaning of CASR). The ATSB encourages industry to refer to the draft AIP which will be updated and published in complement to these proposed legislative changes, which mentions marine pilot transfers under Category A at paragraph 3.3.1(g).

As a theoretical example, if CASA and industry agreed to amend the definition of passenger transport operation, it could exclude certain kinds of aircraft operations from that definition – for example, aircraft being operated to facilitate a parachute descent (within the CASR Part 105 framework) or aerial work operations carrying passengers (within the CASR Part 138 framework). If an aircraft operation facilitating a parachute descent were no longer a passenger transport operation (within the meaning of CASR), it would move from being a Category A aircraft operation into either a Category B aircraft operation (if conducted commercially) or a Category C aircraft operation (if conducted via cost-sharing). Similarly, if an aerial work operation carrying passengers were excluded from the definition of passenger transport operation, then it would move from being in Category A for reporting purposes, to either Category B if conducted commercially or Category C if conducted not commercially.

In relation to comments received about declarations of emergency, the ATSB considers that all declarations of emergency are important for data capture in the national occurrence dataset so that ATSB analysis can identify trends across similar incidents as to why aircraft had declared an emergency. Excluding declarations of emergency from certain categories of reporting would diminish the utility of the dataset. The trend analysis could lead to recommendations on actions to improve industry safety as a whole. Declarations of emergency are generally reported by Airservices to the ATSB, but the reason for the declaration is not usually known to Airservices.

In response to comments on increasing the ATSB’s involvement in investigating recreational aviation occurrences, the ATSB is not funded to investigate accidents involving non-VH (not Australian-registered) aircraft and other recreational/sport aircraft. The ATSB will investigate sport and recreation aviation fatalities where the aircraft is on the civil aircraft register administered by CASA, consistent with the Government’s response to the 2014 Aviation Safety Regulatory Review. Most sport and recreational aircraft are not on the civil register and are oversighted by self-administering aviation bodies who have remit for this work. The ATSB has occasionally provided technical assistance to self-administering organisations such as metallurgical examinations but is constrained by resourcing to investigate more broadly.

The ATSB observes that aircraft operations using light sport aircraft or ultralight aircraft would predominantly be covered under Category C if operated solo or where the costs of the flight are shared equally among all on board, but would be covered under Category B if used for a “commercial purpose” (for example, where paid flying lessons are being conducted).

In summary, the ATSB considers that Issue 1 is broadly supported by industry and will progress with the clarifications and further actions mentioned above.

Issue 2: Definitions of aircraft accident, serious aircraft accident and incident (aviation)

Overview

To better align with widely recognised ICAO concepts and standards, the ATSB will adopt the substance of equivalent definitions in *Annex 13 – Aircraft Accident and Incident Investigation*, which clarifies how the terms “aircraft accident”, “serious aircraft incident”, “aircraft incident” and “aircraft incident (external)” relate to different kinds of occurrences. These terms only apply for the purposes of Part 2 (aircraft operations) of the TSI Regulations and are used to delineate which occurrences are IRMs or RRM for the purposes of reporting under each of the four categories of aircraft operations.

What you said

The ATSB put forward 2 survey questions for Issue 2:

- Do you agree with the definitions being used?
 - **73%** agreed or strongly agreed
 - 4% disagreed or strongly disagreed
- Are the examples in the AIP useful to assist your understanding of how the concepts apply in practice?
 - **62%** agreed or strongly agreed
 - 9% disagreed or strongly disagreed

CASA queried whether an injury to a person on the ground would be immediately reportable (referring to proposed sections 11A (Category A) and 11B (Category B) of the TSI Regulations), giving the example of an intentional release of an aircraft external load. One possible solution is to move a reportable serious aircraft incident from a routine reportable matter to an immediately reportable matter.

Airservices commented that they are broadly supportive of the definitions of aircraft accident, serious accident and incident(s). They also suggested removing “loss of separation assurance” (also known as LOSA) from the list of incidents mentioned in section 4.7.7 of the AIP for reason that the term is no longer used by Airservices and it has been replaced by “inadequate separation assurance” (or ISA). Alternatively, the concept of “other separation issues” could be amended to cover situations within or outside controlled airspace, and where air traffic control has not identified a conflict, where separation is not planned, or where separation is not monitored.

The Australian Association for Unmanned Systems (**AAUS**) commented that there is value in considering whether to expand the definition of incident reporting to cover risk-managed entry control approvals (known as “safety cases” for non-traditional regulatory oversight) which result in near incidents or actual incidents. In AAUS’ view, capturing near incidents due to regulatory exceptions can inform and improve future risk-based approvals.

Two written submissions from Global Cabin Air Quality Executive (**GCAQE**) and the Australian Airline Pilots’ Association (**AusALPA**) reflected on the Exposure Draft and, while agreeing or strongly agreeing with most of the ATSB survey questions, expressed a strong concern with the removal or lowering of “fumes” from occurrence reporting categories. The latest ICAO guidance mentions fire or smoke (both of which are referred to in the Exposure Draft) but omits fumes or explosion – in the case of the former omission, both organisations commented that they believed the ATSB’s classification of oxygen usage as a common factor for fumes events for data purposes is not always accurate. The organisations consider that reporting of fumes should not be treated as a routine matter and should be given greater investigation priority, since there are occupational health risks to flight crew. References were made to prior safety

messaging by the ATSB (AR-2013-213 dated 20 May 2014), recommendation 17 of the CASA Expert Panel on Aircraft Air Quality (**EPAAQ**) report and related international literature. AusALPA in particular expressed disappointment in the lack of uptake of EPAAQ recommendations by the regulator and considered that removal of fumes would be a further divergence from the intent of those recommendations.

QBE in written submissions supported the proposal to adopt the substance of equivalent definitions used in ICAO. WA Transport noted that most of Issue 2 is outside of the marine industry's area of interest, but there was support from some port authorities for the definitions and that the AIP was useful to assist understanding.

What we did

In relation to CASA's query on whether injury to a person on the ground not being reportable (for example, dropping of an external load contacting the person) – the ATSB considers that it would be reportable as an "accident", being an fatal aircraft-related injury (limb(a)(ii)) or serious aircraft-related injury (limb(a)(ii)) since the person would suffer injury as a result of direct contact during operation of the aircraft with any part of the aircraft including parts which have been detached. The ATSB will consider whether it could be clarified in the AIP.

The ATSB will consider updating the AIP to reflect suggestions proposed by Airservices to remove LOSA as a concept. The AIP is guidance material that sits separately to the amendments to the TSI Regulations but both documents will be sequenced to take effect at the same time (target commencement date of 1 January 2023).

The ATSB acknowledges comments on incident reporting coverage, safety cases and entry control considerations. While such considerations would be difficult to capture in the occurrence reporting framework which is operationally focused, the ATSB does consider systemic factors and external organisational factors during its investigations, and wider safety trends or patterns that may emerge in relation to kinds of operations which are conducted by exemption or other regulatory approvals.

In relation to comments on fume events, there is there is no reduction in the types of fume events reportable to the ATSB under the proposed amendments. Reports of fumes inside an aircraft are frequent, and are classified as aircraft incidents except for when they cause incapacitation, declaration of an emergency, or result in the crew requiring emergency use of oxygen, when they are considered as potential serious aircraft incidents. The proposed amendments bring the reporting timeframes in-line with these classifications, incidents as routine reportable for passenger transport, and reportable serious aircraft incidents as immediately reportable for passenger transport. This distinction reflects the unlikelihood of an ATSB investigation into a fumes-related event that falls into the category of aircraft incident, as they have limited potential to affect operational safety. Industry should not be forced to report fume events immediately when are almost certainly not going to be investigated. While the list of reportable serious aircraft incidents does not mention the word "fumes" in the TSI Regulations (consistent with Annex 13), the guidance material in the AIP does refer to fumes in both reportable serious aircraft incidents and aircraft incidents.

The ATSB acknowledges the high levels of support across the aviation industry to adopt the ICAO-based definitions which will lead to greater consistency in terminology used in the aviation sector.

Issue 3: Responsible persons (aviation and marine)

Overview

Four new kinds of reportable persons are proposed to be prescribed across two transport modes – aviation and marine. The proposed responsible persons are sport aviation bodies (within the meaning of CASR) and insurers of aircraft; as well as pilotage providers and vessel traffic service authorities (both within the meaning of the *Navigation Act 2012*). The consultation paper explored some potential approaches to implementing the requirement to report matters to the ATSB, including use of the “reasonable belief” mechanism already available in the TSI Act.

What you said

The ATSB put forward 1 survey question for Issue 3:

- Do you agree that these responsible persons [sport aviation body, insurer of aircraft, pilotage provider, vessel traffic service authority] should be included in the safety occurrence reporting framework?
 - 69% agreed or strongly agreed
 - 10% disagreed or strongly disagreed

Comments from industry widely acknowledged the benefit of ATSB collecting more occurrence reporting data for the purposes of safety and recognised that greater reporting will facilitate more accurate data sets.

Airservices was supportive of any steps, including prescribing additional responsible persons, which seek to improve accuracy of data sets and to improve safety.

The Australian Maritime Safety Authority (**AMSA**) noted the proposal to add new kinds of responsible persons in the marine industry, namely pilotage providers and vessel traffic service authorities. It mentioned that the proposed reporting obligation would be independent of, and additional to, AMSA’s regulatory requirements. Further discussions were held between AMSA and the ATSB during which the context and additional data points flowing from the proposed changes were discussed, including further collaboration on implementation and industry guidance.

Transport for NSW commented that while most of the proposed amendments to the TSI Regulations relate to aviation only and fall outside its responsibilities, it indicated broad support in the marine industry for the expanded definition of a “responsible person”.

WA Transport agreed with the proposal overall, but noted that one of its port authorities disagreed and recommended that in the case of incidents that occur within the port limits or vessel traffic services coverage area, these incidents should be reported by the port authority to the ATSB. There are already existing processes in place for vessel traffic services and marine pilots, and other port users, to report incidents to the port authority. It should be the port authority’s responsibility to report these incidents to AMSA or the ATSB as required. If pilots and vessel traffic services independently report to the ATSB (or via AMSA) it will lead to inconsistencies, double reporting or inaccurate reporting. Another port authority commented that it, being a piloted provider, already provides reports to AMSA who then collate and report to the ATSB.

The core of QBE’s submission was that it had concerns with the proposal to extend reporting obligations to aviation insurers. It recalled past submissions to the ATSB on this matter in December 2019 and May 2021. While QBE appreciated the intent of prescribing aviation insurers as, functionally, “second” responsible persons who could take advantage of an existing exception to reporting on the basis of reasonable belief that another “first” responsible person has reported, it drew attention to the legislative drafting as not directly reflecting this intent.

QBE mentioned there would be unintended consequences, including in respect of its insurance claim processes (which commence from four or more potential sources with no pro-forma claim form and facilitation by third party intermediaries), other financial breach reporting obligations to regulatory bodies (in the event that QBE failed to report or failed to remind insured parties to report) with significant penalties under the TSI Act, and privacy issues. QBE recognised the safety benefit of data sharing and reminding its customers of the value of safety reporting – it proposed that the ATSB’s objectives could be achieved through implementation of a memorandum of understanding (MOU) between the ATSB and QBE (and the wider aviation insurance industry). The ATSB acknowledges that QBE’s submission is representative of wider views in the aviation insurance industry. These perspectives were usefully discussed between QBE and ATSB representatives during the consultation period.

The GFA supported inclusion of sport aviation bodies being prescribed as a responsible person.

The APF queried whether being prescribed as a responsible person would create a disproportionate regulatory burden requiring it to actively collect data and report occurrences to the ATSB. The APF thought that the onus should be placed on each pilot and operator to report occurrences and not the sport aviation body.

Unmanned Approvals (training organisation) disagreed with prescribing sport aviation bodies as responsible persons. Its view was that sport aviation organisations are already substantially under funded for the work that they do on behalf of CASA, and it would be unreasonable to burden them further. CASA should be asked to take on more work to support better reporting.

What we did

In subsequent discussions with the APF, the ATSB considered that in the majority of cases, pilots and operators would continue to have firsthand knowledge of occurrences for the purposes of reporting obligations (the obligation for these persons to report to the ATSB are not being changed). A potential method of implementation discussed was to explore updating existing post-flight forms and other documents that pilots and operators conducting parachuting operations would otherwise need to complete and to include, as a suggestion, an acknowledgement checkbox or similar reminder that an occurrence during the flight should be reported by the pilot or operator to the ATSB. This would discharge the APF’s reporting burden, being able to rely on the reasonable belief that another responsible person (the pilot or operator) has reported to the ATSB (this being an exception available under the existing TSI Act). This method extends to any other sport aviation body who would be considering potential alternatives to reporting to the ATSB themselves. If there is any doubt on whether a pilot or operator has reported, the sport aviation body would be obliged to report the occurrence to the ATSB.

There are important reasons for identifying the pilotage provider and vessel traffic service authority as responsible persons and not the port authority, including for reasons of proximity to occurrences in relation to the potential accuracy of reporting. This is not to suggest that port authorities cannot submit reporting to AMSA (and passed on to the ATSB) on behalf of, or as agent for, relevant responsible persons, provided there is mutual agreement among the reporting parties. The ATSB has not prescribed how the new responsible persons are to meet reporting requirements – each marine operator may prefer a different method of implementation depending on its business requirements.

In relation to prescribing aviation insurers as responsible persons, the ATSB is supportive of removing insurers from the list of responsible persons for reporting aviation matters in the TSI Regulations. The ATSB acknowledges QBE’s proposal that an alternative to legislative prescription is suitable in these circumstances, subject to the aviation insurance industry undertaking in-principle to enter into an information sharing and working arrangement with the ATSB. The primary rationale is that, while the insurance industry will have relevant and accurate occurrence data, it is not involved in day to day aviation operations and does not have administratively responsibility for or control of those operations. While it could be argued that

insurers could require, as a condition on insurance policies issued to insured parties, that claimants must report all claimed events to the ATSB (or similar approaches with pro-forma documents), there would be regulatory challenges that might be otherwise resolved without legislation. The ATSB will proceed with further discussions with QBE on the tenets and substance of the MOU. The ATSB will instruct OPC to omit aviation insurers as prescribed responsible persons.

The ATSB considers there is broad support across the aviation and marine transportation modes to include new responsible persons being sport aviation bodies, pilotage providers and vessel traffic service providers. It is envisaged that further guidance material and industry education will be provided leading up to implementation of the new reporting requirements. The ATSB and QBE will separately discuss the form and substance of an aviation insurance industry-wide MOU in lieu of prescribing aviation insurers as responsible persons.

Issue 4: Clarifications, minor and technical changes (aviation)

Overview

The ATSB proposed a number of definitions and concepts to be repealed and also will introduce new definitions aligned with Australian civil aviation safety legislation or ICAO concepts. Some underlying concepts would be moved to incident descriptions in the AIP (guidance material) rather than being prescribed in the TSI Regulations. Gender neutral use of language to replace “unmanned” with “uncrewed” and similar were proposed. To avoid doubt, some aircraft will be expressly excluded from the aviation occurrence reporting framework – model aircraft, small balloons and light balloons (each within the meaning of Part 101 of CASR); kites and tethered balloons without persons on board will also be excluded. Aviation reference numbers (if available) which are administratively issued by CASA will be required to be included in reporting.

What you said

The ATSB put forward two survey questions for Issue 4:

- Do you have any concerns or feedback with these clarification changes?
 - **90%** expressed no concern or did not raise any concern
 - 10% provided specific feedback on their concerns
- In your experience, and in your interactions with the ATSB, are there other clarifications that would be of benefit to the safety occurrence reporting framework?
 - **87%** answered no or expressed nil comment
 - 13% provided specific comment on their areas of interest

Noting the high levels of support across the aviation industry, most feedback received for Issue 4 was by exception.

Airservices are broadly supportive of the clarifications, minor and technical changes. It noted various adjectives used to describe various occurrences such as serious, significant and severe – these words should have clear thresholds to avoid introducing uncertainty into legal drafting. For legislative consistency, it suggested adopting the definition of “Airservices Australia” within the meaning given in the *Civil Aviation Act 1988*.

HM Consolidated and Qantas expressed a minor concern that the requirement to include flight crew aviation reference numbers would require further work to develop internal systems to incorporate this requirement into safety reporting.

GFA mentioned that most glider pilots do not have an aviation reference number and queried whether there would be merit requiring provision of the identification number issued by a recreational aviation organisation (this being the equivalent concept to a CASA-issued reference number).

WA Transport raised one query from a port authority who asked what is the specific level of pilotage incidents that ATSB wishes to be reported.

What we did

The ATSB acknowledges Airservices’ suggestion that the definition of “Airservices Australia” should be standardised, where possible, with civil aviation legislation. The intention is to instruct OPC to amend the current usage in the TSI Regulations to define Airservices Australia with a simpler reference to its establishment under the *Air Services Act 1995* (being the same definition used in the *Civil Aviation Act 1988*).

In relation to aviation reference numbers issued by CASA, if this is not available to a pilot or operator, or is not known to another responsible person, then it is not required to be included in reporting to the ATSB. Aviation reference numbers issued by CASA are useful data points for ATSB trend analysis, but the ATSB does not intend to use reference numbers issued by other organisations. Most aviation industry participants would have an aviation reference number in order to seek authorisations from CASA. Operators are more likely than not to know the aviation reference numbers for employed/contracted pilots. An aviation reference number is a separate data point to the existing requirement to include licence numbers in written reporting to the ATSB, where it is known to the responsible person who is providing the reporting.

In relation to the kind of pilotage occurrences to be reported, the ATSB refers to section 20 of the TSI Regulations which mention the matters to be reported, including if the matter has affected or is likely to affect the safety, operation or seaworthiness of a ship, or if the matter involves the death or serious injury to a person, or loss of a ship, cargo or significant damage.

Issue 5: Changing written reporting timeframes from within 72 hours to within 7 days (aviation, marine and rail)

Overview

The ATSB proposed that the TSI Act could be amended to extend the timeframe for written reporting for IRMs and RRM from within 72 hours to within 7 days. The rationale for this change was to give the aviation, marine and rail industry more time to provide written reporting (which would reduce regulatory burden and also assist volunteer-based organisations) without diminishing the contemporaneousness of that reporting. It was acknowledged that the Office of the National Rail Safety Regulator (**ONRSR**) had consulted the rail industry on this proposal in relation to state legislative reforms.

Existing lines of reporting would not be affected, that is, the aviation industry would continue to submit reporting to the ATSB; the marine industry would continue to submit reporting to AMSA as a nominated official of the ATSB; and the rail industry would continue to submit reporting to ONRSR as a nominated official of the ATSB. AMSA and ONRSR would pass on reports to the ATSB.

The ATSB indicated its in-principle support for a 7 day written reporting timeframe for all transport modes for ease of compliance, cross-modal consistency and administrative simplicity.

What you said

The ATSB put forward one survey question for Issue 5:

- Do you agree that the timeframe for written reporting should be extended to 7 days – if so, why?
 - 55% agreed or strongly agreed
 - 28% disagreed or strongly disagreed

In separate written submissions from the aviation industry, CASA mentioned that the rationale appears to give relief to sport aviation organisations and wondered whether this could be implemented by an exception. CASA did not otherwise object to the proposal, instead focusing comment on the preservation of evidence obtained from flight data recorders. Airservices Australia supported the change noting it will help ensure the most accurate information is provided and reduce the need for follow up enquiries from the ATSB.

Qantas, QBE, AAUS, GFA, APF, Queensland University of Technology and others agreed with the proposal. Qantas mentioned that it had experienced instances of the ATSB requesting cockpit voice recording (**CVR**) data for events that are not necessarily IRMs. If the timeframe for reporting is extended to 7 days, the CVR data will likely be overwritten. This is something that Qantas welcomes further discussion on with the ATSB. Canopus RPA Services agreed and mentioned that the current 72 hour written reporting period did not appear long enough especially if it included a weekend.

On the other hand, Unmanned Approvals mentioned that there is risk of a matter being deprioritised if a written report is allowed to extend to 7 days, where it could be more likely that a report will simply not be made. Some individuals shared these views, commenting that 7 days is potentially too long particularly if the occurrence has far-reaching implications across industry.

In the marine industry, feedback from AMSA identified some legal interactions between the TSI legislation administered by the ATSB and the *Navigation Act 2012* and *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* administered by AMSA. For the two pieces of legislation administered by AMSA, written reports are required within 72 hours. AMSA acknowledged the rationale for the extended timeframe (7 days) but in its view, for the marine

industry, written reports will continue to be subject to AMSA's 72 hour timeframe set out in marine legislation.

The 72 hour timeframe for reporting to AMSA was noted by one of the port authorities within the WA Transport portfolio. On the whole, WA Transport agreed with the revised timeframes with other portfolio port authorities commenting that considerable time is spent on preliminary investigations that can be hampered by premature reporting requirements.

Transport for NSW (oversighting marine and rail modes) likewise broadly supported the proposed timeframe change on the basis that it will likely improve data quality and detail of information provided in written reports and minimise the need for subsequent reporting when more details are available. NSW industry had already supported the proposed change for the rail industry as part of the National Rail Data Strategy.

Tasmanian Ports Corporation (**TasPorts**) acknowledged the important work undertaken by the ATSB to promote safety across Australian transport sectors. It agreed with the proposed change and suggested that notification of an IRM or RRM be made to the ATSB by telephone within 24 hours of the occurrence, followed by a written report in the prescribed (7 day) timeframe.

In the rail industry, two primary submissions from ONRSR and the Office of the Transport Safety Investigator NSW (**OTSI**) agreed with the proposal.

ONRSR observed that the potential future changes to the TSI Act to extend written reporting timeframes to 7 days would, for the rail sector, support the objectives of the National Data Strategy which was widely supported by the rail industry in response to earlier extensive consultation by ONRSR and the Australasian Rail Association. ONRSR further observed that complementary amendments to the Rail Safety National Law were approved by the Infrastructure and Transport Ministers' Meeting in February 2022, with an intended implementation date of 1 July 2022. ONRSR remarked that the full benefits of the National Data Strategy could not be achieved without supporting changes to the TSI Act, and therefore ONRSR supports progressing these changes as soon as possible.

OTSI mentioned that additional information provided by rail operators (with the longer reporting timeframe) should be sufficiently detailed so as to improve the quality of the national occurrence database. OTSI noted that ONRSR has committed to working with the ATSB to agree on the form and content, and acknowledged that independent investigators will contact rail operators directly to obtain information needed to inform decisions to investigate.

Other relevant feedback from HM Consolidated mentioned that the additional timeframe would allow for collection of more valuable data and information prior to submission. Other individuals commented that if the changes support more reporting and more detailed reporting, then they would be in favour of extending the written reporting timeframes.

What we did

The feedback from the aviation industry is acknowledged and the ATSB considers there is broad support for extending the written reporting timeframe from 72 hours to 7 days. It should be noted that immediately reportable matters will continue to require reporting as soon as practicable (by telephone) which gives the ATSB and agencies who share selected ATSB data the visibility required to consider exercising other information gathering mechanisms before the 7 day timeframe for matters that are more likely to be investigated. The ATSB receives about 17,000 notifications per year, and increasing the time frame for written reports will not change the level of attention that each notification receives. An exception mechanism in the TSI Act to allow for different reporting timeframes for different persons or groups of persons in industry would be administratively complex to administer, monitor and enforce – it should be noted that some industry participants have multiple roles and certain industry groups cannot be clearly defined for the purposes of giving timeframe exceptions for reporting obligations. The aim of a

consistent reporting regime across multiple transport modes is more likely to assist with better data quality.

The feedback from AMSA on the interaction of marine and TSI legislation is welcomed. Under current arrangements, occurrence reporting in the marine sector is submitted first to AMSA (as a nominated official under section 24 of the TSI Regulations) who then passes on the report to the ATSB in accordance with section 25 of the TSI Regulations. AMSA's feedback raised useful observations on implementation and technical consequences in relation to other sets of legislation under which a 72 hour written reporting timeframe is also specified – the *Navigation Act 2012*, the *Occupational Health and Safety (Maritime Industry) Act 1993*, and the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*. The ATSB acknowledges industry feedback and further discussions with AMSA that the 72 hour written reporting timeframe is well understood in the marine industry and harmonised across different sets of legislation. The ATSB will not recommend changing the written reporting timeframes for the marine sector.

The ATSB acknowledges rail industry feedback which is supportive of the 7 day written reporting timeframe proposal and which is consistent with earlier representations and discussions with ONRSR.

The ATSB has continued discussions with DITRDC who will be seeking ministerial approval to progress amendments to the TSI Act. The ATSB and DITRDC will have further conversations with CASA and ONRSR on how agency counterparts may be affected by the changes. A settled policy position will be provided to the Minister for consideration and, subject to endorsement, will inform further legislative drafting for changes to the TSI Act. The precise design of the amendments to section 19 of the TSI Act and related aspects will be closely worked through between government agencies.

Issue 6: Prescribing the format for written reports or approved data transfer mechanism (aviation, marine and rail)

Overview

There is currently some ambiguity on whether the ATSB is empowered to prescribe how certain information is to be presented or provided in written reports submitted to the ATSB. Subsection 18(1) of the TSI Act clearly empowers the ATSB to prescribe the means, by telephone or another form of telecommunication, to report an immediately reportable matter to the ATSB. For the purposes of written reporting mentioned in subsection 19(1) of the TSI Act, the kinds of information to be provided can be prescribed in the TSI Regulations but the manner in which this information is set out or expressed is also an important consideration. As the ATSB moves towards an automated data solution and reducing manual handling or double handling of reporting, the need for standardisation of data inputs becomes paramount.

What you said

The ATSB put forward two survey questions for Issue 6:

- Do you agree with prescribed reporting formats and automated data transfers?
 - **74%** agreed or strongly agreed
 - 5% disagreed or strongly disagreed
- In your experience, what implementation challenges might arise, and how might they be resolved?

Airservices Australia and AMSA both understood the rationale for standardising reporting formats for electronic reporting and invited further engagement to collaborate with the ATSB to ensure reporting requirements align across the relevant legislative frameworks.

Transport for NSW supported empowering the ATSB to prescribe formats for written reporting on the basis that it will help prevent manual data entry, double handling and reduce data errors. It noted that the requirements are not expected to be overly burdensome for industry and expects the ATSB to work with relevant parties to ensure adequate timeframes are provided to update systems as necessary to comply with the prescribe format requirements.

WA Transport agreed with the proposal overall, with one port authority commenting that a responsible person should be able to receive a PDF copy of the report submitted but AMSA online reporting requires the responsible person to take screen shots to save a record of the submitted report. Another port authority disagreed on the basis that it was presently unclear what proposed format is being implemented, noting that consideration must also be given to data protection, privacy, cybersecurity and similar risks.

TasPorts agreed with using compatible electronic formats that can be filled out online which would assist in timely reporting and simplifying the reporting process without needing to download forms and submit scanned completed forms. It recognised that standardising data would allow the ATSB to interrogate the data in a logical manner for reporting or research purposes.

GFA commented that the system to be implemented must be compatible with systems used by recreational aviation organisations and encouraged the ATSB to engage with sport aviation bodies to assist with system development and compatibility of data transfer mechanisms. GFA mentioned that it already has a proprietary occurrence reporting system that its members use to report all IRMs and RRM to the ATSB by email, and unless the data transfer is seamless, it is likely to pass on the burden of manual data entries to recreational aviation organisations. There may be an element of system redesign required and GFA emphasised it focus on data integrity and confidentiality, as well as compliance costs which need to be considered.

Qantas was undecided but wrote that while the use of online forms and automated data transfer would be the most efficient system of reporting, there are benefits of reporting via a written form approach in circumstances where technology is not available in all regions. Qantas emphasised that substance over form must be the first priority for air safety reporting obligations. It also queried the approval process or data transfer method, and what costs might be imposed on aviation industry which is still recovering from the COVID-19 pandemic.

A few other individuals disagreed on the basis that the approval process for automated data transfer mechanisms is currently unknown and the costs unquantified.

OTSI commented that further support and guidance for operators should be provided if needed to assist with the transition.

What we did

The ATSB considers that there is broad support for prescribing the format of written reporting submitted to the ATSB.

Further work is required to develop the schema for such reporting – the process and input requirements will be shared with industry as a subsequent set of work outcomes after the high level TSI Act amendments. Amending the TSI Act is a matter for the Minister as to whether legislative change will be put to the Parliament. The ATSB will work closely with DITRDC who will consider seeking ministerial approval to progress legislative changes to the TSI Act to empower the ATSB to prescribe written reporting formats in the first instance, with forward timeframes on implementation discussions with key stakeholders (including the potential for a selected industry trial) to be further considered after the legislative changes have been made.

To be clear, the amendments to the TSI Act do not mandate the schema or format for written reporting – rather, the prescribed formats will be subject to further future amendments of the TSI Regulations. It is expected a further discussion with industry on this subject will be prefaced with Australian government data handling and protection requirements, as well as compliance with cybersecurity and privacy standards. The ATSB intends to provide further clarity on the design of entry control processes for data exchanges and it is envisaged that some organisations may seek approval for this method of automated reporting, depending on compatible technical capability and resourcing, without removing the existing channels to report using an online form. Given that incompatible data can be transformed to become compatible data during the transfer process, there is no reason why any organisation's data cannot be transferred to the ATSB in a manner that would be deemed acceptable to the ATSB.

As noted in some comments received, there are benefits in data exchanges going both ways, where approved systems can also use selected ATSB data to conduct safety analysis. These benefits will be considered in future workshops with interested stakeholders as part of the implementation design.

The ATSB will consider raising with AMSA the feedback provided in relation to provision of a PDF copy of reporting submitted to AMSA.

The ATSB has chosen IRMs and RRM's to match with the likelihood of conducting an investigation and needing access to perishable evidence such as a cockpit voice recorder. The selection of investigations from reportable matters is influenced by the Minister's Statement of Expectations, which places greater emphasis on passenger operations as compared with freight operations. Qantas' comment that a serious incident in a freight operation would not need to be reportable immediately and so the CVR will not be preserved by the time the ATSB considered the matter for investigation is unlikely to impede an ATSB investigation.

Other feedback received

Overview

As part of the consultation process, the ATSB took the opportunity to seek feedback on any other related matters to improve the occurrence reporting framework and the TSI legislation more broadly.

The survey included the following general question:

- Do you have any other feedback or comments?

These questions provided an opportunity for government agencies, industry participants and members of the public to reflect on how the ATSB operates to improve safety outcomes and to comment on any safety areas for the ATSB's consideration. Written submissions also addressed the substance of these questions.

What you said

Airservices identified several constructive improvements to the legislative drafting of the definitions for fatal aircraft-related injury, reportable serious aircraft incident and serious aircraft-related injury.

AAUS suggested that collecting safety related data even if it is not significant enough to process formally may be relevant for future investigations and supporting wider safety research and development.

HM Consolidated commented that the timeframes and resources required by business to transition might cause some challenges.

Several individuals raised concerns about the ATSB's lack of resourcing to investigate accidents across all sectors, or suggested that ATSB needed more staffing to produce investigation reports in a more timely manner for the benefit of all aviators.


What we did

The ATSB appreciates the additional feedback on a range of matters and will use the feedback to improve the legislative drafting of the TSI Regulation amendments. In relation to comments that the definitions of fatal aircraft-related injury and serious aircraft-related injury should exclude causation by recklessness, the ATSB considers this is a departure from Annex 13 and that the ATSB would still investigate an injury that is caused by neglect or recklessness.

Other feedback received will be referred to the relevant ATSB investigatory teams and policy areas for consideration.

Annexures

Annexure A: Survey Questionnaire



Australian Government
Australian Transport Safety Bureau

ATSB

Amendment to the Transport Safety Investigation Regulations 2021
[\(https://www.atsb.gov.au/public-consultation/new-tsi-regulations/amendment-to-the-transport-safety-investigation-regulations-2021/\)](https://www.atsb.gov.au/public-consultation/new-tsi-regulations/amendment-to-the-transport-safety-investigation-regulations-2021/)

Questionnaire – Survey (Word Version)
https://www.surveymonkey.com/r/ATSB_new_TSI_regs_consultation

Page 1:

Personal Information

- First Name
- Last Name
- Email address
- Do your views represent those of an organisation
 - Yes, I am authorised to submit feedback on behalf of an organisation (if so – name of organisation)
 - No, these are my personal views
- Which of the following best describes the group you represent?
 - Aviation – pilot
 - Aviation – operator
 - Aviation – aircraft owner
 - Aviation – sport aviation body
 - Airport
 - Marine – pilot/pilotage services
 - Marine – operator
 - Marine – vessel owner
 - Marine – vessel traffic services
 - Rail – operator
 - Rail – infrastructure provider
 - Other (please specify)

Page 2:

Consent to refer to your submission

The ATSB will not publish responses to this consultation, but in acknowledging feedback received for this consultation process, may directly refer to your response being made (including excerpts of that response) and in aggregated data drawn from responses received. To the extent that personal information is associated with any publicly acknowledged response, this will include your last name (if submitting as an individual) or name of organisation (if submitting on behalf of an organisation).

- Do you give permission for your response to be acknowledged publicly?
 - Yes
 - No

Page 3:

Issue 1: Re-categorisation of aircraft operations

The Exposure Draft will establish 4 new categories of aircraft operations for the purposes of occurrence reporting – Category A (passenger transport); Category B (commercial non-passenger); Category C (non-commercial) and Category D (type 2 RPA and certain unmanned balloons). Each are further explored in the consultation paper (pages 4 to 10), including for the purpose of harmonising with concepts in civil aviation legislation and other reasons for doing so.

- **Question 1: Do you agree with the re-categorisation of aircraft operations?**
 - Strongly agree
 - Agree
 - Undecided / not area of expertise
 - Disagree
 - Strongly disagree
- Comment (free text)

- **Question 2: Do you agree with each of the new categories of aircraft operations and how they are linked with different reporting requirements for immediately reportable matters and routine reportable matters?**
 - Strongly agree
 - Agree
 - Undecided / not area of expertise
 - Disagree
 - Strongly disagree
- Comment (free text)

- **Question 3: Does the draft AIP assist your understanding of the new requirements – if not, what aspects could be clarified?**
 - Strongly agree
 - Agree
 - Undecided / not area of expertise
 - Disagree
 - Strongly disagree
- Comment (free text)

Page 4:

Issue 2: Definitions of aircraft accident, serious aircraft accident and incident

The Exposure Draft introduces concepts and standards aligned with ICAO Annex 13 – Aircraft Accident and Incident Investigation. While the TSI Regulations apply to three modes of transportation (aviation, marine and rail), the concepts which align with ICAO standards are narrowed to only apply to aircraft operations. Further discussion is in the consultation paper (pages 11 to 12).

- **Question 4: Do you agree with the definitions being used?**
 - Strongly agree
 - Agree
 - Undecided / not area of expertise
 - Disagree
 - Strongly disagree
- Comment (free text)

- **Question 5: Are the examples in the AIP useful to assist your understanding of how the concepts apply in practice?**
 - Strongly agree
 - Agree
 - Undecided / not area of expertise
 - Disagree
 - Strongly disagree
- Comment (free text)

Page 5:

Issue 3: Responsible persons

The Exposure Draft will prescribe additional responsible persons who are required to report occurrences to the ATSB, or if they do not report, have the reasonable belief that another responsible person has reported.

Improving data collection including through newly prescribed responsible persons reminding other existing responsible persons (first in time) to report to the ATSB, will improve the safety reporting framework as a whole, as well as improve the accuracy of safety analysis being undertaken. The consultation paper sets out further details (pages 12 to 13).

A new responsible person will include: a sport aviation body; an insurer of aircraft; a pilotage provider; and a vessel traffic service authority.

- **Question 6: Do you agree that these responsible persons should be included in the safety occurrence reporting framework?**
 - Strongly agree
 - Agree
 - Undecided / not area of expertise
 - Disagree
 - Strongly disagree
- Comment (free text)

- **Question 7: How do you envisage you or your organisation will implement this new requirement?**
- Comment (free text)

Page 6:

Issue 4: Clarifications, minor and technical changes

The Exposure Draft makes a number of other minor and technical changes to improve administration of the safety occurrence reporting framework, including clarifying exclusions from reporting (model aircraft, small unmanned balloons and light unmanned balloons). The changes also clarify that a pilot or flight crew member should include their aviation reference number (different from a licence number) in written reporting to the ATSB.

There is a proposal to change gendered-terms such as “unmanned” to “uncrewed” or similar, subject to legislative limitations in cross-referencing civil aviation legislation.

More details are set out in the consultation paper (pages 13 to 15).

- **Question 8:** Do you have any concerns or feedback with these clarification changes?
- Comment (free text)

- **Question 9:** In your experience, and in your interactions with the ATSB, are there other clarifications that would be of benefit to the safety occurrence reporting framework?
- Comment (free text)

Page 7:

Issue 5: Changing written reporting timeframes from within 72 hours to within 7 days

It is proposed that an amendment will be made to the TSI Act (primary legislation) to extend the timeframe required for the written reporting component of immediately reportable matters and routine reportable matters. The timeframe is proposed to be extended from within 72 hours to within 7 days. The reasons are set out in the consultation paper (pages 15 to 16).

- **Question 10:** Do you agree that the timeframe for written reporting should be extended to 7 days – if so, why?
 - Strongly agree
 - Agree
 - Undecided / not area of expertise
 - Disagree
 - Strongly disagree
- Comment (free text)

Page 8:

Issue 6: Prescribing the format for written reports or approved data transfer mechanism

It is proposed that the written reports submitted to the ATSB be of a prescribed format via the online reporting website. Additionally, the ATSB is seeking to use automated data transfer approaches to improve data collection, accuracy and reduce handling by the ATSB and by industry. These proposals will require an amendment to the TSI Act and, in the case of automated data transfers, future discussions with industry to explore a feasibility trial to develop information protocols. Further details are in the consultation paper (pages 16 to 17).

- **Question 11:** Do you agree with prescribed reporting formats and automated data transfers?
 - Strongly agree
 - Agree
 - Undecided / not area of expertise
 - Disagree
 - Strongly disagree
- Comment (free text)

- **Question 12:** In your experience, what implementation challenges might arise, and how might they be resolved?
- Comment (free text)

Page 9:

Other feedback

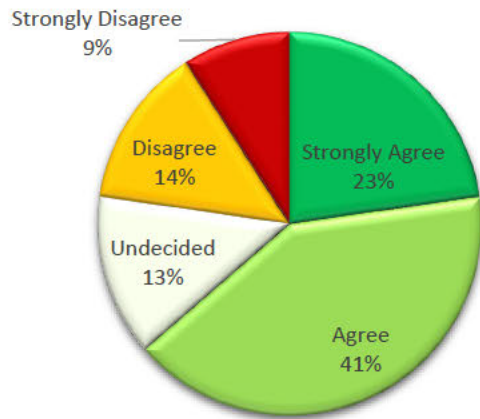
Should you wish, the ATSB also welcomes any other feedback on this project, or other experiences you have had in relation to the safety occurrence reporting framework.

- **Question 13:** Do you have any other feedback or comments?
- Comment (free text)

Annexure B: Survey Feedback (Selected Questions)

Item	Survey Questions	Strongly Agree	Agree	Undecided	Disagree	Strongly Disagree	Individual Respondents	Total Survey Respondents
Issue 1 Q1	Do you agree with the re-categorisation of aircraft operations?	5	9	3	3	2	22	30
Issue 1 Q2	Do you agree with each of the new categories of aircraft operations and how they are linked with different reporting requirements for immediately reportable matters and routine reportable matters?	3	8	4	6	1	22	30
Issue 1 Q3	Does the draft AIP assist your understanding of the new requirements – if not, what aspects could be clarified?	2	10	8	1	1	22	30
Issue 2 Q4	Do you agree with the definitions [aircraft accident, serious aircraft accident and incident] being used?	2	14	5	1	0	22	30
Issue 2 Q5	Are the examples in the AIP useful to assist your understanding of how the concepts apply in practice?	0	13	6	2	0	21	30
Issue 3 Q6	Do you agree that these responsible persons [sport aviation body, insurer of aircraft, pilotage provider, vessel traffic service authority] should be included in the safety occurrence reporting framework?	2	11	4	1	1	19	30
Issue 5 Q10	Do you agree that the timeframe for written reporting should be extended to 7 days – if so, why?	2	8	3	4	1	18	30
Issue 6 Q11	Do you agree with prescribed reporting formats and automated data transfers?	3	11	4	1	0	19	30

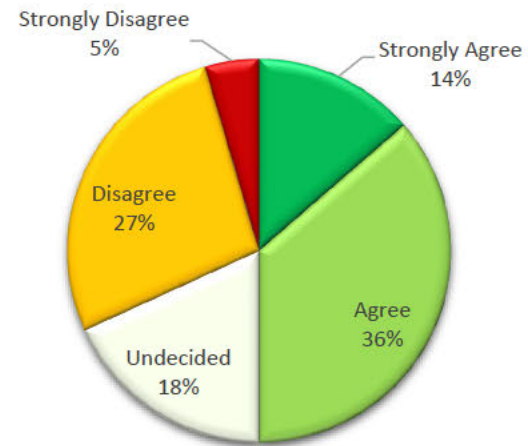
Issue 1 Q1



Responses: 22

Strongly Agree Agree Undecided Disagree Strongly Disagree

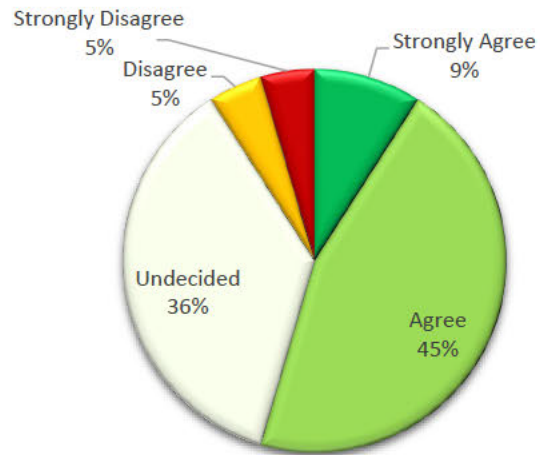
Issue 1 Q2



Responses: 22

Strongly Agree Agree Undecided Disagree Strongly Disagree

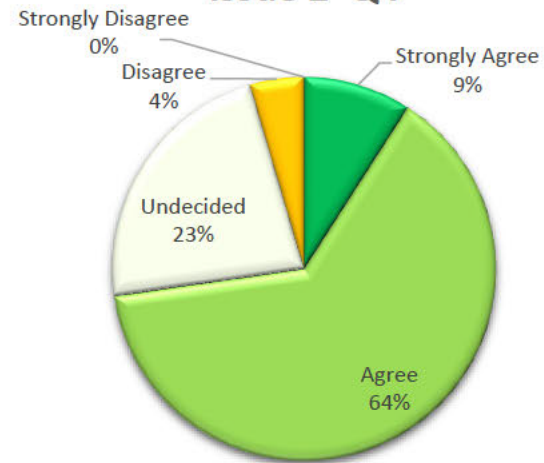
Issue 1 Q3



Responses: 22

Strongly Agree Agree Undecided Disagree Strongly Disagree

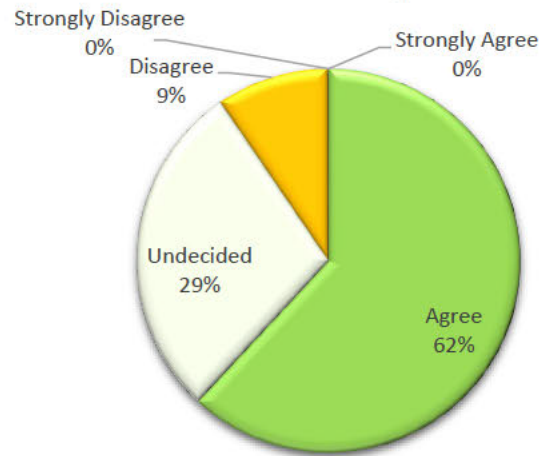
Issue 2 Q4



Responses: 22

Strongly Agree Agree Undecided Disagree Strongly Disagree

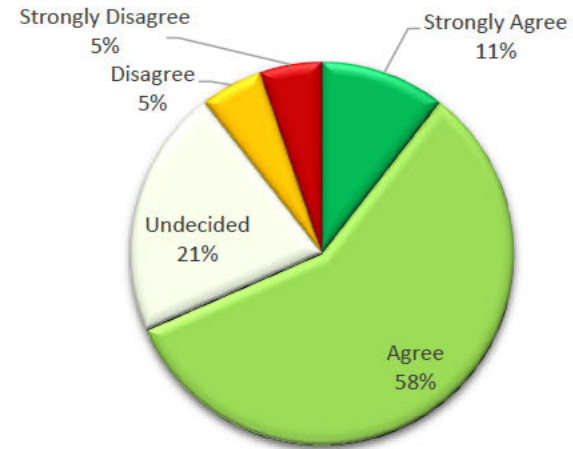
Issue 2 Q5



Responses: 21

Strongly Agree Agree Undecided Disagree Strongly Disagree

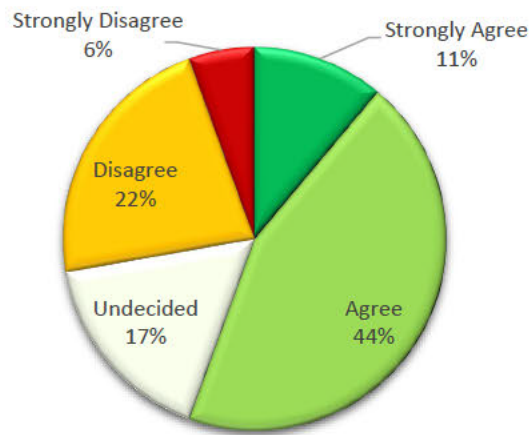
Issue 3 Q6



Responses: 19

Strongly Agree Agree Undecided Disagree Strongly Disagree

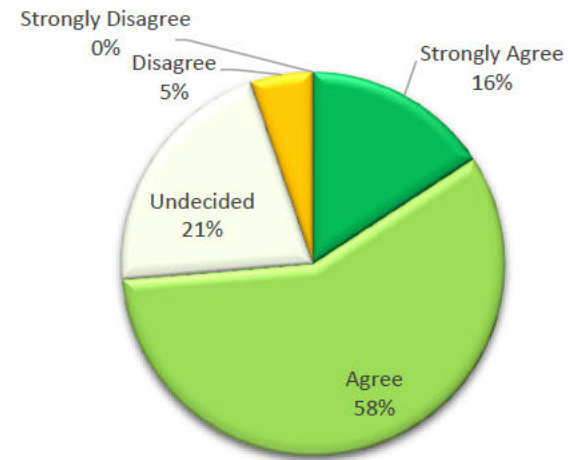
Issue 5 Q10



Responses: 18

Strongly Agree Agree Undecided Disagree Strongly Disagree

Issue 6 Q11



Responses: 19

Strongly Agree Agree Undecided Disagree Strongly Disagree

Annexure C: List of respondents

Item	Individual or Organisation	Date of response
Survey responses (online or emailing survey questionnaire)		
1	Lorraine MacGillivray	2 February 2022
2	David Pennington	2 February 2022
3	(Confidential)	2 February 2022
4	Reece Bateson	4 February 2022
5	Robert Carlisle	4 February 2022
6	(Confidential)	4 February 2022
7	Peter Cotter	4 February 2022
8	Suzanne Anderssen	6 February 2022
9	Australian Parachute Federation	6 February 2022
10	Kalell Kemp	7 February 2022
11	Aeer (Airport)	8 February 2022
12	(Confidential)	9 February 2022
13	Subsea Global Solutions	9 February 2022
14	Konrad Habina	9 February 2022
15	(Confidential)	10 February 2022
16	Enter Dimension Pty Ltd (Unmanned Approvals)	10 February 2022
17	Simon Ozanne	11 February 2022
18	Queensland University of Technology	11 February 2022
19	Western Australia Police Force	11 February 2022
20	(Confidential)	15 February 2022
21	Canopus RPA Services	15 February 2022
22	Will Stamatopoulos	16 February 2022
23	HM Consolidated	24 February 2022
24	(Confidential)	1 March 2022
25	Anthony White	3 March 2022
26	Qantas Group	4 March 2022
27	Gliding Australia (Gliding Federation of Australia)	7 March 2022
28	Office of Transport Safety Investigations (NSW)	7 March 2022
29	Australian Association for Uncrewed Systems	7 March 2022
30	WA Department of Transport	11 March 2022
Written submissions		
31	Office of the National Rail Safety Regulator	1 March 2022
32	TasPorts	2 March 2022
33	Airservices Australia	7 March 2022
34	Australian Maritime Safety Authority	7 March 2022
35	Civil Aviation Safety Authority	8 March 2022
36	Transport for NSW	9 March 2022
37	QBE Insurance	11 March 2022
38	Department of Infrastructure, Transport, Regional Development and Communications	15 March 2022
39	Global Cabin Air Quality Executive	16 March 2022
40	Australian Airline Pilots' Association	18 March 2022