

4<sup>th</sup> July 2007

Secretary  
Senate Standing Committee on Rural and Regional Affairs and Transport  
PO Box 6100  
Parliament House  
Canberra ACT 2600

Dear Ms Radcliffe,

**AVIATION LEGISLATION AMENDMENT  
(2007 MEASURES NO 1) BILL 2007**

Thank you for the opportunity to comment on the subject Bill.

The Regional Aviation Association of Australia (RAAA) is an industry association which represents twenty air operator certificate holders, and more than forty supporting businesses and agencies. Its members include the major regional airlines with the exception of QantasLink and National Jet, a number of other regional airlines, charter operators, aeromedical operators, flying schools and two major regional airports. As such it has a very broad membership base, with the common interest of operations in regional Australia. The RAAA has been represented on CASA's Alcohol and Other Drug Working Group for over a year, and also participates in a number of security related forums.

Since there are two main parts to the Bill, relating to the Civil Aviation Act 1988 and to the Aviation Transport Security Act 2004, I propose responding separately to each part.

Civil Aviation Act 1988

The RAAA is unaware of a major alcohol and/or other drug problem within the professional part of the industry, and believes that the concentration on the Hamilton Island accident (which may or may not have been attributable to drug and/or alcohol impairment) as justification for the proposed legislative action, only serves to illustrate how little evidence there is of a problem. Nevertheless, the RAAA recognises that the absence of evidence does not necessarily mean that there is not a problem. The gathering of data as a result of the programs proposed by the legislation should help us as an industry to determine the true extent of the use of alcohol and other drugs by members of the industry. This can only be useful.

A number of our members currently have very stringent alcohol and other drug programs in place. These are a pre-requisite for providing support to

mining companies, and involve every member of the companies involved, regardless of whether or not their activities can be defined as 'safety sensitive'. The experience of those who have such programs in place has been universally positive. Members report that the programs bring benefits which are felt throughout the workplace, not only in the areas described in the Bill's Explanatory Memorandum, but also in the less tangible social and relationship areas.

The alcohol and other drug programs proposed by CASA will emphasise the need for responsible behaviour in relation to the use of alcohol and other drugs, legal or otherwise, by firstly putting in place an educational and support program and also by creating the potential for offenders to be found out and removed from safety sensitive activities in the short term, and for repeat offenders, from the industry altogether. For the proposed legislation to be successful, both parts of the program are essential.

We also note that some other safety critical industries already have such programs in place, and that, bearing in mind the potential for disaster in the event of a failure caused by impairment of a safety sensitive person working in the aviation industry, it is only reasonable to have in place a means of minimising that risk.

Consequently the RAAA supports the proposed amendments to the Act.

#### Aviation Transport Security Act 2004

The RAAA fully supports the provision of adequate security measures to prevent the occurrence in Australia of terrorist or criminal attacks on the industry. However it is concerned at a number of aspects of the current security regime.

Firstly, the RAAA believes that the provision of security is a government function that benefits the community at large, and that it is therefore inappropriate that the cost, or any significant part of the cost, should be levied against one particular industry and its customers. Aviation transport security is clearly aimed at providing defence against both terrorist and criminal activity, which suggests that it is a combined defence and police responsibility. The RAAA notes that while government has provided some funding for some security related requirements, it has made the industry responsible for meeting a significant portion of the capital costs and the bulk (if not all) of the on-going costs.

Secondly, and while it acknowledges that it is not privy to classified intelligence reports, the RAAA is concerned that aviation security requirements do not appear to be risk based. It notes that there are very few if any worthwhile targets in regional Australia, and that the majority of the aircraft being used are too small and carry insufficient fuel to make useful weapons. Consequently it questions the need for some of the existing security requirements in regional Australia. The RAAA also notes that government has spent large sums of money on providing security upgrades at remote airports

where the security risk is clearly negligible, while little is being spent on enhancing the safety of passengers through the provision of better aviation infrastructure and better maintenance of existing infrastructure. The RAAA believes that a more consistent approach to the well-being of regional Australians is warranted.

Setting aside those concerns, the RAAA supports the proposed amendments to the Act as reasonable under the circumstances.

Thank you again for the opportunity to comment.

Yours faithfully,

Terry Wesley-Smith  
Chief Executive Officer