

From: Safety & Technical <safety@ialpa.net>
Sent: 02 December 2016 16:17
To: Aviation Policy
Cc: IALPA Office
Subject: Consultation on a Proposal for Amendment to National Legislation concerning Aviation Security Regulation and Related Matters

Dear Sir,

The following is the submission of the Irish Airline Pilots Association (IALPA) in response to the 'Proposal for Legislative Amendment Concerning Aviation Security Regulation and Related Matters'.

I refer to the proposed amendment to Subsection 3 of the Irish Aviation Authority Act 1993

The proposed amendment is related to the views expressed by consultants as part of the Section 32 Examination of the IAA in 2015.

To date, this report has not been made available to stakeholders or to the public more generally. Clearly it is not possible to put forward an informed opinion without knowledge of the contents of the Section 32 Report.

The proposed changes cannot be judged to be in the best interest of the Industry and Stakeholders due to the lack of transparency and candor in the proposal document, particularly when information pertinent to this proposal may be contained in a review report that is not being made available.

The Act requires that a person be appointed to carry out an examination under Section 32 every three years. History clearly demonstrates that this has not been complied with since the legislation came into force. The possibility that a proposed five-year time lapse may be equally ignored in the future would have an even more significant impact than the shorter period currently stipulated in the Act. The three-year requirement should remain unchanged as it serves an important purpose to ensure regular independent review of an important instrument of aviation regulation (i.e. the IAA) that is also a significant player in the provision of commercial aviation services. The on-going potential for conflicts of interest and the requirement to keep such potential conflict under review is another important reason to retain the three-year review requirement.

ICAO and EASA conduct audits of the IAA. The requirement of the Section 32 review is for "an examination of the performance by the company of its functions in so far as they relate to the application and enforcement of technical and safety standards in relation to aircraft and air navigation". This is a review and involves an approach, terms of reference and methodology quite distinct from and audit.

A review should be capable of informing on areas or items, which audits miss. Excluding the areas covered by the audits will inhibit the reviews from drawing attention to areas in which the audits do not and cannot give a full report of what is happening outside the snapshots to which audits are confined.

For the reasons given the proposed changes to Section 3 should not be enacted.

For and on behalf of IALPA

John Goss
Director of Safety and Technical

--

Safety & Technical
Irish Air Line Pilots' Association