



Australian Government
Department of Defence

JOINT DIRECTIVE 21/2021
BY THE SECRETARY AND THE CHIEF OF THE DEFENCE FORCE
THE DEFENCE AVIATION SAFETY FRAMEWORK

INTRODUCTION

1. Defence has a moral and legal obligation to ensure risks to the health and safety of personnel arising from military aircraft operations are eliminated or otherwise minimised so far as is reasonably practicable. The basis for these safety obligations is found in Commonwealth work health and safety legislation, and in common law.¹
2. Military aviation is a unique and complex undertaking that necessitates the amplification of statutory work health and safety requirements for the Defence aviation context. This amplification of safety obligations and provision of the means to discharge them is achieved through the adoption of a structured aviation safety framework² underpinned by the:
 - a. Appointment of a Defence Aviation Authority;
 - b. Establishment of a Defence Aviation Safety Authority;
 - c. Implementation of a Defence Aviation Safety Program;
 - d. Promulgation of effective Defence Aviation Safety Regulations; and,
 - e. Establishment of an independent accident and incident investigative capability.

PURPOSE

3. This Directive establishes the framework for the management of aviation safety within Defence and assigns accountabilities for its implementation and ongoing administration.

¹ In this context the term WHS Legislation is used to collectively refer to the *Work Health and Safety Act 2011*, the *Work Health and Safety Regulations 2011*, and the various *Codes of Practice* made pursuant to the principal Act from time to time.

² In line with the Chicago Convention, State aircraft are explicitly excluded from Australian civil aviation legislation and associated regulations. Defence, as an independent authority, must therefore establish an aviation safety framework that recognises and supports compliance with statutory safety requirements.

POLICY STATEMENT

4. Defence shall implement a credible and defensible aviation safety framework that recognises and supports compliance with statutory safety obligations. Recognising the unique nature of military aviation, the framework shall include appropriate flexibility provisions to support command decisions in response to compelling operational imperatives.

5. Acknowledging the benefits and efficiencies afforded through the adoption of global conventions and practices, the Defence Aviation safety framework shall be aligned, where appropriate, with International Civil Aviation Organisation (ICAO) principles and European Military Airworthiness Requirements (EMAR).

DEFENCE AVIATION SAFETY

6. Aviation safety is the state in which risks to personnel arising from aircraft operations are eliminated or minimised so far as reasonably practicable through a continuing process of hazard identification and safety risk management.

7. In the Defence context, aviation safety encompasses both the manner in which aircraft are flown, and the tasks, activities, and management systems whose primary purpose is to enable safe flight.³

8. The scope of aviation safety accountabilities within Defence shall include the following aircraft and aviation systems:

- a. Defence registered aircraft, including installed products, parts and appliances.
- b. Civil registered aircraft, including installed products, parts and appliances, operated exclusively for or on behalf of Defence where compelling reasons exist to supplement existing National Aviation Authority (NAA) oversight.
- c. Aircraft, including installed products, parts, and appliances, that are the subject of statutory airworthiness responsibilities placed on Defence by the Civil Aviation Safety Authority.
- d. Other aircraft and/or aviation systems as may be determined by the Defence Aviation Authority.

9. To facilitate the efficient discharge of these accountabilities, the Defence Aviation Safety Framework shall include provision for recognition of National and Military Aviation Authority (NAA/MAA) safety frameworks when determining the level of Defence oversight to be applied to aircraft and aviation systems used for Defence purposes.

³ In this context, the term flight is limited to the period from authorized aircrew taking control of an aircraft to commence a specific mission to their relinquishing control at the cessation of that mission.

THE DEFENCE AVIATION AUTHORITY

10. The Chief of Air Force has been appointed the Defence Aviation Authority (Defence AA)⁴ and is accountable to the Secretary and CDF for the regulation and oversight of all aspects of Defence Aviation.
11. In discharging these responsibilities the Defence AA shall:
 - a. Establish an appropriately resourced aviation safety organisation to be known as the Defence Aviation Safety Authority (DASA).
 - b. Establish an accident and incident investigative capability.
 - c. Maintain oversight of Defence Aviation safety performance and proactively engage with Service Chiefs and Group Heads on aviation safety matters under their command or management.
 - d. Establish appropriate consultation and liaison arrangements with external aviation organisations, such as the Civil Aviation Safety Authority, the International Civil Aviation Organisation, and equivalent international military authorities.

THE DEFENCE AVIATION SAFETY AUTHORITY

12. The DASA is responsible to the Defence AA for enhancing and promoting the safety of military aviation. To assist in achieving this objective the DASA shall implement a Defence Aviation Safety Program (DASP) that promotes a generative safety culture and assures the effective management of aviation safety risks.
13. The DASP shall recognise and support compliance with statutory safety requirements while enabling commanders to fully exploit aviation capabilities in defence of Australia's national interests.

THE DEFENCE AVIATION SAFETY PROGRAM

14. The DASP shall be established in line with contemporary aviation safety conventions, including ICAO standards and recommended practices and EMAR. Key objectives of the program shall include:
 - a. Prescribing safety policy and regulation for Defence Aviation.
 - b. Promoting Defence Aviation safety through education, training, and dissemination of safety information.
 - c. Establishing and certifying the initial safety requirements and standards for Defence Aviation organisations and aviation platforms or systems.
 - d. Oversight and enforcement of the ongoing certification of Defence Aviation organisations and aviation platforms/systems

⁴ Refer to Chief of Air Force Charter Letter.

e. The investigation of accidents and incidents in order to prevent recurrence and improve safety performance.

15. In support of DASP oversight activities, the Defence AA may convene independent boards of review to examine, and make recommendations on, the safety of Defence Aviation activities.

AVIATION SAFETY AND COMMAND

16. Aviation safety is a command responsibility. While this Directive establishes a framework for the management of aviation safety within Defence, responsibility for ensuring the safe operation of aviation systems rests with the command chain. Commanders and managers are therefore accountable for ensuring aviation systems under their command or control are designed, constructed, maintained, and operated to approved standards and limitations by competent and authorised personnel acting as members of an approved organisation.

17. The nature of military aviation is unique and the need for commanders to balance operational objectives and safety outcomes is well understood. The Defence Aviation Safety framework shall contain flexibility provisions to assist commanders faced with compelling operational imperatives to make informed judgements regarding compliance with substantive regulations. Such judgements must be made at the appropriate command level to ensure that aviation safety risks are eliminated or otherwise minimised so far as is reasonably practicable.

ACCOUNTABILITIES

18. The Vice Chief of the Defence Force, Service Chiefs, the Chief of Joint Operations, and Group Heads are accountable to the Secretary and CDF for ensuring the management of Defence aviation activities under their control complies with the requirements of this Directive and subordinate aviation safety policy and regulations.

19. Defence personnel involved in contracting any aspect of Defence aviation shall ensure that tender and contract documentation require external service providers to comply with the requirements of this Directive and subordinate aviation safety policy and regulation.

MONITORING AND REVIEW

20. The Defence AA shall establish mechanisms to enable independent evaluation of aviation safety management within Defence.

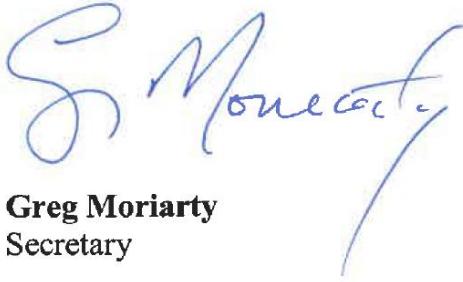
21. The Defence AA is to report annually to the Secretary and CDF on Defence aviation safety performance.

IMPLEMENTATION

22. This Directive supersedes and replaces Joint Directive 24/2016: *The Defence Aviation Safety Framework* and Joint Directive 04/2018: *Extension of Joint Directive 24/2016 on the Defence Aviation Safety Framework*, which are hereby cancelled.

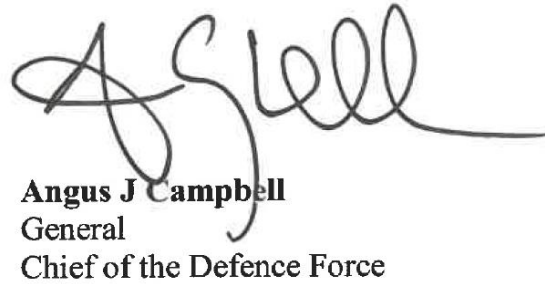
23. This Directive replicates the direction contained in Joint Directive 24/2016, and represents a continuance of existing Defence aviation safety arrangements. Work is ongoing to pursue an alternate authority to implement and administer the Defence Aviation Safety Framework.

24. This Directive is effective immediately and will remain extant until amended or withdrawn. The sponsor is the Director General, Defence Aviation Safety Authority. This Directive is to be reviewed by 2026 or earlier if circumstances significantly change.



Greg Moriarty
Secretary

6 November 2021



Angus J Campbell
General
Chief of the Defence Force

8 November 2021

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