

<u>Annex Reference</u>	<u>State Reference</u>	<u>Difference Level</u>	<u>State Difference</u>
<b>Accident</b>	Transport Safety Investigation Act 2003: sections 3, 18, 19 and 23 Transport Safety Investigation Regulations 2021: regulations 5, 6, 7 and 11 Safety Investigation Guidelines – Notifications and Assessment	Different in character or other means of compliance	Australia requires reporting of ‘transport safety matters’ through definitions and reporting requirements in the Transport Safety Investigation Act 2003 and Transport Safety Investigation Regulations 2021. This results in matters being reported which are equivalent to those contained in the Annex 13 definition of an accident. The Annex 13 definition of an accident is used for classifying reports in the Accident Investigation Authority’s database.
<b>Hazard</b>	Advisory Circular 119-01	Different in character or other means of compliance	Ordinary dictionary meaning satisfies the effect of this definition
<b>Incident</b>	Transport Safety Investigation Act 2003: sections 3, 19 and 23 Transport Safety Investigation Regulations 2021: regulations 5, 6, 7 and 11 Safety Investigation Guidelines – Notifications and Assessment	Different in character or other means of compliance	Australia requires reporting of ‘transport safety matters’ through definitions and reporting requirements in the Transport Safety Investigation Act 2003 and Transport Safety Investigation Regulations 2021. This results in matters being reported which are equivalent to those contained in the Annex 13 definition of an incident. The Annex 13 definition of an incident is used for classifying reports in the Accident Investigation Authority’s database.
<b>Industry codes of practice</b>	nil	Less protective or partially implemented not implemented	Not defined in Australian legislation.
<b>Operational personnel</b>	nil	Less protective or partially implemented not implemented	Not defined in Australian legislation
<b>Safety</b>	The Australian Aviation State Safety Programme: chapter 2, State Safety Risk Management Advisory Circular 119-01	More exacting or exceeds	Term referred to in SSP and guidance material. Ordinary dictionary meaning satisfies the effect of this definition.
<b>Safety data</b>	Advisory Circular 119-01	Less protective or partially implemented not implemented	Not defined in legislation.
<b>Safety information</b>	Advisory Circular 119-01	Less protective or partially implemented not implemented	Not defined in legislation
<b>Safety management system (SMS)</b>	The Australian Aviation State Safety Programme: section 2.2, Safety management system obligations Civil Aviation Safety Regulations 1998: Part 142 Subpart G, regulations 139.095, 145.015, 171.086, 172.145, 173.145, 119.190, 138.145, 149.270, 175.225 Advisory Circular 119-01	Different in character or other means of compliance	The intent of this term is captured in legislation detailing requirements for a safety management system

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<b>Safety oversight</b>	Civil Aviation Act 1988 The Australian Aviation State Safety Programme: chapter 3, State Safety Assurance	Different in character or other means of compliance	The substance of the Civil Aviation Act 1988 and the Australian Aviation State Safety Programme captures the intent of this definition.
<b>Safety performance</b>	The Australian Aviation State Safety Programme: section 3.2, Australia's safety performance.	Different in character or other means of compliance	The substance of the Australian Aviation State Safety Programme captures the intent of this definition.
<b>Safety performance indicator</b>	Advisory Circular 119-01	Less protective or partially implemented not implemented	Not defined in legislation
<b>Safety performance target</b>	Advisory Circular 119-01	Less protective or partially implemented not implemented	Not defined in legislation
<b>Safety risk</b>	The Australian Aviation State Safety Programme: chapter 2, State Safety Risk Management Advisory Circular 119-01	Different in character or other means of compliance	Term referred to in SSP and guidance material. Ordinary dictionary meaning satisfies the effect of this definition.
<b>Serious injury</b>	Transport Safety Investigation Regulations 2021: regulation 5	Less protective or partially implemented not implemented	The Australian definition is less specific than that prescribed under the standard, and therefore captures a larger reporting population. The definition of a serious injury is: an injury that requires, or would usually require, admission to hospital within 7 days after the day when the injury is suffered.
<b>State of Manufacture</b>	Civil Aviation Safety Regulations 1998, Parts 21 and 39	Less protective or partially implemented not implemented	Not specifically defined in legislation
<b>State of the Operator</b>	Civil Aviation Safety Regulations 1998: regulation 1.004 and Dictionary	Different in character or other means of compliance	Definition of "State" in the Civil Aviation Safety Regulations 1998 captures the intent of this definition.
<b>State safety programme (SSP)</b>	The Australian Aviation State Safety Programme	Different in character or other means of compliance	The substance of the Australian Aviation State Safety Programme captures the intent of this definition.
<b>Surveillance</b>	Civil Aviation Act 1988 The Australian Aviation State Safety Programme: section 3.1, Surveillance obligations	Different in character or other means of compliance	The substance of the Civil Aviation Act 1988 and the Australian Aviation State Safety Programme captures the intent of this definition.

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3.3.2.1	The Australian Aviation State Safety Programme: section 2.2, Safety management system obligations Civil Aviation Safety Regulations 1998: Part 142 Subpart G, regulations 139.095, 145.015, 171.086, 172.145, 173.145, 119.190, 138.145, 149.270, 175.225	Less protective or partially implemented not implemented	No requirement for organizations responsible for the type design or manufacture of aircraft, engines or propellers in accordance with Annex 8 to implement an SMS. For 3.3.2.1 c), SMS requirements only apply to organizations conducting maintenance on aircraft engaged in scheduled air transport operations. For 3.3.2.1 f), SMS requirements only apply to certified aerodromes with 50,000 air transport movements annually, or 100,000 aircraft movements annually.
3.3.2.3	Nil	Less protective or partially implemented not implemented	No existing requirement
3.3.2.4	Nil	Less protective or partially implemented not implemented	No existing requirement
4.1.1	Civil Aviation Safety Regulations 1998: Part 142 Subpart G, regulations 139.095, 145.015, 171.086, 172.145, 173.145, 119.190, 138.145, 149.270, 175.225	Less protective or partially implemented not implemented	The requirements for each type of service provider are dealt with in separate pieces of legislation, with some requirements differing from the requirements in Appendix 2.
4.1.2	Civil Aviation Safety Regulations 1998: Part 142 Subpart G, regulations 145.015, 149.270, 175.225	Less protective or partially implemented not implemented	Only certain types of service provider are required to develop a plan to facilitate SMS implementation.
4.1.6	nil	Less protective or partially implemented not implemented	No existing requirement. Australian States have separate Safety management systems legislation which covers manufacturing companies
4.1.7	nil	Less protective or partially implemented not implemented	No existing requirement. Australian States have separate Safety management systems legislation which covers manufacturing companies.
4.2	nil	Less protective or partially implemented not implemented	No existing requirement for general aviation operators of large or turbojet aeroplanes to have an SMS.



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**Annex Reference**

5.3.2

**State Reference**

Transport Safety Investigation Act  
2003 - Transport Safety  
Investigation Regulations 2003 -  
Transport Safety Investigation  
(Voluntary and Confidential  
Reporting) Regulations 2012 -  
Civil Aviation Act 1988, Part 3,  
Division 3C

**Difference Level**

Less protective or partially  
implemented not  
implemented

**State Difference**

Australia is in compliance with  
recommendation 5.3.2 for its REPCON  
reporting scheme under the Transport Safety  
Investigation (Voluntary and Confidential  
Reporting) Regulations 2012. - Australia has  
not implemented the recommendation for its  
mandatory reporting scheme under the  
Transport Safety Investigation Act 2003. - The  
recommendation is not implemented for the  
Aviation Self Reporting Scheme under Part 3,  
Division 3C of the Civil Aviation Act 1988

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