

# **The Civil Aviation Authority of Singapore (CAAS) Code of Practice for Seletar Airport Service Standards, 2009**

## **- Advisory Guideline-**

### **What this Code is about**

- 1 The CAAS Act provides for the CAAS to issue a code of practice with respect to the quality of airport services and facilities.
- 2 The CAAS has formulated the CAAS Code of Practice for Seletar Airport Service Standards 2009 (“Code”), which an airport licensee operating Seletar Airport (“Seletar Airport licensee”) will be required to comply with. The Code sets out the standards of performance to be observed by the Seletar Airport licensee in its operation of Seletar Airport as an international airport and the penalties and other measures to be imposed by the CAAS on the licensee for any breach of this Code.
- 3 The CAAS will monitor and enforce the standards of performance under the Code, with the aim of providing users of Seletar Airport with accessibility, reliability and convenience. The objective is to help develop and establish Seletar Airport as a regional business aviation hub.
- 4 This advisory guideline provides a summary of the key provisions of the Code issued to the Seletar Airport licensee. This guideline is intended to help the Seletar Airport licensee and interested parties understand the CAAS’ intent; however, this guideline neither adds to, nor alters the requirements specified in the Code issued to the licensee.

### **Regulatory approach**

- 5 In the implementation and enforcement of this Code, the CAAS will consider:
  - how to best foster enhancements to service levels at Seletar Airport;
  - the impact on the reputation of Seletar Airport as a regional business aviation hub; and
  - a holistic assessment of Seletar Airport’s service levels attributable to the Seletar Airport licensee.

The CAAS will consider each infringement case on the specific facts and circumstances, to see if it warrants an investigation.

- 6 The CAAS may from time to time amend the Code to ensure its continued relevance, taking into account changing conditions. Where the CAAS amends the Code, a notice that the amendment has been made will be published.

### **Standards of service performance**

- 7 The Code provides the service standards which the Seletar Airport licensee will be required to comply with, and for which financial penalties are applicable for any failure to comply. The standards on the time taken to resume airport

operations due to the failure of critical airport systems measure service failures attributable to the Seletar Airport licensee as the licensee is currently responsible for the development and maintenance of the airport. The failure of such systems will result in the closure of Seletar Airport which would render the Airport inaccessible to users and adversely impact civil aviation and the economy and reputation of Singapore. By keeping the time taken to restore the airport to normal operations to the minimum, Seletar Airport can be kept open at most, if not all times.

### **Obligations to notify and inform**

- 8 The Code requires the Seletar Airport licensee to keep the CAAS informed on any unplanned airport closure at Seletar Airport at two time periods – an initial notification serves to alert the CAAS of any unplanned airport closure and a detailed report of the incident thereafter.
- 9 The Code sets out the requirement for the Seletar Airport licensee to provide information and reviews carried out for Seletar Airport, for which no financial penalties are applicable. The information provided would be monitored on a regular basis by the CAAS to help provide the CAAS with a better understanding of the needs and requirement of users of Seletar Airport. The CAAS may then propose other service standards that would serve to establish and develop Seletar Airport as a regional business aviation hub.

### **Defence**

- 10 The Seletar Airport licensee may seek to establish to the CAAS that failure of a service standard was occasioned through no fault on the part of the licensee. Should the CAAS consider that the licensee's defence is established, the CAAS will consider reducing or waiving the financial penalty applicable for failure of a service standard.

### **Review of service standards and penalties**

- 11 The Code sets out the procedures for reviewing service standards and penalties. Providing for a review of service standards and penalties is necessary to update and revise standards and penalties to reflect the needs of changing conditions. The CAAS will first consult before making its decision to amend the services standards and penalties set out in the Code. The Seletar Airport licensee may appeal against CAAS' decision in accordance with section 55 of the Act.

### **Submission of rectification plans**

- 12 The Code provides for the Seletar Airport licensee, on the request of the CAAS, to submit to the CAAS the licensee's rectification plans for failure to meet service standards. By submitting a rectification plan, the airport licensee informs the CAAS that it is taking action to remedy failures to meet service standards. This will be a factor for consideration before any enforcement action is taken by the CAAS.

## **Enforcement**

### *Complaints*

- 13 The CAAS can initiate an investigation of any contravention of the Code, either following a complaint from any person, or on the CAAS' own motion. The power of the CAAS to obtain information in relation to an investigation is provided for under sections 82 and 83 of the CAAS Act.
- 14 The CAAS may pursue the complaint (and may seek further information from the complainant) or it may consider that there are no grounds for action in respect of the complaint because the complainant does not give the CAAS reasonable grounds for suspecting a possible infringement of the Code by the Seletar Airport licensee. The CAAS will consider each case on its merits to see if it warrants an investigation. After investigation, if the CAAS decides that there is an infringement, appropriate enforcement action will be taken.
- 15 If the CAAS decides to pursue a complaint, it will usually seek further information from the Seletar Airport licensee which is the subject of the complaint. If a complainant does not want to be identified to the licensee, it should make this clear at the earliest opportunity. However, for effective handling of complaints, it must be noted that it is sometimes necessary to reveal information which may identify the source of the complaint. When providing information or documents to the CAAS, complainants should:
- clearly identify any confidential information;
  - provide this information in a separate annex clearly marked "confidential information", and
  - explain why this information should be treated as confidential.
- 16 The CAAS recognises the importance of complainants voluntarily supplying information and their interest in confidentiality. If the CAAS proposes to disclose any of the information in the confidential annexes, it will, to the extent that is practicable to do so, consult the person who provided the information.
- 17 The CAAS recognises the importance of maintaining the confidentiality of commercially sensitive information and details of an individual's private affairs. The CAAS will be guided by the restrictions on disclosure of confidential information as set out in section 83 of the CAAS Act.

### *Penalties*

- 18 The CAAS may impose a financial penalty for an infringement of the Code, provided that the infringement had been committed intentionally or negligently. The Code sets out the financial penalties applicable for any contravention of the Code.
- 19 When setting the amount of any penalty, the CAAS will take into account the factors set out as follows:
- the seriousness of the infringement;
  - the duration of the infringement;

- other relevant factors (such as deterrent value); and
- any further aggravating or mitigating factors.

### **Appeals**

- 20 The Seletar Airport licensee aggrieved by any direction or decision of the CAAS in relation to the Code can appeal to the Minister in accordance with the CAAS (Appeals to Minister) Rules 2009.

### **Further information**

- 21 This advisory guideline does not purport to be a full or binding statement of law. This document is intended to be a guide to the Code. In the event that any of the parts of this guideline is inconsistent or incompatible with the provisions the Code, the provisions of the Code issued to the Seletar Airport licensee shall prevail.

Dated 1 July 2009