

Submission to the Aviation Safety Regulation Review Panel, from Aircraft Owners and Pilots Association of Australia, (AOPA).

January 2014.

In October 2010 AOPA conducted the GA Revitalisation Summit. This conference was attended by AOPA and nine other organizations with interests in general aviation in Australia. A paper was subsequently prepared and submitted to relevant authorities. That paper, "A Plan to Revitalize General Aviation in Australia", is still an accurate summation of the ills that affect GA in Australia, and the recommended solutions are still relevant. We therefore attach a copy of that paper to this submission, and in the précis below will refer to it frequently, such as "see para 3.3.2".

However, the subject of this submission is specifically regulation, and thus this submission will restrict itself to the relevant sections of our 2011 paper, to which are added a few extra points.

- A. Foreword** . Whether gauged by aircraft hours flown or by number of aircraft movements at airports, it is clear that GA is stagnant at a time when both the population and the economy are growing. We can all remember the times when one had to queue for take-off at a major airport like Bankstown or Moorabbin, and when the aircraft parking areas were full. What a contrast to the present! Few new pilots are entering GA.
- B. Does this matter?** We think it does. For clarity, we will refer to GA as the spectrum of air activities outside of Regular Public Transport. GA generates thousands of jobs, and includes such vital services such as charter, Flying Doctor, Medical Evacuation, Search & Rescue, Fire Spotting, Shark Spotting, Agriculture, Bank Run operators, Freight operators, Careflight Helicopters, Police Helicopters, Media Helicopters, Medical transfer Helicopters, Cattle farming, Sport Aviation, (including gliding, hot air ballooning, aerobatics, hang gliders, ultralights, and warbirds), and pilot training. Add to that the people involved with supply and maintenance of the aircraft and associated equipment. Add also the investment in the equipment and supporting businesses.

Australia has a history of innovation in aviation and the aviation workforce has developed diverse skills. With the decline of Australia's manufacturing industry generally, and the loss of skills associated with it, Australia should be encouraging an industry where it has a track record. To let it wither seems to be an opportunity lost.

Another consequence of the decline in GA is that fewer GA-trained pilots are being produced. According to many credible sources, airline pilots who do not have a background in GA never learn the basic flying skills that would have been expected in the past.

- C. Why this decline is happening?** There are many factors, such as:

- (a) Increased costs. Discount airlines have made interstate travel very cheap in comparison to flying a private aircraft. The cost of fuel makes any long-distance private flying expensive. Flying training is made expensive because of complicated regulations and costs of documentation which AOPA regards as not having an adequate safety case to justify. Maintenance under the EASA system would send costs even higher. (See para 3.3.2).
- (b) The variety of competing leisure-time activities has increased enormously and most activities have become more and more affordable. Flying, by comparison, is becoming increasingly expensive and has lost its “glamour”.
- (c) The ageing GA aircraft fleet is less attractive to prospective pilots. It is hard to justify (or obtain finance for) new aircraft when so many other factors are lined up against GA.
- (d) The ASIC Card makes no practical contribution to security, and is a major inconvenience. It has become a device enabling routine obstruction of legitimate operations. (See para 3.1.7). It is ignored at many airports, but stringently demanded by over-zealous staff (such as ground-keepers) at others. In the USA, where terrorism first became such a major issue, a pilot licence is sufficient. Here we have a separate card that must be renewed each two years at significant cost. Why can't it be permanent, with cancellation if someone commits a criminal offence?

The time delay in obtaining an ASIC card makes it virtually impossible for an overseas visitor to hire an aircraft in Australia. This process should be simplified to facilitate the overwhelming amount of bona fide flying and reduce what is in reality, unnecessary cost.

- (e) Airport security. At numerous airports around Australia, security fencing terminates a few metres beyond the security gate. The security gate is often propped open by regular users, and if not, access to the code can be obtained by simply photographing the code with a mobile phone held through the bars of the gate. These expensive gates and fences deter and inconvenience legitimate people, but do nothing to deter anyone with malicious intent. These unnecessary and demonstrably pointless costs should be abandoned.
- (f) Declining number of and access to airfields: there are simply fewer places to fly to. The failure of the Commonwealth Govt to enforce its deeds of agreement with airport owners has seen many airports become unwelcoming or even downright hostile to GA aircraft, in the airport owners' efforts to seek profit from activities other than aviation. In particular, city airports effectively exclude GA, and thus many people who would use this transport system cannot. This should change.

Ready and facilitated access to city airports is critical. Aviation being blocked from major centres discourages operations

Owners of airports often make it difficult to the point of being impossible to own a hangar. Bankstown Airport offers a prime example: recently an operator of a medivac aircraft was refused permission to build a hangar as “it wasn’t in the airport’s long term interests.” If building a hangar to house an aircraft is not in the interests of the airport, what is? Others have been offered leasehold land, but ownership of developments revert to the owner of the airfield in as little as 10 years. That is obviously not commercially viable for the aircraft operator.

GA in all its forms is widely distributed, not concentrated in major centres. Some of the higher level maintenance and overhaul work is conducted at regional centres, but services such as hangarage, fuel and maintenance support are needed across all areas.

A monopoly landlord only interested in his commercial interests can be detrimental to the industry. Some policy-based oversight is required. When the Commonwealth was operating the airports this was less of a problem, as airports were regarded as having national importance in their own right. This is not the case in the de facto operation of commercially motivated airports.

(See paras 3.1.1, 3.1.2, 3.1.3, 3.1.4, 3.1.5, and 3.1.6).

- (g) Airspace control. Civil and the Military duplication costs are hundreds of millions of dollars. There is a serious shortage of air traffic controllers. Airline flights have been cancelled with significant flow-on costs; amalgamation should occur providing cost saving revision of military control zones. Nowra’s military control zone occupies 65,000 cubic miles of airspace and yet our last aircraft carrier was scrapped over 40 years ago. By contrast, in California, the US 7th fleet of several carrier battle groups and hundreds of strike aircraft has but a small region of restricted airspace!
- (h) Airservices Australia: produces trivial updates on near-static information, which is distributed to conscripted subscribers, mostly unnecessarily, at hundreds of dollars per year. This should change.
- (i) Orphan technical infrastructure: Australia’s WW2 system of radio towers is ageing and outmoded. GPS navigations allows for direct routes that save time and fuel. It would seem logical that a country with limited resources like us would simply follow the FAA Nextgen system of satellite-based navigation, which includes precision approaches by WAAS, (ground base enhanced GPS), or SBAS, (fixed satellite enhanced GPS). Instead, it seems that we are again going to be out of step with the rest of the world by relying on Baro VNAV.

Just about all new aircraft produced in the last few years include the electronics compatible with Nextgen.

- (j) CASA. In a nutshell, GA is shackled with laws and proposed laws that stifle operations and innovations. The AOC process and other limited time certificates inhibit capital investment and access to finance. The process of managing disputed medical certificates is dysfunctional. The fundamental lack of trust in and by CASA (and in

passing, the secondary airport management), and its processes, is all-pervasive and is destructive of innovation, investment, and long terms engagement with the industry.

Just how unnecessary and intrusive regulation can stultify development is seen by observing the burgeoning developments in Ultralights. Whilst the heavier aircraft have technically stagnated, (save for navigation electronics), there is a thriving and occasionally amazingly innovative industry in the ultralight category. That innovation could likely benefit Australian aviation if the artificial limitations of weight and functionality did not so clearly divide ultralights and heavier GA aircraft.

Specifically, the aspects of the regulator that we believe requires change are as follows.

1. Industry consultation. Although communication (and subsequent goodwill) between GA and CASA has improved in recent years, it is a fact that new regulations or changes in regulations are frequently presented to GA as an ultimatum.

A consultative approach is required with those contending with and introducing innovations and technical improvements in all aspects of aviation. This calls for legislative reform of the existing process.

It is apparent that the CASA legal department, whilst efficient and capable in itself, has an influence which leads to preoccupation by the CASA as a whole with legalistic arguments. Legalism is an arid process. Aviation is an industry of practical and constantly changing technology. Legalism should give way to practicality by the involvement of a positive consultative process concerning both new technology and discarding outmoded rules and technology.

(See paras 3.2.5 and 3.2.6).

2. CASA enforcement. The industry is rife with stories of individuals who have been “persecuted” by CASA. Sometimes these cases do sound like individual disagreement “pay-back” fights, and sometimes problems occur through regional FOs interpreting the rules aggressively rather than with any sense of national coordination or common sense. Sometimes these arguments go on for years at high cost to all concerned. Justice should be seen to be done and the processes altered to enable rapid and non-destructive resolution of rules to occur. (See para 3.2.7).
3. Aviation should be encouraged by CASA as part of its formal charter. Having its charter limited to ‘Aviation Safety’ encourages negativism, which is widely seen in practice. There is no settled standard for ‘air safety’. This leaves CASA with a poorly identified obligation, a completely subjective mantra, and no obligation to act for the benefit of Australian aviation this is unsatisfactory on its face and should change. Perhaps the roles of regulation and administration should be separated, and the regulator given the dual roles of promotion of aviation as well as safety?
4. Australian LAME training standards are lower than those of NZ. Our training schools don’t align curriculums to industry requirements, and those curriculums vary from state to state.

We should support an Australasian / Pacific approach to maintenance. CASA will base future AMR licences on academic achievement, with insufficient emphasis on experience. (See paras 3.2.4 and 3.2.9).

5. The need to hold an AOC, and consequent increasing demands on paperwork, means that small flying schools are no longer viable. The paperwork does not improve operations or safety. Practical laws are urgently required. Proposed Part 141/142 rules would alleviate this problem.
6. To the outside observer, sometimes CASA appears to consist of 4 organizations in one, and each part appears to believe it runs the organization in the style of the Satraps. Those 4 parts are upper management, middle management, the field officers, and the legal dept. This may be an unfair criticism, but again to the outside observer, CASA often appears to fail to adhere to government directives, or to enforce its own regulations. Different interpretations of rules within CASA can cause the hapless aviator considerable anguish. Internal turf wars conducted in the name of name of 'safety' affect aviation operators, when in fact they are personal 'fiefdoms' being exercised.

The 4 parts of CASA make consultation with industry very difficult. Many times various GA organizations have thought to have come to an agreement with CASA, only to find that an agreement has been ignored or reversed by another of CASA's "parts". A formalized consultative procedure that overcomes this problem would be very desirable. (See para 3.2.6).

CASA or its replacement must act coherently across its whole organisation and do so with regard to its remit from Government: that should include a better definition than 'air safety', plus a positive commitment to encourage aviation. In AOPA's view, this problem is the key to improving Australian aviation.

7. Constant regulatory changes breed confusion, mistrust and doubt. They increase the risk of inconsistent interpretation. A safety case should be presented and debated prior to any alteration to the Act, Regulations and other dictums. CASA's regulatory changes frequently have no perceptible safety outcome, or certainly none relevant to GA. Quite a number of rules now come under the criminal code. (See para 3.2.7 for more detail). Strict liability applies. Aviation is hardly assisted by repressive regulations, criminal charges, and reversed onus of proof. There is no evidence that this process improves or assists safety, but it does deter many would-be pilots and operators.
8. Pilot licencing: This extensive topic will no doubt be dealt with by others. We limit our comment to suggest that proper accord should be given to foreign training qualifications. We have seen highly qualified and experienced pilots required to sit for exams in Australia, even when their overseas training was from facilities recognized as the best in the world. This can be inconvenient and costly for Australian pilots, and can make it impossible for foreign pilots who wish to fly and/or holiday in Australia.

9. Medicals. This is probably the single biggest continuous issue that causes acrimony between GA pilots and CASA. Problems with Avmed include delays in dealing with medical assessments, rejection of DAMEs opinions, demands for ever more complex specialist reports that many would consider unnecessary, and which are then frequently ignored by Avmed itself. Avmed has unique medical opinions which sometimes do not agree with overseas experience, eg; FAA. Communication between CASA, AVMED and pilots has often been poor.

For what purpose? Most GA pilots intend to fly themselves and perhaps a few associates, mostly in VFR during daylight. Motor vehicle licencing is nothing like this, yet driving is only slightly less stressful.

CASA should rely on its own DAMEs for issue of class 2 medicals, and where specialist opinion is required, CASA should at least listen to specialist opinion.

10. Passenger Insurance: AOPA calls for an industry-wide insurance scheme in the manner of the Civil Aviation (Carriers' Liability) Act (Cth) to be made applicable and exclusively so for all passengers in all Australian GA aircraft, with appropriate caps, whether paying passengers, students or otherwise.
11. EASA rules. The GA industry appears to be universally against this implementation. These rules are designed for and suit airline aircraft, not private GA. They are too complex for a typical small GA maintenance organization, and thus add more expense. Most GA aircraft are FAA type-certified. It is perverse and inappropriate to adopt European Rules.

Other Pacific nations, including NZ (which has a thriving GA scene), use FAA regulations. In fact it is our belief that Australia should align ourselves with NZ, in regulation of individuals (not organizations), training and qualifications, and with inspection authorizations. (See paras 3.2.1, 3.2.2, and 3.2.3

D. Conclusion. As in many areas, over many decades Australia has developed its own systems and regulations because it was argued that "Australia is different". We've had our own DME, an attempts at our own MLS and modifications to GPS, and rejection of WAAS. Despite the fact that our flying environment of terrain, weather, and traffic density is favourable compared to the USA or Europe, CASA has developed a set of regulations that is too complicated and is not in step with other countries in our region. We have dual air traffic control systems, and more military-restricted airspace than the USA.

The result is too often that pilots, charter operators, and maintenance people just give up. "It's just too hard."

Without a radical revision, it seems that GA will follow so many other Australian industries into oblivion, taking jobs, opportunities, and skills with it. The prospective GA pilot faces problems with access to airfields, high costs, and a far from appealing ageing aircraft fleet. The aircraft owner faces a frequently hostile airport owner, shortage of licenced maintenance engineers, rising maintenance costs, increased

paperwork, and such uncertainty with both CASA and airport owners that it is difficult to obtain finance to purchase new aircraft.

In contrast, Ultralight aircraft have prospered in a realistic regulatory environment

Perhaps addressing the individual problems with CASA would go a long way towards easing this situation. However, it is with some regret that our organization has come to the conclusion that continuing to patch up problems is like renovating a house with rotten foundations. You spend twice as much time and money and at the end of the day you still have an old house. We now believe in nothing short of a clean sweep of the old, and adoption of FARs, as has been demonstrated by NZ's adoption of the FAA GA model about 17 years ago. It is fact that since then, NZ's GA has outstripped Australia's.

We have heard it said that where it takes a wheelbarrow to carry a copy of all regs pertaining to GA, New Zealand's can be carried in one hand. This may be an exaggeration, but it is not an exaggeration to say that adoption of the NZ regulatory system for GA would improve the prospects of GA's survival.

A reversal of disastrous government policy on airfields is also a high priority. Fix CASA (by adopting the NZ system) and make airfields back into airfields, and all the other problems will seem minor.