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Submission to Aviation Safety Regulation Review – 30th of January 2014

Recreational Aviation Australia (RA-Aus) is delighted that the Honourable Deputy Prime Minister Mr Warren Truss has initiated the Aviation Safety Regulation Review. As Australia's largest recreational aviation administration organisation (RAAO) we are pleased to submit the following to the review.

RA-Aus is responsible for administering the operation of some 10,000 members and approximately 3,500 aircraft in the recreational aviation space. With significant operations in this spectrum of the aviation industry we are particularly interested in the safety of our members and the general public who may be affected by our activities. With this in mind we feel the current system of regulatory reform leaves room for improvement.

In recent years we have experienced a number of accidents that have, unfortunately, resulted in fatalities. As an RAAO we are not always afforded the benefit of having these accidents investigated by the likes of the Australian Transport Safety Bureau which has considerable resources and authority in comparison to ourselves. In many cases our limited resources are stretched when conducting such investigations leaving us with less satisfactory results in terms of identifying causal factors.

On occasion our ability to contribute to accident investigations has been hampered by a lack of authority or legal standing. State police investigate accidents involving RA-Aus aircraft on behalf of the coroner, with a focus on establishing the cause and circumstances of death. The involvement of RA-Aus in such investigations depends on the willingness of state police to facilitate our participation. While RA-Aus works hard to develop and maintain good relationships with police in all states it remains the case that the quality of these investigations, and the coronial recommendations that arise from them, is patchy. Due to the lack of expertise some of the coroner's findings will lead to less than optimal safety outcomes.

Given our limited resources and lack of legal standing coupled with the potential for improved public safety outcomes, we submit that the ATSB should be tasked with investigating all fatal accidents involving aircraft, regardless of which sector of the aviation industry the aircraft belongs to.

Furthermore, we have found when our resources are devoted to such investigations the outcomes may be largely overlooked by other regulatory agencies when addressing the factors that may lead to accidents. In recent times the Civil Aviation Safety Authority (CASA) has imposed new

maintenance requirements on RA-Aus aircraft and owners that we believe will simply result in higher costs and little or no safety dividend. In this instance our limited resources will be once again strained in terms of providing the required expertise where needed (we feel that a stronger focus on human factors would provide a much better improvement on safety).

Moreover, there is a risk that by imposing greater costs on this sector of aviation some participants may operate outside of the regulations altogether. By its very nature it is difficult to estimate the number of pilots and aircraft owners already doing this but anecdotal evidence would suggest that it is already occurring. Increasing the numbers of people operating this way will certainly not have a positive safety outcome and will also increase the costs of regulation in terms of identifying these individuals and enforcing the rules.

It is also worth noting that recent regulatory reform has not been handled well. A good example of this is the introduction of the new recreational pilots licence and accompanying changes. With many in the industry not understanding how the new regulations worked, what was required of owners, operators and businesses, how the changes would affect individuals, and so forth, the introduction of the changes left many confused about their responsibilities and obligations. This lack of understanding by those affected is likely to result in widespread non-compliance and once again, possibly have a detrimental impact on safety.

Much of this has had a negative impact on employment within the industry as well. The recent grounding of RA-Aus aircraft due to procedural and paperwork issues has had significant consequences for the recreational sector in Australia affecting manufacturers, maintainers and flying schools alike. While the employment impacts of this may be secondary to the terms of the Review it is worth considering the safety implications of this. Fewer maintainers may result in lower maintenance standards as pilots and owners are forced to do tasks they may otherwise have engaged a professional to do. Indeed, some individuals may even do tasks they are not qualified or authorised to carry out at all. Fewer schools may result in a reduction of the number of appropriately skilled pilots to carry out commercial operations thus lowering the standard of those engaged to do this type of work. This is especially relevant given that a growing number of commercial pilots are starting their flying careers as RA-Aus student pilots.

RA-Aus also questions the efficacy of Airport Security Identification Cards (ASIC) on both aviation safety and aviation security. Much of the flying done by recreational pilots is done from smaller airports across regional Australia and in many instances from private fields. This is especially so for RA-Aus. Despite this the requirement to hold an ASIC still exists for most pilots since a security controlled airfield may be the only location from which to obtain fuel, professional maintenance services, flying instruction, etc., adding a significant cost to the industry. For RA-Aus members alone the cost is in excess of \$0.8 million per year. If these costs were redirected to training, education or other activities the safety implications would be much greater.

It may be argued that the requirement for ASICs has contributed to Australia not having been the subject of such attacks that took place in the US in 2001. That argument may have some validity at major airports such as Mascot, Tullamarine, Brisbane, etc., however, recreational pilots rarely operate from those locations thus imposing a cost with no benefits whatsoever. Extending the requirement for ASICs to every airfield in Australia that has scheduled passenger flights imposes a significant additional cost, not only on pilots, but also on airfield operators who must provide and

maintain extensive security infrastructure at airfields that in some cases might see less than a dozen aircraft movements per week.

Further deficiencies in the ASIC system include anecdotal evidence of high levels of non-compliance, and enforcement that appears to be entirely absent at regional and remote airfields. These factors, combined with the dubious assumption that a criminal history check can provide any indication of a propensity to commit a crime or a terrorist act using an aircraft, result in an ASIC system that provides a perception of increased safety and security without actually delivering any real benefit. At the same time the costs of this perceived safety improvement are borne by industry, law abiding pilots and passengers and even the general public through their tax contributions.

In summary, the current processes used for regulatory reform have little or no regard for some of these flow on consequences of their implementation. We would like to see future processes implemented with more attention paid to these issues and a more collegiate approach taken by the regulators rather than the current approach which limits the available time to introduce new requirements with no consideration of longer term effects.

It is also worth considering that safety reform is not just a regulatory role, it requires resources dedicated to implementing safety measures and ensuring the desired outcomes are achieved. With many RAOs taking on the role of implementing reform rather than simply documenting it (RA-Aus for example administers around 10,000 members and some 3,500 aircraft) it is worthwhile considering the public benefits of properly financing these organisations and reviewing the funding arrangements to ensure safe operations continue into the future. Currently RA-Aus receives around \$12 per member from the public purse, hardly a convincing investment in safety.

We would also like to emphasise the need for a light handed approach to regulation of non-commercial aviation activities in Australia in order to encourage new participants into the sector and allow the industry to grow without unwarranted bureaucracy. New growth and invigoration of the industry will allow quality training, maintenance and other activities to take place in Australia and further enhance the safety record of all participants and the general public.

RA-Aus is concerned that the CASA will continue to move from a safety Authority role when it partners with industry, both financially and with professional assistance, to promote and develop flight safety, to a primary role of safety regulator introducing more rules and regulations. We have noticed a trend towards CASA strengthening its policing powers, this was highlighted by CASA's briefing to industry that 'intent' was to be removed as a defence for any rule or regulation breach. RA-Aus wishes to be a partner with CASA in its safety development program, we would not like to see this role progressively change to one where we were effectively working with a version of a civil aviation police department.

We would like to see CASA focus on the development of flight safety, to assist our industry in this task and to introduce more realistic industry supported rules and regulations. We would like to see CASA's role to support and assist Australia's civil aviation industry be expanded and its role not restricted to one solely of industry management and control.

Regards,

Recreational Aviation Australia Board.