Sport Aircraft Association of Australia
Submission to
Aviation Safety Regulation Review

The Sport Aircraft Association of Australia (SAAA) is a not-for-profit organisation that was founded in 1955. We have a current membership of 1500 members but have had membership as high as 3500 in the past which is an indication of the overall decline in Australian aviation over the past few decades. Sport aviation is approximately 30% of General Aviation in Australia and is one of the few growth areas in aviation in this country. Our core business is to assist members to build, maintain and operate predominantly amateur-built aircraft in accordance with the Australian aviation regulations. We encourage our members to assist each other to follow good aviation practices, and, as a safety outcome based organisation, we have developed various means of technical assistance and training to ensure the safest outcomes for members. The organisation is run by a volunteer National Council and a salaried General Manager with administrative support at our head office on Narromine Airport NSW.

The SAAA is not a CASA Approved Recreational Aviation Approved Organisations (RAAO) in the sense that the Gliding Federation or RAAus are, in that they register aircraft, issue pilot licences/Certificates, issue Maintenance Authorities, etc. although we have been pending approval while waiting for regulation 149 to be enacted for close to 15 years now.
SAAA assists members by providing support and training to meet the current Regulatory requirements without any exemptions through the build phase, aircraft certification, test flights and Continuing Airworthiness delivery. The SAAA maintains a very proactive working relationship with the CASA sport aviation office (SASAO). The SAAA are delighted that Mr Warren Truss has provided a direct path for organisations and individuals to provide feedback on how we see the aviation industry as it relates to us.

The principal objectives of the review are to investigate:

1. **The structures, effectiveness and processes of all agencies involved in aviation safety;**

    a) DOTAR's, being the departmental portfolio for all transport matters, from our view is mostly silent; we see no directives or management in the industry apart from the Australian Security Identification Card (ASIC) which on the whole is seen as a waste of time and money by industry. Civil Aviation Safety Authority (CASA), Airservices and the Australian Transport Safety Bureau (ATSB) are supposed to work together to administer aviation in Australia. Is this effective? The answer, in our opinion, is it could be a whole lot better. It is our opinion this may be because of the lack of a functional government mandate for the management of aviation in Australia.

    Fundamentally if you ask someone to provide a safe outcome without a required scope of operation, the easy way to comply with the direction is to regulate so hard that the function ceases, ergo safe outcome. This is what is happening to private aviation in Australia by mandate of the Government.

b. The SAAA is extremely frustrated by the apparent lack of cooperation and progress of negotiations with CASA to improve the safety of operations for the sector. We experience long delays, (e.g. one project 'Flying Training' – referred to elsewhere in this document - for members in now in its 6th year) lack of response to specific matters that affect our members, and regularly receive conflicting responses from different levels of CASA management.

The SASAO section at CASA are challenged in the timely, efficient delivery of their tasks, the section appears to be under resourced to oversight the diverse and complex Recreational Aviation Approved Organisations - RAAO's.

Delays are compounded by lack of suitable regulatory framework that supports the Sports sector, the SAAA and it's members have to comply with the same rules set and risk management that is applicable to the commercial Regular Public Transport world that in the case of most other RAAOs are under exemptions. It's past time to make Part 149 which was subject to NPRM in 2007 and for most of the policy contained within was widely acceptable to respondents.

c. Recognising the importance of effective administration and oversight of the RAAOs CASA need to properly resource the SASAO with the right management structure and right blend of Inspectorate staff with clear definition of scope and role.

i) Present corporate structure has the Sport Aviation "Manager" position being filled by the Associate Director of Aviation Safety directly because of his understanding of the importance but then it is light years in a corporate structure sense to the next level which is a Team Leader position. We acknowledge and appreciate the important very senior management position the ADAS holds we however recognise he is in high demand with very little time to devote to the role of manager of this section.

ii) Another corporate problem is without the use of Part 149 or another suitable instrument, the apparent inability for other sections within CASA to be able to translate from the highly regulated 'type certificated' world of RPT to the challenges of applying lateral thinking to issues in the sport aviation environment. The current CASA Project CS 13/01 is a case in point when after submitting a comprehensive report in response to the project after more than 6 months, no formal response. CASA need definition of scope per operation, not all aviation need operate to the standard of Qantas as their global risk profile is a very small percentage of Qantas.

d. Given that this is such a large part of the aviation sector in this country, it is extremely disappointing that RAAO's are treated as the poor cousins by the government agencies tasked with overseeing them, sharing the airspace with other aviation sectors and maintaining the airport facilities for all branches of aviation into the future. Aviation is a National infrastructure the same as roads rivers and railways.

e. Other areas of CASA appear to be suffering high staff turnover, or have staff that cannot differentiate between commercial & private operations, and/or have no-one in charge willing to make any decision for fear of repercussions from other departments. CASA is therefore unable to manage outcomes in our sector of aviation (that have been identified by us and the Associate Director of Aviation Safety as desirable safety outcomes) that are well within the capability of the SAAA to deliver.

f. Over the years we have put many safety related proposals to ever changing CASA staff, engaged in negotiations, completed numerous tasks to satisfy the requests from CASA staff, which have occupied many thousands of hours of SAAA volunteer and paid staff's time; then had to start all over again with a new CASA staff member who has not been fully briefed. This leads to delays that are measured in years due to corporate knowledge at CASA being lost in the transition of staff. Meanwhile, CASA demands management stability of our organisation as a condition of a small amount of funding for the hard work that we do for aviation safety, but is not able to offer us the same in return.

2) **The relationship and interaction of those agencies with each other, as well as with the Department of Infrastructure and Regional Development (Infrastructure);**

a) The State Safety Program (SSP)

i) While there is a published SSP document which as of November last year is out of date due to the implementation of Annex 19.
ii) The document reads like a text book about SMS in parts but mostly it reads like a self-reflective feel good novel.
iii) The ICAO SSP concept as articulated in Annex 19 is the basis of how a State administers aviation oversight and reporting at the state level and internationally to ICAO.
iv) Such a SSP Program Document should articulate who is accountable and in the sub parts who is responsible for the component parts. The Document should state how the Program will work, what the component parts are and the overall performance goals are set and measured. It will state the role of CASA and other Departments in the overall delivery.
v) If an effective SSP existed any inter departmental 'turf wars' as we have witnessed in the past few years will be evident immediately and action taken to remedy the situation.

Suffice to say the SSP should be the driver of the oversight delivery not the other way round.

b) At a more local level, there is are many and frustrating rules that cover the management of general or sport aviation in Australia, for a private aviator life is quite complex, as there are directions and standards being applied from differing agencies using differing methods and standards.

i) An example is the ASIC card that DOTAR's mandated in 2006. This Aviation Security Identification Card was produced in reaction to the 9/11 bombings in New York. The discrepancies for the implementation and management of this card are as follows;

(1) Government think tank recommendation was that the card would be expensive and ineffectual, DOTAR's disregarded this advice.
(2) CASA Aviation Verification Licence AVID provided same outcome but was not accepted due to standardisation of security system?
(3) ASIC is 2 years validity compared to Marine Identity Card 5 years goes against standardisation argument.
(4) Airports are now fenced off to aviators and public alike due to perceived risk of terrorism; of which there has been no known example in Australia. For risk to be mitigated it must be quantified. Perceived risk cannot be quantified so therefore cannot be mitigated.
(5) It should be recognised most sports aviators do not fly into Primary Certified Aerodromes very often and in the case of RAAus and GFA aircraft very rarely, therefore the exposure is extremely low. If one completed a Risk Analysis of such a scenario the result would be negligible. The entire security question is laughable when one witnesses a 6 foot chain wire fence for about 100 meters either side of the country aerodrome terminal then for the rest of the airfield a 4 strand cattle fence.

On balance there is a case to evaluate the effectiveness of the ASIC Card and subject to the outcome, consider removing the requirement completely for the GA & sports aviation sectors in light of all the securities measures in place. Other examples for consideration are;

(1) consider alignment with the Marine ID card time frames.
(2) oversight by the AFP after you are a known aviator in their system under the CASA AVID licence, any conviction against a person will surely come up on their database.

This example is testament to the fact that these agencies do not cooperate or collaborate, clearly non-aviation experts in DOTAR's had decided on the risk for the aviation sector with no analysis and little to no consultation to back their argument. This is not the only case like this, the national infrastructure of airports within Australia is another example of a single group making national decisions with little knowledge or idea of the impact to the Australian people.

3. The relationship of the SAAA with the Australian Transport Safety Bureau

a) In the past, the ATSB has not shown much interest in amateur-built aircraft accidents and incidents, with very few examples of ATSB reports of amateur-built aircraft accidents being available to learn from.

b) The relationship with the ATSB over the past few years has improved greatly - with the ATSB now investigating a lot more of the accidents and incidents that occur in the sport aviation sector of the industry. The SAAA has in place a support network that is working with the ATSB accident investigation staff to assist wherever possible in the investigation of aircraft accidents.

c) The lessons learned from the incidents are then shared with the SAAA members so that they can put in place barriers to prevent them from having the same sort of accident. Not having factual ATSB reports in the past has led to some interesting Coronial reports being written, with little or no technical input from knowledgeable individuals, that in some cases are obviously flawed. No safety outcomes are learned from such fiction.

d) The ATSB has produced a report on amateur-built aircraft accidents (mentioned elsewhere in this submission) that supports the SAAA's need for transitional training & pilot proficiency programmes in AB(E) aircraft as well as improved design and maintenance of those aircraft in order to improve the accident and injury rates in AB(E) aircraft.

4. The outcomes and direction of the regulatory reform process being undertaken by the Civil Aviation Safety Authority (CASA);

a) Sport and recreational aviation has been partially managing their sector of aviation since 1949 when the then director of aviation Sir Donald Anderson initiated self-administration of aviation. Regulations at that time were known to be produced for commercial aviation, and under self-administration organisations operated with many exemptions that better aligned their needs with the rules. This has continued right up to today with long known success.

b) CASR part 149 has been in the making for more than 15 years now and is supposed to be the legal regulation to enable self-administration of Sport and Recreational aviation to occur without the need for exemptions, exemptions in simple terms are an allowance to operate illegally and have wide reaching implications to the public and government alike. Without a legal basis to operate, the self-administration model is both unable to manage and being forced to manage at the same time, this adds to the confusion and frustration.

c) Many outcomes of the regulatory reform process have been detrimental to private aviation in that the commercially needed regulations always gained precedence. This has had the generally unintended outcome of forcing private aviation to comply with commercial standards by stealth, if you include that there is no mandate by the government to foster and encourage aviation development and growth, you can see that private aviation is being choked out of all opportunity to prosper.

d) For private transport in boating and automobiles we have an acceptable risk level for the sector, yet private aviation is expected to comply with the highest commercial standards. It's a bit like asking a weekend fisherman to comply with the rules of the Queen Mary cruise liner. Therefore the CASR's.

e) Part 149 and complementary Parts 103, 105 and 115 **must** be written in such a way as to ensure that they are relevant to the sport aviation sector; without the need for the RAAO's to have to comply with several other CASR's rules subsets that are intended for the airlines and a much higher risk profile, or apply for numerous exemptions (which would defeat the purpose for having a separate section of CASR's in the first place).

f) Unless there is a major change in policy direction, the cost of compliance with all of the CASR's, as currently written, will place an unnecessary financial burden on all RAAO's. This money has to come from somewhere and it is not fair to expect Australian sport pilots to have to pay for artificial administrative burdens that are not relevant to private sport aviation activities - RAAO's are not airlines and do not have the level of income or professional full time staff to support such unnecessary rigor that will have little or even a negative effect on safety outcomes.

Regulatory reform process

g) Regulatory reform process is observed as dysfunctional and as demonstrated in the implementation of Parts 61, 141 and 142, it is wasting a huge amount of time and money. A skeletal rolling change system would have had regulations in place 10 years ago with reference to old subject to the new being implemented. Why buy a rolls royce when a commodore will do.

h) Pilots find it difficult to keep up with ever changing regulations from multiple agencies, and this can affect safety as people adhere to different, out of date procedures.

Maintenance Authority (MA)

i) Currently SAAA members maintain their aircraft, under an Instrument which is generally valid for 2 years. CASA has in the past issued a new Instrument riddled with errors that was unusable, then, had two or three attempts at getting it right.

ii) The current Instrument was not issued until well after the previous one expired. This resulted in a period of time (approximately one month) in which no maintenance could be carried out by the owner builders of amateur built aircraft; this led to an estimated 50 aircraft per week becoming grounded due to an inability to sign for maintenance, or issue a maintenance release for the aircraft concerned.

iii) The SAAA is concerned about CASA's capacity to manage the accurate re issue a simple legal instrument without reminders from industry.

iv) As part of our consultation with the regulator the SAAA has offered to proof-read Maintenance Authority Instruments and other like documents that affect amateur-built aircraft operations for CASA before they are issued - the offer for a proof-read is rarely

taken up by the CASA staff. This non-cooperation on the part of some CASA Officers/Sections in this regard is of great concern.

MA Solution

SAAA has provided CASA with a solution to the issue.

(1) Replacing the broad Maintenance Instrument approval with a SAAA issued MA under a delegation issued by CASA removing the need for instrument reissue.

(a) SAAA has demonstrated sound leadership and technical excellence in designing and delivering the MPC courses over a number of years (First course was 2007).

(b) With suitable delegation the SAAA could expand this training capacity to include a number of courses designed around obtaining a specific maintenance approval for each individual and his/her aircraft. This has been a long-term goal of the SAAA to gain approval as a maintenance training and assessment organisation.

(c) This proposal removes the need for CASA issued Maintenance Instruments (incidentally there is currently no testing or management of maintenance permissions by CASA).

(d) SAAA will then also be able to manage the maintenance risks that currently have no oversight or training.

New Technology

CASA has demonstrated limited capacity to cope with new technology (*Use of iPADs as Electronic Flight Bags (EFB) is an exception - maybe it was pressure from airlines)*The very nature of Amateur-Built (Experimental) aircraft - AB(E), means that our members are striving to push the boundaries of what latest innovation is available to fit to their airframe or engine, however CASA struggles to keep up with the ever-changing world of new technology and remains stuck due to their mandate of maintaining an approved system, this system is designed for the airline industry where many aircraft are used by a company and all are same or very similar. Private aircraft like private cars are very personal in look and function.

Electronic Flight Information System (EFIS)

One example of this is the Electronic Flight Information System - EFIS displays, or “glass panels” that are available at very reasonable cost. The accuracy, reliability, navigational plus radio system integration and pilot interface display capabilities of the new EFIS displays are such that situational awareness for the pilots flying aircraft fitted with these displays is dramatically improved when compared with the more conventional analogue instrumentation that has been used in the past. Also significant is the reduced weight of the EFIS & its associated sensors when compared to the analogue pressure & vacuum instruments it replaces - this makes it highly desirable to fit an EFIS so that the weight saved can yield greater payload or aircraft performance.The global market (allied with the information that is freely available about any product via the internet) has driven “shonky” suppliers out of business and this has been a good thing, as those that remain produce very reliable and accurate EFIS and associated avionics / electronic hardware.

Despite the fact that the electronics have proven themselves over a number of years, there is push-back from the avionics sector of the industry in Australia to muscle CASA into preventing the sport aviation sector from using the equipment in certain flight conditions due to the equipment not being TSO'd - that is it doesn't meet a technical standard.

In response to CASA Project CS 13/01 SAAA has provided CASA with a strong safety case to demonstrate that the equipment is able to meet or exceed the accuracy and reliability standards required of a TSO'd instrument system. This case is supported by the fact that the FAA allows the operation of such equipment in the USA, in that the Amateur Built Aircraft and their equipment have been given Airworthiness approvals based on demonstrated performance and reliability, this application is no different.

While SAAA is yet to receive a response to this comprehensive report after more than 6 months, CASA still considers non TSO'd EFIS panels unacceptable in aircraft that operate under the Instrument Flight Rules - unless they are fitted with a full "Six-Pack" of TSO'd standby instruments. SAAA has argued that provided that the aircraft is fitted with sufficient standby flight instruments to prevent loss of control in Instrument Meteorological Conditions - IMC, then IFR flight permissions should be granted to aircraft fitted with non TSO'd EFIS displays.

Certified GA aircraft, such as the Cirrus range, have in addition to their glass panel EFIS displays only three standby analogue instruments - Airspeed, Altimeter and Attitude Indicator; these are fitted for the extremely rare case of both glass screens going blank in flight to allow the pilot to fly with a partial panel and retain control of the aircraft in IMC. CASA's argument that the non certified AB(E) aircraft operating with IFR permissions needs to have a full six-pack of standby flight instruments is not logical, equitable or fair - in that it exceeds the amount of stand-by instrumentation for a certified GA aircraft simply because it has non TSO'd glass panels - this just does not make sense. A suitably trained IFR rated & current pilot ought to be able to fly an AB(E) aircraft in IMC with the same number of stand-by TSO'd flight instruments as a certified GA aircraft in the same situation of double blacked out EFIS displays - that is the 3 instruments described above - not the six pack that CASA is insisting on.

To compound the mystery CASA permits the use of non TSO'd EFIS systems for Night VFR operations without any back-up instruments at all - provided there is a back-up battery to power the EFIS display in the event of an aircraft electrical system failure.

To have to fit a full six-pack of standby instruments in addition to two EFIS displays is simply not practical in the confines of an AB(E) light aircraft cockpit. It is unclear just why CASA is taking this stand, it may be pressure from the 'certified fleet's' maintenance people or avionics manufacturers.

Our members have systems that meet or exceed the capabilities of the certified EFIS systems, that are fitted at a fraction of the cost of a certified system; CASA & the certified avionics brigade are not recognising that tomorrows certified EFIS displays will come from the advances made by the experimental avionics fitted to today's AB(E) aircraft - innovation

drives the future of all industry and experimental aviation is one of the most innovative areas of technology advancement.

SAAA would like to also point out that before any AB(E) aircraft is given IFR permissions, it must first have completed a full VFR flight test programme then complete a full IFR test program.
The IFR test program includes checks for the accuracy, system integration (with the certified navigation & radio systems) and reliability of the EFIS panel & associated electronics. The aircraft's EFIS systems are checked and maintained to the same accuracy standards as the certified TSO'd avionics equipment and are subject to the same inspection and testing regime as the certified aircraft fleet.
Before each flight the EFIS display is checked by the pilot to ensure that the data being displayed is accurate & reasonable. There have been no known cases of AB(E) aircraft fitted with non TSO'd equipment losing control in IMC that has been attributed to the failure of the equipment. There have been many examples over the years of TSO'd flight instrument systems failing (sometimes with little or no warning) – too often with fatal results.

The SAAA requests CASA revisits the Project CS 13/01and apply some of the logic that allowed non TSO EFB in the cockpits of all the high and Low Capacity RPT aircraft in Australia, this decision must be supported by a safety case that is equal or better to the safety case put to CASA. For CASA to simply say no without supporting safety case is an insult to us.

The suitability of Australia's aviation safety related regulations when benchmarked against comparable overseas jurisdictions;

1) The Australian government mandate on CASA in Australia is to provide aviation safety only, there is no mention of the desired scope of development or operation. Other countries have far better options that allow the regulators to provide safety while still encouraging aviation to grow and prosper. For example;

   a. **United States FAA**; "Encouraging and developing civil aeronautics, including new aviation technology"

   b. **New Zealand CAA**; "Mr Brownlee says the CAA needs greater funding to do its job properly, including moving to risk-based regulation, ensuring New Zealand keeps up with aviation technology, and providing opportunities for innovation and economic growth." http://www.caa.co.uk/default.aspx?catid=2345

   c. **Canada TCA**; "Transport Canada were tasked by audit to base surveillance and regulation on risk analysis directly and that acceptable risk levels be promulgated to remove personal prejudices." "Education, promotion, and evaluation"; http://www.tc.gc.ca/eng/corporate-services/planning-rpp-2013-14-1009.htm

   d. **UK CAA** Functions of CAA. - The functions conferred on it by or under this Act with respect to the licensing of air transport, the licensing of the provision of accommodation in aircraft,

the provision of air navigation services, the operation of aerodromes and the provision of assistance and information; Civil Aviation Act 1982 (as amended) UK.

2) Transitional training in AB(E) aircraft as a defence against aircraft accidents.

In the later part of 2008 SAAA met with the then Manager in charge of Sport and recreational aviation oversight and discussed the possibility of transitional training in AB(E) aircraft as a defence against aircraft accidents. This request was based on the known challenges pilots face transitioning on to Sport aircraft; some have significantly different performance characteristics to what they were used to in the certified fleets. The request was well received and plans were formatted to progress the concept further with his support. Unfortunately this Manager resigned and the project stalled due total lack of engagement with the subsequent series of appointments.

In March 2013 the ATSB released AR-2007-043(2)

Analysis of accidents involving VH-registered non-factory-built aeroplanes 1988–2010

This report is significant for several reasons;

1) This report makes 16 conclusions
2) The SAAA worked closely with the authors to ensure the accuracy of the data and assessments in the report.
3) The SAAA indicated that it accepts the findings of the report
4) Only two organisations were cited in the **Safety Action - Section 8**
   a. The Sport Aircraft Association of Australia and
   b. ATSB

The ATSB for its part has maintained its commitment and provided routine occurrence reports to the SAAA and we thank the ATSB for their on going cooperation.
The SAAA is charged deliver the following;

1) Education of the SAAA membership on the risks that can be encountered in phase one flight testing.
2) Working with the Civil Aviation Safety Authority (CASA) to provide a legal framework for better training in amateur-built aircraft.
3) Initiating more detailed technical inspections prior to first flight to mitigate the risk of engine stoppages/failures.
4) More active involvement of the SAAA Flight Test Advisors prior to the first test flight of a new aircraft.
5) Working with CASA to allow a legal framework for suitably qualified pilots to give instruction in amateur-built aircraft both for the aeroplane flight review (AFR) and transition training for pilots (post-phase one).

Items 1, 3 and 4 have been addressed with member training and comprehensive pre final Inspections prior to CoA inspections.
In effect the SAAA has taken on the role of managing CASA in delivering clearly the most challenging issues, while being held up with the remaining;

1) Working with the Civil Aviation Safety Authority (CASA) to provide a legal framework for better training in amateur-built aircraft.

2) Working with CASA to allow a legal framework for suitably qualified pilots to give instruction in amateur-built aircraft both for the aeroplane flight review (AFR) and transition training for pilots (post-phase one).

It may have had a more effective outcome if the ATSB included CASA as the failure in the Safety Action items.

In the meantime SAAA is aware via reports from the ATSB and the United States NTSB that the highest majority of accidents occurring to Amateur-Built Experimental AB(E) aircraft happen during the first few hours of operation by the builder, or purchaser. This is because many AB(E) are custom made bespoke aircraft and can have very different performance characteristics from most certified aircraft pilots are familiar with. This is the nature of the category as it encourages development. Our solution follows the same thinking that the United States has taken to ensure pilots have proper transition training with an experienced person, in the type of aircraft they have built or purchased. Currently in Australia it is illegal to train in an experimental aircraft at all during the phase I flight test period, and is severely restricted outside of the flight test period due to AOC and flying school operational manual limitations related to non certified aircraft and their duty of care to employees, thus preventing pilots from gaining transition training legally in AB(E) aircraft. The US FAA has a system in place to approve certain ABE aircraft for use in transition training. The FAA & NTSB in the United States of America has recognised the need for proper effective transitional training in amateur-built aircraft and has enabled specific instructors to conduct that training. One of our members has submitted a summary of how the system adopted in the USA could be of benefit in Australia - **Refer to Annex A** (Insert Fred Moreno's submission as annex A).

It is SAAA National policy to pursue suitable transition training for members and while the project that started in 2008 has been restarted in 2012 conflicting guidance and basic inertia from various CASA officers have resulted in several false starts and complete rewrites of submissions. Presently the project is frozen as Part 61 and Part 141 have been delayed until September 2014; we again wait to see the outcomes of this review in the meantime.

3) Australian Aviation Regulations

Safety Management Systems

Practical application of the most basic principles of SMS is not evident within CASA in the daily administration of the sport aviation. Two cases in point;
About 10 years ago the SAAA identified the fact that the standard of Continuing Airworthiness Management (CAM) of the Amateur Built Aircraft (ABA) fleet was well substandard. We researched the reasons for this and discovered Operators who were the builders had gained the authority to maintain the aircraft by virtue of the fact they built greater than 51% of the aircraft, this does not attest to any real competence to maintain yet the operators are allowed via the exemption. This fact was highlighted to CASA without any response. The SAAA observed poor maintenance practices, no maintenance planning, non-compliance with ADs and service bulletins, very poor maintenance records to the extent that CAR 30 Maintenance Organisations would not entertain working on Amateur Built Aircraft due to the lack of sound records and a generally poor understanding of obligation and regulation.

The SAAA identified the root cause was blissful ignorance of the requirements and best practice in maintaining such aircraft. SAAA drafted a training program called the Maintenance Procedures Course (MPC) to equip the builder to with the knowledge necessary to manage the CAM and perform maintenance to best practice standards. At this time the SAAA had no approval or mandate to enforce members to attend. Members came to the courses at their own expense and with no understanding that there was any outcome, only to learn more.

Once the first 200 members had been trained the SAAA approached CASA to include the condition in the Maintenance Authority (MA) to reflect the successful completion of a MPC as a requirement. While the Sport Administration at the time agreed it was a good idea and well overdue, It took another 3 years and 3 separate drafts before the condition was included in the MA.

SAAA pointed out to CASA Sport Administration the importance of informing the other non members of the changed conditions and that it was CASA's responsibility not SAAA. It took three reminders before a letter was sent to all ABA registered Operators that letter was issued **a year and a day after the changes were made**.

SAAA does not know what is causing this sort of delay, it may be;

i) internal role confusion as to just who is responsible for the oversight, it is certainly not SAAA, the compliance oversight rests with CASA;
ii) poor communications internally;
ii) staff workload.
iii) poor management

Australian Aviation Regulations are framed in terms of offences of strict liability. Pecuniary action seems to be the basis to our regulations, in so far as each direction of regulation or breach of a rule must have a punitive cost associated with it. This does not encourage people to comply and is contrary to the teachings of an open safety culture. The threat of a gaol term does nothing to foster an open safety culture. People are more inclined to hide their errors than discuss, share and learn from their mistakes, as there is currently a climate of fear & retribution generated by such severe fines and penalties. Surely the Australian aviation community are seen to be mature enough to act in a responsible manner.

Accidental breaches of the rules should be dealt with through education, training and assessment; whilst anyone that deliberately breaks the rules and regulations or is a repeat offender should get assessed and disciplined by the regulator. The current culture enshrined in the regulations, which seems aimed at proving guilt and fining individuals rather than improving the safety of all participants, does not foster a good reporting culture when accidents & incidents occur and will have a negative impact on the safety of future aviators.

IN SUMMARY

The SAAA acknowledges this Review is a once in a generation opportunity to address the systemic issues that contribute to CASA's overall poor performance in the oversight and administration of the Sport and Recreational Aviation activities in Australia over a long period of time. Indeed action and inaction by CASA certainly over the past 10 years has hindered the maturing of the Sport and Recreational Aviation administration body's ability to be a part of safety management of their sector or grow from groups of enthusiastic "amateurs' to well informed, mature, proactive bodies with common goals, 'Generative Safety Cultures' within the Organisation and the members.

The main areas of concern are;

1. **Government Mandate for Sport Aviation**
   The present mandate is to provide maximum aviation safety, this is a simple statement that encourages a simple reply, a simple answer is to stop aviation ergo safe is accomplished. The SAAA suggest that a scope of "foster and encourage aviation with safety being the primary outcome" would encompass what society desires and enables all other regulatory functions to be correctly managed and directed. From this all other issues flow and many can be averted based on the primary directive.
2. **CASA management of Sport Aviation**;
   Presently for sport aviation to gain any traction at all the ADAS must hold the position of Manager Sport Aviation, in this role the team has doubled in size from any prior management group and still remains functionally incompetent. Sport aviation constitutes 30% of general aviation and must be provided resource to draft and manage the legislation relative to the sector, conduct audit and safety education, conduct compliance and enforcement and manage the extremely broad risk profile of the sector. In all other areas of society each one of these elements would require a single specialist with a team of support personnel yet the sport aviation area manages with no regulations to support, no funding and no clear directive as to their management requirements. The Minister must provide a directive of scope and resource to manage such.

1) **Minister intervention to force timely and correct change;**

   a) The SAAA requests CASA revisits the Project CS 13/01and apply some of the logic that allowed non TSO EFB in the cockpits of all the high and Low Capacity RPT aircraft in Australia.
   b) Resource and direct a project to consider the application and empower the SAAA deliver the Flight Training project it initiated in 2008.
   c) Resource and direct a project to consider SAAA to manage the delegations on behalf of CASA necessary to deliver trained Authorised Persons for the issue of Certificates of Airworthiness for experimental aircraft.
   d) Resource and direct a project to consider S SAAA to manage the delegations on behalf of CASA necessary to issue Maintenance Authorities to members
   e) Mandate that all Amateur Built Aircraft builders and operators operate within a management stream of SAAA or a like organisation so that adequate standards are maintained and thus funds are available to deliver the proposed programs.

2) **The Government review the State Safety Program (SSP)**

a) The SSP concept as articulated in Annex 19 is the basis of how a State administers aviation oversight and reporting at the state level and internationally to ICAO.

b) Recommend the Government overhaul the SSP and use it to administer all aviation activities in Australia not as a spectator role it takes at present.

The SAAA request the opportunity to meet with this review panel to discuss the various options canvased here and again congratulate the minister on this very important review.

Kind Regards

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