

Community Service Flights Senate Inquiry – Questions on Notice – Collaboration with ATSB Safety Campaign “Don’t push it, Don’t go – know your limits before flight”.

Question:

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CHAIR: Just on that, ATSB has produced a document. Given that that is the No. 1 cause of accidents, did you take any steps to distribute that document to your pilots?

Mr Monahan: Sorry, which document are you talking about—the mishap report or the VFR information?

CHAIR: No, the new brochure that they just tabled. We're just going to get you a copy now.

Mr Monahan: I wouldn't know. I'll have to check with our stakeholder engagement to see if we did. But, if not, it's something that we can certainly make a link to.

Mr Crawford: We do provide a lot of guidance material around human factors. We did something like 220 aviation safety seminars last year. That's where we go to remote locations—in fact, we're doing one in Rockhampton next week—and we get local pilots to come and we try to educate them on the risks. If you go to our website, we've got a number of tools, like 'Safety behaviours: human factors'. We have a lot of material actually available to the pilot community that they can utilise to their advantage.

Mr Monahan: I see this ATSB document was updated last month, so I can check with our stakeholder engagement. We'll certainly try to get it out. As you mentioned earlier, we have access to pilots, through our database, to be able to inform them to go to the website and look for things.

Mr Crawford: We may even be able to put an electronic version onto our website as well.

Mr Monahan: We can look at that.

Answer:

CASA promoted the ATSB's safety campaign message by:

- publishing an article “For safety’s sake don’t push it: ATSB” on the Flight Safety Australia (FSA) website. There are approximately 2,900 subscribers to FSA who receive an email alerting them to a new article being published.
- promoting the campaign on all our social media channels – approximately 80,000 followers across all the various platforms
- promoting the campaign at AvSafety seminars (8,699 people attended Av safety seminars last financial year)
- producing a more detailed article on “Visual Flight Rules into Instrument Meteorological Conditions” for the FSA summer edition (due for distribution in December 2019).

Community Service Flights Senate Inquiry – Questions on Notice – ‘Initial thoughts’ on CASA’s approach to the application of the proposed amendment to section 9A of the Civil Aviation Act

Question:

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Senator PATRICK: When the new bill [*Civil Aviation Amendment Bill 2019*] comes through, how do you intend to change the approach of CASA? Maybe that's for Mr Crawford.

Dr Aleck: May I take that on notice? The analysis of what sorts of things you take into account and how you weigh them up is not, strictly speaking, a legal issue.

Senator PATRICK: Sure.

Dr Aleck: What we're looking at now is: what would our obligation be if those provisions become law? Bear in mind that they are prefaced by: 'subject to the safety requirements'—

Senator PATRICK: Of course. Safety is paramount.

Dr Aleck: Right.

Senator PATRICK: But now there's a new consideration for you.

Mr Crawford: Yes, and we're well aware of that.

Senator PATRICK: I think the committee would be interested in your initial thoughts on that, even though the legislation hasn't gone through the lower house.

Answer:

CASA is carefully considering the most appropriate approach to take in relation to the requirements set out in the proposed amendment to section 9A of the Civil Aviation Act. We are doing so with a view to giving meaningful and fair effect to those provisions, if and when they should become part of the law. In developing this approach, CASA has regard to:

- (a) the scope of the proposed amendment, which focuses on the development and promulgation of *aviation safety standards* under paragraph 9(1)(c) of the Civil Aviation Act, noting that 'aviation safety standards' is a defined term in the Civil Aviation Act;
- (b) the object of the proposed amendment, which is recognised in the Explanatory Memorandum accompanying the bill as reflecting existing regulatory practice;
- (c) the explicit provisions of the proposed amendment, which specify the matters CASA is expected to *consider* (namely, the economic and cost impact of the standards being developed and promulgated), and the risks CASA is expected to *take into account* when developing or promulgating aviation safety standards (namely, the risks associated with the relevant industry sector(s), which the proposed standards are meant to address); and
- (d) CASA's obligation to ensure that, in all cases, the safety of air navigation remains the most important consideration.

If the amendment as it currently appears in the bill is adopted, these 'initial thoughts' are expected to inform and govern the way in which CASA proceeds when determining the nature, scope and depth of the particular approach we will take in any given case to identify and evaluate the facts and circumstances relevant to the development and promulgation of aviation safety standards in that case.

Community Service Flights Senate Inquiry – Questions on Notice – Active Medical Certificates

Question:

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Senator PATRICK: So rather than telling us the number of pilots, is it possible to tell us the number of active medical certificates—and perhaps over the last three or four years?

Answer:

As at 4 September 2019, there were **46,352 active medical certificates**. They are broken down by class in the following table:

Certificate Class	Number
Class 1*	20,718
Class 2	24,298
Basic Class 2	1,138
RAMPC	198
Total	46,352

* note: Class 1 medicals are automatically issued a Class 2 medical. The Class 1 figure has not been included in the Class 2 figure in the above table to accurately represent Class 2 only medical certificates.

A comparison of the actual number of active medical certificates by class by year is not achievable as not all the classes of certificates are renewed on the same day and some have differing validity periods. The number of initial and renewed medical certificates for the previous 5 years is available on page 164 of CASA's 2017-18 Annual Report <https://www.casa.gov.au/sites/default/files/casa-annual-report-2017-18.pdf>

Community Service Flights Senate Inquiry – Questions on Notice – AV Safety Seminar Statistics.

Question:

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Senator PATRICK: Can I get you to perhaps provide some further statistics on who turns up to your training sessions?

Answer:

	2016-17	2017-18	2018-19
Onsite Visits conducted	761	813	797
AvSafety Program Seminars *	178	212	221
Attendees Addressed	6,988	7913	8,699

** Seminar types include but not limited to Pilot seminars, engineering seminars, flight instructor workshops, organisation culture presentation and Gateway school presentations*

1,058
Activities

Aviation Safety Advisors - Activity Summary

Activity Location



Community Service Flights Senate Inquiry – Questions on Notice – Maintenance

Question:

Senator PATRICK: You know that before the parliament—and it's a government bill; it has passed through the Senate, which means it will pass through the lower house—there is a general direction from the parliament saying safety is paramount but you have to consider the effect it has on business operations as well. I put it to you: neither of the ATSB reports goes to maintenance. Can you provide a safety analysis that got you to the point of imposing this particular new criterion? I know Dr Crees has pulled out of flying because of that particular requirement. Where's the analysis that got you to that point? Can you please table that analysis. You must have done some. How did you pick that?

Mr Monahan: When you look at the average number of flight hours by private pilots in Australia, it's roughly 40 to 45.

Senator PATRICK: So you have this laid out in a safety case?

Mr Monahan: Yes. We'll provide that.

Senator PATRICK: A very simple question: can you provide that to the committee?

Mr Monahan: Yes.

Answer:

A risk was identified in the development of the instrument regarding the continuing airworthiness of aircraft used to transport community service flight (CSF) passengers. While the risk identified remained, the safety analysis and risk treatment evolved during the development of the instrument including changes in response to public consultation. The safety analysis considered the following:

Maintenance

Schedule 5 of the *Civil Aviation Regulations 1988* provides that the time-in-service between periodic inspections is to be 100 hours' time-in-service or 12 months, whichever is the earlier. However, for aeroplanes *below 5700 kg engaged in private operations* CASA has previously determined that this inspection may be performed annually irrespective of hours flown. This different treatment was adopted in light of data showing that only 10% of aircraft operated exclusively in private operations would exceed 100 hours in a 12-month period¹.

While the number of "CSF" aircraft affected by the instrument was likely to be low, the consequence of a maintenance failure in a high use private aircraft could be significant. On this basis, and in the interest of safety, CASA formed the view that setting a baseline standard for such flights would deliver a safety benefit for CSF passengers at minimal cost. The instrument does not create a new maintenance obligation, it effectively brings forward what would otherwise be an existing maintenance obligation and expected cost.

Federal Aviation Administration (FAA) Requirements

CASA also had regard to the United States (FAA) *Policy Clarification on Charitable Medical Flights*², on the basis of which the FAA issued several exemptions to charitable medical flight organisations granting relief from the requirements of those provisions of the Federal Aviation

¹ Data from Bureau of Infrastructure, Transport and Regional Economics (BITRE).

² *Federal Register*, Vol. 78, No. 36 (22 February 2013), pp 12233-12234.

Regulations that would otherwise have prevented private pilots from conducting such flights. In accordance with the FAA's policy, conditions are placed on the exemptions that are 'intended to raise the level of safety for these flights.' One of these conditions imposes higher aircraft airworthiness requirements. CASA considered the FAA's policy for charitable flights in the development of the CSF instrument.

Quantifying the Risk

The likelihood of a mechanical related occurrence increases as parts and components wear. A pattern of increasing failure rates with accumulated use is observable with improvement at times of planned maintenance³.

From 2008 to 2017 there was a total of 4,798 accidents, incidents and serious incidents classified as *Technical* in General Aviation out of total of 26,373 occurrences. Occurrences classified as *Technical* are the third most prevalent occurrence type with approximately one in every five occurrences attributed to a mechanical issue.

ATSB Occurrence Database⁴

Occurrence Types	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	Total
Operational	1,038	1,083	959	903	840	879	761	707	858	802	8,830
Airspace	714	611	525	592	564	575	468	454	566	602	5,671
Technical	433	463	485	512	528	434	481	481	503	478	4,798
Consequential events	348	378	346	360	380	338	341	382	383	291	3,547
Environment	343	384	407	349	314	313	300	317	354	390	3,471
Infrastructure	7	5	6	7	8	6	4	4	6	3	56

ATSB Occurrence Taxonomy – Technical⁵

Airframe	Power plant/propulsion	Systems
Doors / exits	Abnormal engine indications	Air/pressurisation
Furnishings and fittings	Auxiliary power unit	Anti-ice protection
Fuselage / wings / empennage	Engine failure or malfunction	Avionics / flight instruments
Landing gear / indication	Propeller / rotor malfunction	Datalink (RPA)
Objects falling from aircraft	Transmission and gearboxes	Electrical
Windows	Other	Fire protection
Other		Flight controls
		Fuel
		Hydraulic

Risk Mitigation

CASA's view is that the carriage of CSF passengers requires a higher level of risk mitigation than carriage of passengers on an ordinary private flight.

The development of instrument CASA 09/19 identified a higher than acceptable continuing airworthiness risk where an aircraft used for a CSF could be flown for an indeterminate number of hours without a maintenance inspection. This risk was not considered acceptable when combined with other risk factors present in CSF such as, potentially low pilot experience,

³ MacLean L, Richman A, Hudak M. 'Failure Rates for Ageing Aircraft'. *Safety* (February 2018) Vol 4, No 7.

⁴ ATSB interactive tool. See <https://app.powerbi.com/view?r=eyJrljoiNzEzMTk5ZTItMTQyMy00ODM4LTg1ODQtODJkZTQ2ODc2ZTg4IiwidCI6Ijlk3MzFmOTg3LTg1MDEtNDk5Ni1iZDI3LTBhMGEyY2Y2YzhjYiJ9>.

⁵ Appendix B – ATSB Transport Safety Report Aviation Research AR-2018-030 Aviation Occurrence Statistics 2008 to 2017.

minimal recurrent training in emergencies and the absence of system-based safety defences and operational controls. CASA considered that it was not acceptable to continue to expose CSF passengers to this elevated risk.

CASA’s Proposed Safety Standard – Community Service Flight, dated December 2018

In preparing the draft instrument, further consideration was given to the certification and maintenance requirements applicable to other Australian operations with similar levels of overall risk such as flight schools with a student pilot, parachuting aircraft carrying fare paying parachutists and scenic flights with fare paying passengers. CASA compared the risk profile of these operations together with the applicable maintenance requirements in consideration of whether similar requirements should apply to CSFs. CASA concluded the maintenance requirements applicable to parachuting operations would be an appropriate minimum baseline standard for CSF as they are both private operations where the passenger profile has commercial like elements. These requirements were then amended in response to feedback received during consultation.

Impact

The impact of the maintenance provision in the CSF instrument will vary depending on what other types of operations the aircraft is used for in addition to CSF and how often the aircraft is used⁶. If an aircraft exceeds 100 hours flight time before the annual inspection is due, and the owner wishes to continue to conduct CSF flights, the instrument would require that the annual inspection be brought forward.

The impact of the provision for aircraft being used for CSF was assessed as outlined in the table below.

Types of operation	Impact level
Aerial work, charter or RPT operations + CSF	Nil.
Private operations (including CSF) < 100 hours per year.	Nil.
Private operations (including CSF) > 100 hours per year. (applies to 10% or less of private aircraft)	Approximately \$250 per month for each month the 12 month inspection is brought forward (see example below)

Example: The 100 hourly inspection on a single engine aeroplane, that does not require remedial work or additional maintenance, is typically \$3,000. Therefore, if an aircraft needs an inspection every 11 months, rather than 12 months, it will in effect be incurring an additional cost equal to the \$3,000 price divided by 12 (months) which equals \$250.

Safety risk analysis

The safety benefits of these measures significantly outweigh the restrictions imposed. These actions are consistent with CASA’s regulatory philosophy where air safety is not compromised, and the proposal reflects a reasonable and proportionate risk-based approach.

⁶ Data from BITRE shows that the average number of flight hours by private pilots in Australia is around 40 to 45.

Community Service Flights Senate Inquiry – Questions on Notice – Regulatory Impact Statement

Question:

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Senator PATRICK: Was there a regulatory impact statement for this instrument that has been tabled?

Dr Aleck: No, there was an exemption for that.

Senator PATRICK: Who granted the exemption and on what basis?

Dr Aleck: I'm trying to remember what the acronym stands for. The office of—

Mr Monahan: best practice regulation.

Dr Aleck: The Office of Best Practice Regulation issued an exemption for that on the basis that the impact was considered to be minor.

Senator PATRICK: Is it possible also for you to table any correspondence you've had in respect of that exemption—so, basically, the request for the exemption and indeed the response? That might be another area that the committee would be interested in. And I presume that, after we go through this change in legislation, there would be a requirement—perhaps a more stringent requirement—for you to do a regulatory impact; those exemptions won't be quite as easy to get.

Answer:

Copies of documentation related to the request and response to the RIS is at Attachment A. In addition, in accordance with normal practice, there were also a number of phone calls between the Civil Aviation Safety Authority and the Office of Best Practice Regulation to discuss aspects of the Instrument, including the changes made following the consultation feedback, during the course of the request.

Gilbert, David

From: Gilbert, David
Sent: Friday, 11 January 2019 12:16 PM
To: Toyne, Chris
Cc:
Subject: Community service flights [SEC=UNCLASSIFIED]
Attachments: Community Service Flights.pdf

UNCLASSIFIED

Hi Chris

Attached is a proposed change to community service flights. Often these are flights organised by a charity in which a volunteer pilot, usually in their own aircraft, provides a flight to transport a patient to hospital for non-emergency treatment. Angel Flight is the most significant charity that organises these flights: <https://www.angelflight.org.au/>

There have been two fatal accidents and in response to those accidents and other concerns, CASA is proposing to place conditions on these flights (as outlined in the attached document). The main condition is that the pilot has a minimum level of experience. At this stage CASA will not proceed with the aircraft maintenance standards in the consultation document.

One issue CASA faces is that Angel Flight will not provide information on the pilots who have volunteered to their organisation. Based on discussions with individuals who have interacted with Angel Flight CASA believes that these charities, including Angel Flight will be able to continue to provide the same number of flights with no change in cost because they have enough pilots that meet the condition, however, it may force them to use certain pilots for some flights.

What information do you think you would need to determine the RIS requirements for the proposed change?

Regards
David

Gilbert, David

From: Goh, Sebastian
Sent: Wednesday, 16 January 2019 4:02 PM
To: Gilbert, David
Cc: Helpdesk-OBPR; Toyne, Chris
Subject: RE: Community service flights [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi David,

Re: OBPR ref ID – Community Service Flights

Thank you for submitting a preliminary assessment on 11 January 2019 for the proposal to improve safety standards for community service flights.

Before making an assessment as to whether a RIS is required or not, we will need slightly more information on the impacts of the proposed changes. With that in mind, would you be able to provide:

- An estimate of the number of community service flight operators and pilots
- The extent to which organisations are already complying (or rather, how many organisations will need to change their behaviour to become compliant with these regulations)
- The level of effort it would take for an average organisation/pilot to become compliant with these regulations
- The extent to which these new regulations will act as a barrier for volunteers choosing to be pilots

Noting that the last round of consultation was done in 2014, has there been any updated evidence on the prevalence of this issue?

Once the OBPR has received this additional information, our advice on your proposal can be finalised.

If you have any questions, please call me on _____ or contact the OBPR helpdesk again.

Kind regards,

Sebastian Thomas Goh | Adviser
Office of Best Practice Regulation
Economic Division | Department of the Prime Minister and Cabinet

w. www.dpmc.gov.au | ris.dpmc.gov.au
One National Circuit Barton ACT 2600

Gilbert, David

From: Gilbert, David
Sent: Wednesday, 6 February 2019 10:23 AM
To: Goh, Sebastian
Subject: RE: Community service flights [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi Sebastian

Below is my attempt to provide the information requested.

Happy to discuss further

Regards

David

David Gilbert
Regulation Implementation Branch
CASA\Aviation Group

GPO Box 2005, Canberra ACT 2601
www.casa.gov.au

Number of operators:

There are currently three organisations that could be impacted (Angel Flight, Little Wings and Fun Flight), however, based on the way these organisations currently operate Little Wings and Fun Flight will not be impacted because they do not act as a third party organiser of non-urgent medical flights.

Angel Flight undertakes approximately 1500 to 2000 flights per year. In terms of pilots Angel Flight claims to have approximately 2600 pilots currently registered to volunteer, of those approximately 600 have undertaken a Community Service Flight.

Organisations already complying:

Pilots who volunteer will need to ensure that they meet the new conditions for Community Service Flights. CASA would expect that Angel Flight as the third party organising the flights would inform their volunteer pilots about the conditions for Community Service Flights. This should not involve any additional compliance costs for Angel Flight over and above the costs they already incur in ensuring compliance with their own standards, however, it is likely to affect how many pilots are available to volunteer.

Level of effort

Level of effort for an organisation: There are no direct requirements applying to the organisation and CASA believes the level of effort required on their part will not be significant and be restricted to the collection of information from the volunteer pilot, which they already do.

Level of effort for a pilot: For a pilot with the hours of experience required by these proposed requirements, these requirements would not impose any new significant requirements. For pilots without the hours of experience the

level of effort to gain the hours of experience would be significant and they would be unlikely to continue volunteering (see below).

Deterrent for volunteers

Based on consultation feedback there are effectively two types of volunteer pilots;

- Pilots who own an aircraft and are volunteering for purely altruistic reasons.
- Inexperienced pilots who do not own an aircraft and are volunteering to build hours of experience in order to qualify for a Commercial or Air Transport Pilot Licence. Whilst these pilots would be required to hire an aircraft at approximate cost of \$250 per hour, Angel Flight will reimburse them for fuel costs which costs approximately \$60 to \$80 per hour.

For the pilot who meets the hours of experience, the level of effort will be insignificant, and the conditions will not act adversely impact their availability to volunteer for such flights. For pilots who do not meet the hours of experience requirements, the cost of accumulating the hours may result in their no longer being able to conduct these flights.

Noting that the last round of consultation was done in 2014, has there been any updated evidence on the prevalence of this issue

There was another fatal accident as outlined in the consultation document, but the investigation of this accident by the ATSB is still ongoing. In terms of other evidence, CASA observes that the level of community service flights and the number of providers is stable.

Gilbert, David

From: Goh, Sebastian
Sent: Friday, 8 February 2019 11:18 AM
To: Gilbert, David
Cc: Minogue, Elizabeth; Helpdesk-OBPR
Subject: RE: Community service flights [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi David,

Thanks very much for your call yesterday.

Re: OBPR ref ID ; - Community Service Flights

Based on the information provided, OBPR advises that the regulatory impact of the proposal on business, community organisations or individuals is likely to be no more than minor.

In addition, as this proposal is not being considered by Cabinet, a RIS is not required.

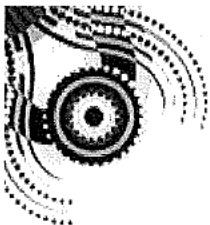
Any regulatory costing implications can be self-assessed under the Regulatory Burden Measurement Framework – the OBPR does not need to agree to any costings. Regulatory costings will still need to be reported through your Regulatory Reform Unit as part of the periodic self-reporting process.

Should this proposal change significantly from the details provided, please contact us again to ensure our advice remains current. Please retain this e-mail as a record of the OBPR's advice. If you have any further queries please don't hesitate to contact me.

Kind regards,

Sebastian Thomas Goh | Adviser
Office of Best Practice Regulation
Economic Division | Department of the Prime Minister and Cabinet

w. www.dpmc.gov.au | ris.dpmc.gov.au
One National Circuit Barton ACT 2600



The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.

