

Electronic Submission

Committee Secretary  
Senate Standing Committees on Rural and Regional Affairs and Transport  
PO Box 6100  
Parliament Hours  
CANBERRA ACT 2600

Dear Sir,

Submission to the inquiry into

THE CURRENT STATE OF AUSTRALIA'S GENERAL AVIATION INDUSTRY

**Submitted by:**

### **Background:**

I hold a Grade 1 Instructor rating and I am engaged in providing flying training for persons seeking to obtain licences and endorsements to fly fixed wing aircraft.

I also hold a Masters Degree in Electrical Engineering and, until retirement, was employed full time as an Electrical Engineer.

I have had experience teaching engineering subjects at Universities and in the TAFE system.

I have been delivering flight instructing on a part-time basis for over 30 years so I have had the opportunity of observing how the regulations have changed over the years – especially the more recent changes brought into effect by the introduction of Parts 61 and 141 of the Civil Aviation Regulations.

### **Representation:**

I provide this training through a flying school operating under a Part 141 certificate. The comments contained in this submission are my own and I do not claim to represent the school or its management.

### **Terms of Reference:**

My comments relate primarily to Item c.i. of the Committee's terms of reference: -

*CASA's processes and functions including its maintenance of an efficient and sustainable Australian aviation industry, including viable general aviation and training sectors.*

## **CASA's Role in General Aviation:**

CASA is responsible for aviation safety in Australia - part of which involves administering the General Aviation industry. It does this by developing regulations, enforcing these regulations and providing administrative services.

Under the existing legislative structure, CASA

- Develops the Civil Aviation Regulations
- Administers the Regulations
- Investigates those believed to be in breach of the Regulations
- Determines the guilt or otherwise of those involved
- Imposes sanctions on those persons or organisation CASA deems to be guilty

In a democratic society, it is quite unreasonable for one organisation to have such extensive powers – CASA is, effectively the “legislator, the judge, the jury and the executioner.”

This situation does not exist in other industries. For example, the organisations that develop the set the standards for driving a car or truck issue licences, but they do not have the responsibility of policing the rules, determining guilt or issuing penalties.

In the aviation industry, an enormous power unbalance exists, and this is, I believe, one of the main reasons that participants in the General Aviation industry are often so critical of CASA. Even when all of CASA's actions are appropriate it must be very difficult for it defend an accusation of “victimisation” – especially if it takes place in the social media.

It is true that many decisions made by CASA are “reviewable” through the Administrative Appeals Process, but this could take up to 12 months to resolve. If, in the meantime, an organisation is grounded, the business will be destroyed even if, eventually, the original decision is overturned.

The fact that CASA has these multiple roles also has an adverse impact on the very worthwhile educational programs CASA provides. The discussions between the students and the teacher are often not as open as they should be because of the underlying fear that, at any time, the presenter might morph from being a teacher to becoming an investigator, or a judge or even an executioner.

**RECOMMENDATION 1** The roles and responsibilities presently assigned to CASA should be reassigned to separate organisations to ensure fairness for all participants.

## **User pays:**

Some years ago, the Government directed CASA to recoup from the user, the cost of many of the services it provides on the basis of “user pays”. It was argued at the time that the “user” would decide what services were required and overall cost would be driven down by ensuring that only services that the user was willing to pay for would be provided.

Unfortunately, this is does not work when it comes to the Civil Aviation Regulations.

Under the present structure, CASA:

- Develops regulations which dictate what services a participant requires
- Establishes itself as the only organisation able to provide those services (a monopoly service provider)
- Determines the cost of providing the services.

One could be forgiven for believing that, while the Regulations are intended to enhance safety, there is also an incentive to ensure that they provide for an income stream for CASA.

For example,

For over 20 years, participants in the GA industry have been authorised to conduct flight tests for the issue of licences and ratings. CASA established the standards which were to be maintained and it oversighted the system. CASA's involvement in the process was not huge and it did not impose any charges on the industry participants to provide these services.

However, more recently, CASA has introduced regulations which requires industry testing officers to attend classes run by CASA in order to get the initial approval to conduct each type of test and even requires the industry participant to undergo a flight test every 2 years to "renew" the approval.

As well as the loss of income while all this is being done, the industry participant has to pay for the use of the aircraft for the flight checks as well as the not insignificant charges imposed by CASA which can amount to thousands of dollars. These costs have to be passed on to the students thus increasing the already high cost of learning to fly.

One must ask what problem CASA was attempting to solve by introducing these new requirements. Was it safety related? Was it to generate income?

**RECOMMENDATION 2** The responsibilities presently assigned to CASA should be reallocated to other organisations so that the decisions on what services must be purchased by participants in the GA industry are not made by the same organisation which profits from the implementation of those decisions.

## **What to do – not how to do it:**

As for any industry regulator, it is quite right that CASA should set the syllabus of what must be taught and the standard to be achieved by students seeking to be issued with a licence or endorsement.

It is the role of the organisations providing flying training – the General Aviation Industry - to develop programmes and procedures to assist students to reach the required standard.

When I first commenced instructing, the CAA (the predecessor of CASA) published a syllabus of the training required and the individual flying schools developed their own detailed programmes and procedures. These varied significantly to suit the type of operation being conducted. Some schools primarily catered for students wishing to train full time (5 days a week) while others delivered training to those who had the time and/or money to only fly 2 or 3 times a month.

Also, the size of the school was a factor as, in the smaller schools, the training tended to be more personalised and more flexible.

Over recent years, CASA has expended significant resources preparing detailed programmes and procedure on **how flying training program is to be delivered** and have developed “one size fits all” system. I cannot speak for the flying schools delivering full-time programs, but for the smaller schools, the CASA process is overly bureaucratic, inflexible and is very time consuming to administer. It takes no account of the fact that if a student only has lessons only once or twice a month, the program will need to be quite different to that required for a student who flies every day.

The records to be completed are voluminous – there a 120 pages of records to be completed for the training for a Recreational Pilot Licence – a course that only involves 30 hours flying and following one lesson (RPL(A)28) the instructor is required to report on 217 individual elements of the flight.

This means that one element has to be assessed **every 16 seconds** of the flight. A task that is impossible to do with any degree of accuracy.

CASA does not make a charge for providing these systems, so the GA industry is not burdened by the cost of their development, but the industry incurs a significant ongoing cost in their implementation.

Again, one could ask what safety problem CASA was trying to solve in developing and mandating these systems?

I am sure that CASA does not set down the program and procedures for training of Air Traffic Controllers which is conducted by Air Services despite the fact that licences for Air Traffic Controllers, like pilot licences, are issued by CASA.

**RECOMMENDATION 3** CASA should be directed not to expend resources developing systems and procedures which are rightly the responsibility of the individual training providers.

## **Operation Manual:**

When I first commenced instructing, each flying school was required to have an Operations Manual describing the way the school was to operate. In many cases, the schools adopted a “standard” manual which was developed by the Royal Federation of Aero Clubs of Australia.

This was not very satisfactory as the School did not “own” the manual and it was not updated by individual organisations to reflect the real situation. It served little purpose.

It was subsequently determined that each school should prepare its own Operations Manual, which was to be specific to its operations. This represented a significant improvement as the Operations Manuals were then regularly amended as necessary to reflect the way the organisations operated.

However, when the schools applied to transition to Part 141 operations, they were required to submit and seek approval for a new Operations Manual. To facilitate this process, CASA developed a Manual Authoring and Assessment Tool (MAAT) which enabled organisation to build an Operations Manual using boiler plate text developed by CASA. Although it was possible to edit the document, organisations were encouraged to make maximum use of the text provide by CASA to facilitate the approval process.

It was explained at the time, that any subsequent substantive changes to the Operations Manual would require approval from CASA and the organisation would be required to pay for the time that CASA spent approving the changes.

To avoid this cost, there will be an incentive for organisations not to keep the manual up to date and industry participants will be discouraged from taking “ownership” of the document. We have almost

come the full circle where organisations have a “standard” Operations Manual except that now it has been developed by CASA and not the Royal Federation of Aero Clubs.

The Regulations spell out the responsibilities of persons engaged in the General Aviation industry. It is the responsibility of the participants to develop systems and procedures to ensure compliance with those regulations – including the preparation of an Operations Manual.

What was wrong with the existing Operations Manuals which justified the need for them to be replaced?

**RECOMMENDATION 4** CASA should not expend resources developing draft Operations Manuals and should not take on the responsibility of and impose a charge for approving an Organisation’s Operations Manual.

## **Conclusion:**

I believe that CASA staff are highly skilled, and the individual members have a great deal to offer the General Aviation industry. The problem is that the organisation has been structured in such a way that it must be very difficult for it to clearly understand its role in the General Aviation industry and resolve the often-competing imperatives of promoting safety, generating income and assuming responsibility for certain functions which are clearly the responsibility of the organisations providing General Aviation services.

There is something seriously wrong when, in Australia, we have a climate that is so conducive for training pilots, but yet we are forced to look overseas to recruit pilots and instructors to meet a shortfall in our ability to train men and women to meet the demands of the aviation industry.