SAAA | Submission to the Senate inquiry into the current state of Australia's general aviation industry, with particular reference to aviation in rural, regional and remote Australia.

10TH September 2020

POSITION STATEMENT

SAAA believes the current direction of Australian general aviation regulatory development and how regulation is administered exacerbates:

- Proliferation of differing standards for same or similar applications or functions (pilot medicals, pilot and instructor training, aircraft maintenance etc)
- Ever increasing complexity of regulations (Australia's regulations are considered to be substantially more complex than most major jurisdictions such as for example UK, USA and Canada)
- Cost burden of administering such regulation at the expense of more effective safety risk mitigation activities
- Which collectively deliver questionable safety improvement potential or conditions that maximise the opportunity for Australian aviation to flourish in an equitable manner

We believe the pertinent questions are:

- What is driving the need for the complexity of Australia's aviation regulations?
- What is driving the agenda for differing standards (for same or similar applications or functions)?
- If lesser standards are approved by CASA for same or similar applications and functions for pilots and aircraft operated by self-regulated organisations, then why are these standards not logically available to all aviation participants and activities regulated or administered by CASA or any other self-regulated body? And why would not the lowest accepted standards of the current day prevail?
- What is the safety case or indeed moral case for the complexities, confusion and exclusivity driven inequities introduced by the current agenda?
- Why is it appropriate to use the Civil Aviation Orders (in the form CAO 95.55) to excise a group of Australian "powered flying machines" to the custody of private organisations and define these machines as "un-registrable" aircraft thus allowing them to exist and be operated outside of the Act?
- Does the devolution of administration of aviation regulations, and particularly the registration of aircraft, to private companies operating to different rules for same classes of flying machines give rise to any issues in respect of Australian counter-terrorism and national security legislation?
- What evidence can CASA offer that demonstrates that its approach generally benefits the Australian economy and the Australian community - in particular regional Australia?
- Why is Australia not harmonising its aviation regulations to the rest of the world in accordance with our commitments as a signatory to the ICAO treaty?

Simply put:

- There should be one central registration scheme for all aircraft operating in Australia that is administered by CASA and with no exceptions where this responsibility is sub-contracted to a private organisation outside of government control
- There should be one set of standards for pilot medicals, pilot and flight instructor training, and aircraft maintenance as a function of and as relevant to:
    - The nature of operation (private / commercial; visual / instrument / night / transport; airspace class etc).
    - Aircraft complexity, weight and performance (speeds, power etc)
- The same set of standards should apply irrespective of whether a pilot, instructor or aircraft is regulated and administered by CASA or any organisation or individual to whom CASA may delegate such responsibilities – as is the case in all other major aviation jurisdictions.
- The devolution of CASA's responsibilities should irrespective occur only when and where prior safety performance is demonstrated and continues to be demonstrated
- Australian pilots and aircraft owners should be entitled to operate to a "set of common rules" which apply to the WHOLE community and which do not favour any individual or organisation.
- A very real opportunity arises on 31st January 2021 when the instrument associated with the monopoly CAO 95.55 expires. This creates the opportunity to, at least regards sport and private general aviation, harmonised and return this sector to a "level playing field" – this could commence in early 2021 (on expiry of the above referred instrument) with transition completed within a couple of years.

We suggest the following practical transition pathway commencing 31st January 2021:

1. Progressively convert all RAA Recreational Pilot Certificate (RPC) holders to a Part 61 Recreational Pilot Licence (RPL). Pick up the skill and knowledge differences as part of the existing pilot Flight Review processes. Migration achieved within 2 years.
2. Either pathway the RAA flight schools to Part 141 (under which all other flight schools are required to operate) or pathway the Part 141 schools to the RAA manual for private pilot licences – or find some middle ground. Transition commenced by end 2021.
3. Progressively harmonise the pilot medical standards for all private pilots to those consistent with the RAA manual on the occasion of next (annual) renewals. Migration achieved within 1 year.
4. Address the management of Flight Instructors as a consequence of point 2 above – the solution is to use the Part 141 requirements / syllabus or RAA's (or a mix) for flight Instructors but remove the requirement to hold a CPL. Progressively harmonise all instructional rules to the same level on the occasion of the next instructor authorisation renewals. Migration achieved within 2 years.
5. Progressively harmonise maintenance rules for aircraft used for private operations within 1 year or on the occasion of the next condition inspection whichever occurs first. Migration achieved within 1 year.
6. Progressively migrate all RAA registered (listed) aircraft as relevant to certified production VH or experimental VH registered aircraft to the CASA registration scheme by 1st July 2021.
7. Ensure the Act cannot be subverted in the future by using "Un-registered Aircraft" as a class of flying machine – follow other major jurisdictions, such as the US Federal Aviation Administration.

The following Discussion Paper elaborates on all these matters.

SAAA | Submission to the Senate inquiry into the current state of Australia's general aviation industry, with particular reference to aviation in rural, regional and remote Australia

10TH September 2020

DISCUSSION PAPER

Regulatory Development

The direction of regulatory change over many years challenges the proposition that Australian aviation standards should be universal and linked to the aircraft and the operations (including pilot and flight instructor training and competency standards, medical certification, aircraft maintenance etc) and not linked to individual organisations, and certainly not on an exclusive basis. The overarching question is simple – why is this not what is happening in Australia?

But beneath the surface one cannot help but follow with more questions such as:

- What is the objective of pursuing a path that we don't believe has worked elsewhere in the world?
    - We are only aware of one such attempt where South Africa implemented a process, similar to the current implementation of CASA's Pt 149 legislation, to devolve the Regulator's administration responsibilities to a private organisation. It did not work. Consequently, the process was reversed, and administrative responsibilities were returned to the Regulator .
    - What is the worth of in effect conducting such an experiment in Australia?
    - What is the driver? Who benefits and why? And at what financial and human cost?
- Can we afford to accept the consequences of failure where the ultimate measure is a deterioration in safety outcomes?
    - In this context, a UK regulatory review[2] suggests caution around devolving administration of regulations to private organisations. This is discussed further below, as is also a CASA proposal to further extend devolution to a private organisation(s), yet CASA's own data presented suggests a less than favourable fatality rate performance for the one organisation that stands to gain from this proposal.
- Despite Australia being a signatory to the ICAO treaty, and is therefore bound to compliance with its Articles, then why are we seemingly hell bent on departure from the ICAO global standards and recommendations in respect of aviation regulation and administration?
    - Are we that different?

The SAAA, and we believe the majority of aviators, have no issue at all with the development of more relaxed and fit-for-purpose standards for particular aircraft categories and pilots who operate them under certain operational conditions (flight rules, airspaces etc). This is consistent with enabling aviation to flourish to the benefit of more than just aviators themselves – there are many substantial and far reaching benefits of a healthy flourishing aviation industry, which if not achieved will have an impact on the Australian economy and the Australian community – particularly regional Australia.

[1] Refer Reference 1 SACAA February 2019 Pub cat on of w thdrawa of the des gnat on of Recreat ona Av at on Adm n strat on South Afr ca (RAASA) as an av at on recreat on organ sat on n terms of Sect on 87(1)(b) of the C v Av at on Act, 2009

[2] Refer Reference 2 UK Government June 2006 Independent Experts and UK CAA Report UK Regu atory Rev ew of Genera Av at on

We do believe, and again we believe this includes the majority of aviators, that caution needs to be exercised when departing from current well proven practices and standards. We are, however, fortunate, that we are able to rely on and draw on the experience of several other major jurisdictions (such as the USA, UK and Canada) who manage aviation fleets that are an order of magnitude larger than the Australian fleet. We do not have to re-invent the wheel. We do not have to experiment or ponder what does or does not result in improved safety outcomes. Indeed, why are we not learning from the mistakes of other jurisdictions? Are we suffering from self-interested bureaucracy at the expense our economy, taxpayers, and lives?

Devolution of the Administration of Regulations

SAAA have no issue whatsoever with the principle of devolution of the administration of regulations to private organisations where competency and ability to achieve or better the safety outcome performance realised through CASA administration of regulation can be assured.

We do, however, have serious concern where, as part of the process to devolve the administration of regulations, regulations founded on different standards (less onerous and relaxed standards and competency requirements than those otherwise applicable to the same aircraft and pilots) are afforded to a private organization(s) on an exclusive basis. There are two issues here – dual (or differing) standards, and exclusivity - which together disadvantage the majority of aviators and the nation in many respects.

We also caution enabling or extending the scope of devolved responsibilities from CASA where there may be evidence or factors that indicate safety outcomes could be compromised.

In this regard, the UK's Regulatory Review[3] of General Aviation published in 2006 made a number of far-reaching observations and recommendations – one of which, Recommendation 6, is relevant in this regard:

> **Recommendation 6**
>
> The Regulatory Review Group recommends that the CAA carries out further work to investigate possible correlation between regulatory regime and GA Fatal Accident Rates (FARs) and causal factors. One area of investigation could be the licensing/training regime.
>
> **Context** - The estimated FAR per 100,000 hours for the group of aircraft in the conventional aeroplane full regulation category were statistically better than those for aircraft in the devolved and self-regulation groups. In comparison, the FAR for fully regulated helicopters is very similar to self-regulated gliders, paragliders and partially devolved microlights.

By way of example, and without attempting to draw any direct relationship between the UK and Australia, the UK situation is not inconsistent with a similar inference evident in material presented by CASA in its 2019 discussion paper[4] (DP1912SS) pertaining to the proposed weight increase for self-administered organisations. The discussion paper indicates that the rate of improvement in safety outcomes, measured in the same manner as the UK review – being FAR (Fatal Accident Rate) per hours flown) pertaining to VH-private/sports aircraft administered by CASA, substantially exceed that of Australian "Recreational Aeroplanes". Although not explicitly defined, the inference is that these "Recreational Aeroplanes" refer to "Non-VH aircraft that are not administered by CASA".

It would seem prudent that there is cautious and very careful approach to devolving aviation regulatory standards development and administrative functions from CASA (or any government aviation regulator) to a private organisation. History suggests that this does not always deliver improved safety outcomes – and such devolution should not be driven by pure commercial considerations. The focus should be fairly and

[3] Refer Reference 2 UK Government June 2006 Independent Experts and UK CAA Report UK Regu atory Rev ew of Genera Av at on
[4] Refer Reference 3 CASA August 2019 CASA D scuss on Paper DP1912ss Max mum take off we ght m t for aerop anes managed by Approved Se f adm n ster ng Av at on Organ sat ons (ASAO)

squarely on whether or not such devolution does or does not compromise safety outcomes. But what we believe should not be negotiable is that devolution of CASA's responsibilities should occur only when and where prior safety performance is demonstrated and continues to be demonstrated.

We are also most concerned, and as are we understand most recreational aircraft organisations being pressured by CASA to migrate to Part 149 operation, that CASA is currently on a path to devolve itself from the "day to day" responsibilities yet hold private organisations accountable via "strict liability". This is nothing more than a vailed abrogation of the CASA prime directive. But perhaps most disturbing – this introduces serious impediment to these organisations getting on with what they know best – being to keep their associated aviators and the public safe, and to open the flood gates for further proliferation of different aviation standards.

From SAAA's narrow perspective, the SAAA has recently been formally advised by CASA that it is now not entitled to self-administer under the recently introduced legislation (Pt 149 of the Civil Aviation Regulations); and neither, by definition we presume, would many other owners and operators of aircraft.

This is despite the fact that:

- Many of the types of aircraft that are owned and operated by SAAA members (and also persons who are not members of the SAAA) under the CASA administered regulations and regime, are also operated by persons under a private organisation's (RAA) regime with access to the less onerous standards which are not available outside of this same organisation.
- SAAA had been fully engaged with CASA in the Pt 149 development process for over 2 decades and been actively encouraged and guided by CASA.
- In early 2019 CASA remarked that SAAA was "95% of the way there (with our documentation and hence preparedness to migrate to a Pt 149 environment – as it was then envisaged by CASA)
- Today, SAAA operates with its Exposition and document set (as referred to above) and anecdotally, we are led to believe CASA considers SAAA's current documentation to be closer to what is required than that of other organisations who have made submissions to participate in Pt 149.
- Aircraft and pilots belonging to the SAAA community are registered with CASA and are required to operate in accordance with the Act and are administered principally by CASA.

The "Disparities"

There are many disparities that are alluded to in this paper, however, there are some notable examples that demonstrate the nature of the issues.

For example, the long-standing call from general aviators at large to be afforded access to the unique relaxed medical certification standards that are only available to members of a private aviation organisation. This remains the case today and, on this count alone, disadvantages thousands of private pilots who fly similar if not in many cases exactly the same aircraft in the same Australian skies. One has to ask – why is this sensible, equitable or just?

Or regards access to unique aircraft categories that can be assigned to a private organisation, CASA themselves state in their discussion paper[5] (DP1912SS) regards a proposed increase in Maximum Take-off Weight for aeroplanes managed by an Approved Self-administering Aviation Organisation (ASAO):

- A higher MTOW for aircraft managed by ASAOs may provide access to a larger number of aircraft that may provide additional performance and training opportunities
- Increased Maintenance Activity (CAR 30 and Part 145 Organisations).
- Additional utilisation of aircraft with an MTOW between 601 kg to 760 kg may lead to an increase in maintenance organisation activity.

[5] [5] Refer Reference 3 CASA August 2019 CASA D scuss on Paper DP1912ss Max mum take off we ght m t for aerop anes managed by Approved Se f adm n ster ng Av at on Organ sat ons (ASAO)

If these assertions relate to existing aircraft and qualified pilots operating in Australia, then how would any of these assertions make any net difference? If they relate to the opportunity to increase the size of the Australian fleet or pilot flight qualifications, then why limit the opportunity to an ASAO? There can be no technical reason to do this – so is it perhaps for commercial reasons? If not – what? Another disparity in the approach to evolving and enhancing Australian general aviation.

In fact, further to SAAA's submission to the related consultation process, SAAA remains strongly opposed to the introduction of this proposed weight increase provision – not on grounds of its technical veracity (provided proper pilot training accompanies the changes), but on grounds that such special and advantageous provisions should be available to all aviators and not to just members of a private organisation that is not administered by CASA. But, SAAA's views aside – the proposal makes a mockery of Australia's compliance with the ICAO principles.

Quite simply - CASA administered and registered aircraft and licensed pilots must be afforded the same rules as ASAO administered registered aircraft and licensed pilots. CASA should administer everything, meet Australia's ICAO obligations – remove the confusion, remove the commercial inequities and focus on improving safety outcomes and not regulatory experiments.

There are clearly many disparities embedded within and surrounding everything referred to in the above discussion. Some of these are more explicitly highlighted here, and some go beyond matters relating to aviation regulation.

1. Monopoly CAO

The CAO 95.55 specifically specifies that only one organisation, being RAA, is entitled to certain exemptions regards certain ultra-light aeroplanes (in this regard – the current weight increase proposal described in CASA discussion paper[6] DP1912ss should really refer to *"..managed by RAA…"* and *"…registered with RAA"*. It is misleading to suggest that the proposal is available to more than one ASAO. CASA's continued denial to deal with ELAAA (Experimental and Light Aircraft Association of Australia is an example of the practice of "exclusivity".

Civil Aviation Order 95.55 (Exemption from the provisions of the Civil Aviation Regulations 1988 — certain ultralight aeroplanes) Instrument 2018

1 Application

1.1 This Order applies to a single-place or 2-place aeroplane, other than a weight-shift-controlled aeroplane or a powered parachute, which:

(a) has a single engine and a single propeller; and

(b) has a V_{so} stall speed of not greater than 45 knots, as determined by design standards or certification requirements; and

(c) is registered with RAA; and

Pursuant to crafting of the Civil Aviation Orders in this regard, it is this exemption that allows CASA to deal with RAA registered aircraft as "un-registrable aircraft" according to the Act. As a consequence, CASA has created the conditions to permit all activity of these "flying machines" and their pilots to occur outside of the Act with a completely different (less onerous / lower standard) set of rules to the rest of the Australian fleet and airspace users.

If such rules are considered by CASA to deliver satisfactory safety outcomes, then why are they not suitable for the rest of Australian aviation?

[6] [6] Refer Reference 3 CASA August 2019 CASA D scuss on Paper DP1912ss Max mum take off we ght m t for aerop anes managed by Approved Se f adm n ster ng Av at on Organ sat ons (ASAO)

2. Dual Medical Standards

Private pilots flying VH registered production and EAB (Experimental Amateur Built) aircraft are required to meet the Class 2 or Class 2 Basic medical standards associated with holding a CASR Part 61 Pilot Licence.

RAA pilots are only required to meet the LOWER pilot medical standards per their Operations Manual that rely on pilot self-certification / self-reporting with no requirement for medical practitioner verification - all enabled as a consequence of the monopoly CAO 95.55 applicable only to RAA as discussed above.

3. Dual Flight Training Standards

Pilots flying VH registered EAB aircraft are required to meet the flight training and flight currency standards required when holding a CASR Part 61 pilot's licence. But note that the standards for the delivery of Pt 61 flight training by approved Pt 141 flight schools substantially exceed those required by a private self-administered organisation's (RAA) Flight Operations Manual.

RAA pilots are only required to meet the lesser flight standards per their Flight Operations Manual, yet these pilots operate the same aircraft to Visual Flight Rules in the same skies as everyone else.

Again - all enabled as a consequence of the monopoly CAO 95.55 discussed above.

4. Existing Alternative Operational Pathways

Existing pathways already exist for all Australian pilots and aircraft to operate without the need to operate or be operated by virtue of inclusion under the monopoly CAO 95.55.

Why is there any justification, other than the vested interests of a commercial organisation (RAA) to be advantaged commercially by way of this monopoly CAO 95.55.

5. CAR Pt 149 Manual of Standards written to exclude SAAA

Despite SAAA being fully engaged in the consultation and development of CASR 149 over more than a decade, the CASR 149 MOS has been written to exclude SAAA's activities from obtaining CASR 149 ASAO status.

Email: CASA Sport Aircraft Branch to SAAA (2 July 2019)

> *I can confirm that as Part 149 does not contain any functions that SAAA would administer, it would subsequently not be possible for the SAAA to transition from its current role to becoming an Approved Self-administering Aviation Organisation (ASAO) under Part 149.*

6. Matters not openly revealed

CASA have continually espoused their corporate mandate that they cannot (*whatever anti-competitive legislation applies*) legislate a competitive advantage to an organisation. Yet they have done exactly that with RAA via CAO95:55.

However, as an example, within CASA discussion paper[7] DP1912ss it is not revealed that CASA has oversighted:

a) Introduction of CASR 149.010 which empowers that only matters prescribed by the CASR 149 Manual of Standards (MOS) are permitted matters
b) Exclusion of all SAAA activities from the CASR 149 MOS. This is not a legal position under the P149 Law.
c) Empowerment of RAA's monopoly activities under CAO 95.55 as CASR 149 applicable activities, which appears to have the effect of hiding the original illegality of CAO95:55 creating a monopoly, and

[7] [7] Refer Reference 3 CASA August 2019 CASA D scuss on Paper DP1912ss Max mum take off we ght m t for aerop anes managed by Approved Se f adm n ster ng Av at on Organ sat ons (ASAO)

d) Have failed to acknowledge the "exclusivity" of CAO 95.55 and the mistake made in 2002 when this came into effect.

Dual (or differing) Standards and Complexity of the Regulations

SAAA believes the current direction of Australian general aviation regulatory development and how regulation is administered exacerbates:

- Proliferation of differing standards for same or similar applications or functions (pilot medicals, pilot and instructor training, aircraft maintenance etc)
- Ever increasing complexity of regulations (Australia's regulations are considered to be substantially more complex than most major jurisdictions such as for example UK, USA and Canada)
- Cost burden of administering such regulation at the expense of more effective safety risk mitigation activities

All of these types of factors conspire to collectively deliver questionable safety improvement potential or conditions that maximise the opportunity for Australian aviation to flourish in an equitable manner.

The approach to the proliferation of different standards is not something that we believe has been attempted elsewhere or at least amongst other major jurisdictions – one has to ask the questions such as why, what is the benefit and for whom? Is there a benefit to the community, or to aviators or to public safety? SAAA is not aware of any case that supports this approach.

One does not need to be an expert in aviation to ponder the sense of how or why it can be that a pilot operating the same or very similar aircraft in the same class of airspace as another same or similar pilot / aircraft combination can do so with quite different and lesser standards of medical certification and pilot training. CASA approves all the standards and so by definition must have judged the less onerous standards to be sufficiently safe and not present an unacceptable threat to the public and infrastructure – so why is it that these less onerous standards (less costly to obtain AND maintain) are not available to all pilots and aircraft. SAAA cannot identify a plausible equitable or technical rationale for this "unlevel playing field".

The equitability of maintaining a dual (or differing) standards regime is one matter, particularly on an exclusive basis, However, more broadly, one cannot ignore the incremental costs for pilots and aircraft owners operating in the general aviation space when they do not have access to less these onerous standards – this naturally has a deleterious impact of the aviation community generally and the Australian economy.

CONCLUSION

General aviation, in particular Sport and Recreational Aviation, oversight by CASA has become an uneven playing field with application of dual or different regulatory standards.

We believe the pertinent questions that need to be addressed are:

- What is driving the need for the complexity of Australia's aviation regulations?
- What is driving the agenda for differing standards (for same or similar applications or functions)?
- If lesser standards are approved by CASA for same or similar applications and functions for pilots and aircraft operated by self-regulated organisations, then why are these standards not logically available to all aviation participants and activities regulated or administered by CASA or any other self-regulated body? And why would not the lowest accepted standards of the current day prevail?

- What is the safety case or indeed moral case for the complexities, confusion and exclusivity driven inequities introduced by the current agenda?
- Why is it appropriate to use the Civil Aviation Orders (in the form CAO 95.55) to excise a group of Australian "powered flying machines" to the custody of private organisations and define these machines as "un-registrable" aircraft thus allowing them to exist and be operated outside of the Act?
- Does the devolution of administration of aviation regulations, and particularly the registration of aircraft, to private companies operating to different rules for same classes of flying machines give rise to any issues in respect of Australian counter-terrorism and national security legislation?
- What evidence can CASA offer that demonstrates that its approach generally benefits the Australian economy and the Australian community - in particular regional Australia?
- Why is Australia not harmonising its aviation regulations to the rest of the world in accordance with our commitments as a signatory to the ICAO treaty?

We suggest that a wide-ranging enquiry, supported by specific independent reviews similar to those conducted in the UK (per the Strategic Review of General Aviation[8], and the Regulatory Review of General Aviation), is required to objectively reset the general aviation landscape in Australia.

The cries from the Australian general aviation community over many decades have not been responded to in a manner that, in our opinion, has led to meaningful change. Responses at the 2017 Wagga Wagga General Aviation Summit from the incumbent government and shadow Ministers, McCormack and Albanese in regards the aviation community's concerns left no one with any confidence that the called for changes to improve the way in which general aviation is managed and regulated would occur any time soon. At the heart of the concerns were, and they still are, the overly complex and voluminous regulations compared to other major jurisdictions (such as the UK, USA, Canada etc) that are not conducive to a healthy and affordable safe Australian general aviation industry.

We cannot therefore see any other means to resolve what is happening to Australian general aviation than as proposed above. What is clear is that the current method of addressing in piecemeal fashion large numbers of legislative and rule change proposals with the current consultation system seems inadequate and unproductive. With the current style of "questionnaire style consultation", it is difficult to comprehensively respond to proposed changes in legislation with sufficient time to properly research and opine on the matters presented. There is a sense that the current approach to consultation trivialises the assessment of important changes to legislation and rules.

However, important as it may be to "step back" and initiate a serious objective review of Australian general aviation regulations, we acknowledge that a process such as suggested above will not happen "overnight".

But, in our opinion – something urgently needs to be done to stop the continued proliferation and extension of double standards and the attendant commercial inequities amongst general aviation that follow. And the opportunity to do this arises on 31st Jan 2020 with expiry of the current CAO 95.55 instrument that allows all this to happen under the RAA regime.

The fact remains that CAO 95.55 is a CASA expirable instrument is designed specifically to by-pass the Act. And when it expires on 31st January 2021, CASA can only renew (or replace) the current provision with passage through the Parliament. We do not know how or in what form CASA my "renew" the monopoly protection afforded to RAA and everything that goes with this - it may well be an identical instrument, or perhaps the provisions may be rolled into the new CASRs – further cementing the wrong that has been created and potentially further exacerbating the "unlevel playing". This cannot be allowed to occur.

And so, in the interests of not unduly deferring this very real and immediate opportunity to make a difference for the sport and private general aviation sector, we suggest renewal of the CAO 95.55 monopoly instrument

[8] Refer Reference 2 UK Government June 2006 Independent Experts and UK CAA Report UK Regu atory Rev ew of Genera Av at on

(in its current or other form) is denied in favour of mandating a pathway for RAA aircraft and pilots back to main-stream general aviation.

It would not be unexpected for CASA to suggest this is all to complicated. But it does not need to be – the required steps are:

1. The immediate "levelling of the regulations" to deliver a set of universal regulations and standards applicable to the categories (or classifications) of aircraft currently defined in our legislation that are the same for any aircraft category (or classification) or pilot within the subject sector irrespective of whether they belong to a private organization and irrespective of whether they are administered by CASA or by a private organization.

2. The standards that should be addressed, but not necessarily limited to, include:
    a. Pilot licencing, training and related competency standards
    b. Flight instructor training and related competency standards
    c. Medical certification of private pilots
    d. Aircraft maintenance on privately owned flying machines for non-commercial operations.

Well proven standards in all of these regards already exist – either within Australia or in other major and generally much larger aviation jurisdictions. Where duplicate standards exist, a process is required to select those most appropriate and fit-for-purpose, for the related category(s) of aircraft and their pilots. There should be proper recognition of the proportionate risks that accrue to various aircraft categories (or classifications). The objective needs to be delivery of common or universally applicable regulations and standards that are in no instance linked to a specific organisation at the exclusion of others (including individuals) where such regulations and standards apply for same category(s) of aircraft and their pilots.

We suggest the following practical transition pathway commencing 31st January 2021:

1. Progressively convert all RAA Recreational Pilot Certificate (RPC) holders to a Part 61 Recreational Pilot Licence (RPL). Pick up the skill and knowledge differences as part of the existing pilot Flight Review processes. Migration achieved within 2 years.
2. Either pathway the RAA flight schools to Part 141 (under which all other flight schools are required to operate) or pathway the Part 141 schools to the RAA manual for private pilot licences – or find some middle ground. Transition commenced by end 2021.
3. Progressively harmonise the pilot medical standards for all private pilots to those consistent with the RAA manual on the occasion of next (annual) renewals. Migration achieved within 1 year.
4. Address the management of Flight Instructors as a consequence of point 2 above – the solution is to use the Part 141 requirements / syllabus or RAA's (or a mix) for flight Instructors but remove the requirement to hold a CPL. Progressively harmonise all instructional rules to the same level on the occasion of the next instructor authorisation renewals. Migration achieved within 2 years.
5. Progressively harmonise maintenance rules for aircraft used for private operations within 1 year or on the occasion of the next condition inspection whichever occurs first. Migration achieved within 1 year.
6. Progressively migrate all RAA registered (listed) aircraft as relevant to certified production VH or experimental VH registered aircraft to the CASA registration scheme by 1st July 2021.
7. Ensure the Act cannot be subverted in the future by using "Un-registered Aircraft" as a class of flying machine – follow other major jurisdictions, such as the US Federal Aviation Administration.

References:
(Extracts or complete copies of these references are included with the Appendices to this paper)

1. SACAA February 2019 - Publication of withdrawal of the designation of Recreational Aviation Administration South Africa (RAASA) as an aviation recreation organisation in terms of Section 87(1)(b) of the Civil Aviation Act, 2009

2. UK Government June 2006 - Independent Experts and UK CAA Report - UK Regulatory Review of General Aviation

3. CASA August 2019 - CASA Discussion Paper DP1912ss - Maximum take-off weight limit for aeroplanes managed by Approved Self-administering Aviation Organisations (ASAO)

The Sport Aircraft Association of Australia Inc has been involved in the construction and safe flying of Experimental Aviation for more than 50 years.

The SAAA is committed to the safe operation of our Australian skies for all aviators.

Contact information:

Sport Aircraft Association of Australia Inc.

Appendix 1

SACAA February 2019 - Publication of withdrawal of the designation of Recreational Aviation Administration South Africa (RAASA) as an aviation recreation organisation in terms of Section 87(1)(b) of the Civil Aviation Act, 2009

DEPARTMENT OF TRANSPORT

NO. R. 239 **22 FEBRUARY 2019**

CIVIL AVIATION ACT, 2009 (ACT NO. 13 OF 2009)

PUBLICATION OF WITHDRAWAL OF THE DESIGNATION OF RECREATIONAL AVIATION ADMINISTRATION SOUTH AFRICA (RAASA) AS AN AVIATION RECREATION ORGANISATION IN TERMS OF SECTION 87(1)(b) OF THE CIVIL AVIATION ACT, 2009

I, Poppy Khoza, in my capacity as Director Civil Aviation Authority and in terms of section 87(1)(b) of the Civil Aviation Act, 2009 hereby withdraws the designation of RAASA as an aviation recreation organisation granted on the 2nd December 2008 in terms of Regulation 149.01.2(1) of the Civil Aviation Regulations, 1997, which was published in the Government Notice no. 11.09 on the 22 November 2010.

All functions and responsibilities that were performed by RAASA in line with their designation will be from the 1 April 2019, be performed by South African Civil Aviation Authority.

The withdrawal thereof shall be effective from the 1 April 2019 and any certificate, licence, permission or registration issued by RAASA and which was valid immediately before the issuing of this Notice, shall remain valid for the period specified in the certificate, licence, permission or registration, as the case may be, unless terminated, cancelled or suspended in terms of the Civil Aviation Regulations, 2011.

Appendix 2

UK Government June 2006 - Independent Experts and UK CAA Report - UK Regulatory Review of General Aviation

[Extract – Executive Summary & Recommendations only]

regulatory review of general aviation in the UK

REGULATORY REVIEW OF GENERAL AVIATION IN THE UNITED KINGDOM

This Review Group comprised members of the General Aviation community and the Civil Aviation Authority. It has, inter alia:

- **Reviewed the current General Aviation concerns on regulatory matters.**
- **Detailed sectoral trends and future developments.**
- **Determined the accident rate for UK General Aviation.**
- **Examined the present regulatory structure and the likely effects of the European Aviation Safety Agency.**
- **Considered the process for consultation taken between the Civil Aviation Authority and the General Aviation community.**

It has proposed 19 recommendations which, if implemented, will improve the regulatory environment.

All of the recommendations, if accepted, will be considered by a revised General Aviation Consultative Committee, comprising members of the General Aviation community and the Civil Aviation Authority.

Report to the CAA Board

June 2006

Members of the General Aviation Regulatory Review Group were:

General Aviation

Captain A Robinson	- Guild of Air Pilots and Air Navigators (GAPAN)
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Acknowledgements

The Civil Aviation Authority wishes to express its appreciation to those General Aviation members of the Regulatory Review Group for their support and contribution to this Review which was undertaken within extremely demanding timescales and which could not have been completed without their full co-operation.

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1. EXECUTIVE SUMMARY & RECOMMENDATIONS

1.1 INTRODUCTION

On 15 June 2005 the Civil Aviation Authority (CAA) Chairman invited, inter alia, the UK General Aviation (GA) community and the Department for Transport (DfT) to join the CAA in carrying out a Strategic and Regulatory Review of GA in the United Kingdom (UK).

In making the proposal the Chairman considered:

- The concerns expressed by the GA community, following the CAA/Industry Joint Review Team study on Future Costs and Charges.
- The need to re-engage with the GA community and to revitalise and enhance the relationship.
- The need to demonstrate to the GA community that the CAA is fully committed to the principles of better regulation.
- This was an essential element in the CAA's programme of continuous improvement.

This was the first time such an activity had been undertaken and the GA community welcomed the initiative. Following discussions within the CAA it was agreed, by the CAA Chairman, that separate review groups would be formed to undertake the Strategic and Regulatory Reviews. The Chairmen of each Review Group kept in close contact throughout the process and there was some common Industry and CAA membership across the two Review Groups to ensure consistency.

The aim of the Regulatory Review was to assess the current framework and propose a preferred framework for future UK GA regulation and, where necessary, to make appropriate recommendations.

The Group was chaired by Captain D J Chapman of the CAA's Safety Regulation Group (SRG) and a total of nine meetings were held between September 2005 and May 2006.

The hallmark of this Review was the transparent manner in which all approved data, reports and minutes of meetings were placed on a specific Internet site for the general public to observe and to comment upon progress of the Reviews; in the event few comments were received.

The definition of GA was subject to considerable debate but it was concluded:

For the purpose of this review GA is considered to mean a civil aircraft operation other than a Commercial Air Transport (CAT) operation.

1.2 OBJECTIVES AND SCOPE OF THE REVIEW

The objectives of the review were to agree and record:

a) A description and definition of GA in the UK.

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b) The history of regulation within the UK, the existing UK policy on GA regulation and best practice guidelines.

c) Sectoral trends and major and future developments which are likely to affect UK GA.

d) The accident rate for UK GA over the past 10 years compared with the rates in selected other European States and the USA. Appropriate safety targets for GA were to be considered.

e) Other regulatory models used within Europe and elsewhere.

f) The effects of the European Aviation Safety Agency (EASA) (through Regulation (EC) 1592/2002) upon future UK regulation of GA.

g) Methods and effectiveness of consultation and dialogue between GA interests and CAA/Government/regional bodies.

h) Proposed options for future UK regulation of GA including details of:

- Possible legal changes.
- Costs of administration.
- Costs to industry.
- Advantages and disadvantages of each proposal.
- Cost effectiveness and risk analysis.

The scope of the review excluded the following items:

a) Fractional ownership.

b) Unmanned Aerial Vehicles (UAVs).

c) Foreign-registered aircraft resident in the UK.

1.3 SUMMARY OF RECOMMENDATIONS

The Regulatory Review Group has made 19 recommendations shown below:

Recommendation 1

The Regulatory Review Group recommends that the Board takes note of the disadvantage to UK GA compared with other regulatory models that do not seek to recover the total GA regulatory cost from the Industry.

Context - The UK is almost alone in Europe in seeking full cost recovery (including Return on Capital Employed) from the aviation Industry. This places an additional cost burden on the GA aviation Industry compared with Europe and affects the competitiveness of certain sectors within GA in the UK. **(para 4.16.1)**

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Recommendation 2

The Regulatory Review Group recommends that, when the output from the EASA Working Groups MDM.032 and M.017 is mature, the General Aviation Consultative Committee (GACC) assesses the effects of any likely changes to Regulation (EC) 1592/2002 as they affect GA aircraft and activity.

Context - EASA Working Group MDM.032 is debating the issues associated with GA regulation (and M.017 will start shortly). **(para 5.4)**

Recommendation 3

The Regulatory Review Group recommends that the CAA approach to regulating non-EASA aircraft should be investigated as part of the GACC's review of the EASA proposals.

Context - Whilst EASA will detail how GA is to be regulated, this will only apply to EASA aircraft. **(para 5.4)**

Recommendation 4

The Regulatory Review Group recommends that the CAA, with input from Industry, investigates methods for improving safety education amongst the GA community generally. In particular, the Group recommends that the CAA facilitates safety education for GA pilots through, inter alia, the medium of reinstated hard copy Safety Sense Leaflets.

Context - The analysis conducted by the Regulatory Review Group indicated a need for improved pilot education. In particular, loss of control in visual conditions was the most common accident category for all classes of aircraft. For aircraft other than helicopters, lack of flight handling skills and lack of training, currency and/or experience were the most frequently allocated factors for fatal accidents involving loss of control. **(para 6.3)**

Recommendation 5

The Regulatory Review Group recommends that the CAA should use the Group's GA fatal accident statistics to identify high-risk areas for attention in flight training and biennial reviews.

Context - The analysis showed that the most common accident category for helicopters was loss of control in poor visibility and/or night conditions, which tended to involve pilot disorientation, whilst many of the fatal aeroplane accidents involved stall/spin scenarios. **(para 6.3)**

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Recommendation 6

The Regulatory Review Group recommends that the CAA carries out further work to investigate possible correlation between regulatory regime and GA Fatal Accident Rates (FARs) and causal factors. One area of investigation could be the licensing/training regime.

Context - The estimated FAR per 100,000 hours for the group of aircraft in the conventional aeroplane full regulation category were statistically better than those for aircraft in the devolved and self-regulation groups. In comparison, the FAR for fully regulated helicopters is very similar to self-regulated gliders, paragliders and partially devolved microlights. **(para 6.3)**

Recommendation 7

The Regulatory Review Group recommends that the CAA and Industry campaign for a common standard for the collection of fatal GA accident information, including causal factors, from European Member States. This should also include an estimate of utilisation so that FARs can be calculated.

Context - Meaningful comparison of the UK with other States was not possible due to differences in the definition of GA and the lack of available information, particularly utilisation. **(para 6.3)**

Recommendation 8

The Regulatory Review Group recommends that the CAA carries out further work to determine the most appropriate form of safety forecast/target to be used for GA, including whether GA should be divided into separate classes of aircraft or types of activity. This work should include a review of systems used in other States.

Context - The current CAA methodology for producing safety forecasts was considered to be appropriate. Safety targets are, however, notoriously difficult to establish and many questions remain as to their final form. **(para 6.5)**

Recommendation 9

The Regulatory Review Group recommends that the CAA should report the results of its Global Navigation Satellite System (GNSS) Approach Trials as soon as practicable, with a view to expediting approval of GNSS approaches to all appropriate aerodromes used by GA aircraft, if so indicated by the trial results.

Context - The CAA is currently trialling GNSS approaches and is due to publish the results in early 2007. The results are expected to enable the CAA to assess whether the use of GPS approaches is safe and practicable in terms of design and flight management aspects, and is therefore fit for approval. **(para 7.2.3)**

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Recommendation 10

The Regulatory Review Group recommends that the CAA should ensure, through monitoring, that any proposed increases in controlled airspace do not exceed the minimum required for demonstrated safety reasons and to satisfy the environmental considerations. In addition, the CAA should act to ensure that adequate and equitable access to airspace is provided for and achieved and have an active programme of periodic review of the need for existing controlled airspace.

Context - UK airspace is a national asset and private sector Air Navigation Service Providers (ANSPs) are given the privilege and responsibility of managing it for all users. Adequate and equitable access to airspace should be achieved by an active CAA programmed review of controlled airspace requirements and monitoring of ANSP infrastructure, eg monitoring of access refusals to ensure ANSPs give appropriate priority to transit and GA traffic. **(para 7.3.1)**

Recommendation 11

The Regulatory Review Group recommends that the CAA invites the Ministry of Defence (MoD) to review its policy on access to military aerodromes and consider addressing the issue of military controllers understanding GA (and vice versa) through the medium of Military/Civilian Air Safety Days.

Context - There is a reduction in GA activity at MoD aerodromes due to complicated access and indemnity requirements. **(para 7.3.4)**

Recommendation 12

The Regulatory Review Group recommends that the CAA considers, in conjunction with the appropriate Industry bodies, re-aligning the current UK classification of sailplanes with the European model.

Context - UK sailplanes fall into four different categories compared to just two categories in Europe. **(para 7.3.5)**

Recommendation 13

The Regulatory Review Group recommends that, following completion of the MDM.032 activity and associated EASA Working Groups, the CAA should review its Certificate of Airworthiness (C of A)/Permit to Fly (PtF) policy to establish, where possible and appropriate, compatibility with future EASA policy.

Context - Several EASA Working Groups are currently debating Permits to Fly (PstF), the list of Annex II aircraft and the outcome of these groups will impact on future CAA policy. **(para 7.3.6)**

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Recommendation 14

The Regulatory Review Group recommends that the CAA and the GA community seek to influence, at every opportunity, the Commission, EASA and the European Parliament to ensure that the detailed preparatory work to extend the remit of EASA is undertaken at an appropriate pace to ensure that the future regulatory structure is both pragmatic and viable before ceding legal competence to EASA.

Context - The Regulatory Review Group is concerned that the Commission and EASA are moving too fast in trying to extend the remit of EASA to cover Operations and Licensing matters. **(para 8.1.1)**

Recommendation 15

The Regulatory Review Group recommends that the Industry/CAA officials on the MDM.032 Working Group should endeavour to present unified views thereby influencing the debate on how EASA should regulate GA.

Context - The establishment of the Regulatory Review Group in September 2005 has allowed the GA community and CAA to debate the options for a future regulatory structure. There is considerable agreement between the parties and it is therefore important that, wherever possible, a unified view is expressed in the EASA MDM.032 Working Group by the UK members. **(para 8.1.1)**

Recommendation 16

The Regulatory Review Group recommends that Industry considers further devolution and/or delegation, in conjunction with the CAA, in the issue, renewal of PtF or Cs of A, modifications and reissue of Certificates of Validity (Cs of V) for non-EASA aircraft.

Context - A CAA Feasibility Study has shown that there appears to be scope for further devolution or some delegation, to the GA community/approved companies, in some certification areas for non-EASA aircraft. **(para 8.6)**

Recommendation 17

The Regulatory Review Group recommends that the list of GA consultative fora, their participants and Terms of Reference (ToR) should be placed on the CAA website.

Context - The CAA consults extensively with many parties but the details of these groups are not transparent to the GA community. **(para 9.5)**

Recommendation 18

The Regulatory Review Group strongly endorses the concept of an Issues Log and recommends that this should be taken forward as a permanent mechanism for consideration by the GACC.

Context - The GA community has many issues with CAA regulation and would like to propose ideas for improvement and considers that an Issues Log would enable them to represent their concerns and ideas, formally, to the CAA. **(para 9.7.1)**

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Recommendation 19

The Regulatory Review Group recommends that, whilst the National Air Traffic Management Advisory Committee (NATMAC) is in the process of reviewing its ToR, the GACC should also undertake a similar exercise. In addition, it is recommended that the membership of GACC should be expanded to include the DfT and, if deemed necessary, other CAA Groups such as the Economic Regulation Group (ERG).

Context - Industry and CAA agree that, for regulatory matters, NATMAC and the GACC should be the principal focal points for GA debate. **(para 9.7.2)**

1.4 REGULATION - THE PRESENT SYSTEM

1.4.1 History of Regulation Within the UK

The CAA came into being on 1 April 1972. Prior to that date aviation was seen as a trade rather than a transport issue. Since 1982, the CAA has been required to cover the cost involved in performing its regulatory functions and in the provision of assistance and advice, from those being regulated or receiving the advice. The functions of the CAA are set out in Section 3 of the Civil Aviation Act 1982.

For the majority of GA these regulatory provisions are limited to providing assurance of:

- appropriate standards of airworthiness,
- pilot qualification,
- the rules for the movement of aircraft, and
- equipment to be carried.

There is no CAA involvement in the oversight of GA operations, except for certain flying training organisations - compliance being the responsibility of the operator and commander of the aircraft.

In addition to the Civil Aviation Act 1982, European Directives and Regulations are applicable. The first significant piece of European aviation safety legislation was EU Regulation 3922/91 to which was annexed a number of Joint Aviation Requirements (JARs) developed by the Joint Aviation Authorities (JAA). Much more significantly in 2002 came the basic EASA Regulation 1592/2002 under which two Implementing Rules (IRs) have been made in the form of Commission Regulation 1702/2003 dealing with certification (and to which is annexed Part 21) and Commission Regulation 2042/2003 (dealing with continuing airworthiness maintenance under which Parts M, 145, 66 and 147 are annexed).

1.4.2 EASA and Non-EASA Aircraft

All aircraft are designated as EASA aircraft except for two categories which are not subject to the basic EASA Regulation or its IRs. These are:

a) EU Regulation 1592/2002 Annex II aircraft eg amateur-built, ex-military, microlights and historical aircraft.

b) State aircraft ie aircraft engaged in military, customs, police or similar services.

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1.4.3 Summary of Current UK Regulation

The present system for the regulation of UK GA is examined in this report together with a review of other regulatory models used throughout the world. It was concluded that the UK system of regulation goes further than most NAAs in devolving tasks to separate organisations; Germany appears close to the UK in this regard. The UK's unregulated status of gliding airworthiness and pilot licensing (although now changing due to EASA) is an example of a successful pragmatic UK approach.

1.4.4 Better Regulation

The CAA is a strong supporter of the Better Regulation initiatives and, whilst it considers that it already complies with many aspects of the current Government initiatives, it continues to strive for excellence in this field. The CAA also continues to look at opportunities for reducing the regulatory burden imposed upon the GA community commensurate with statutory safety responsibilities. The most recent example of this is the recommendation to the DfT, in April 2006, to partially deregulate single-seat microlights (up to 115 kgs empty weight).

1.5 REGULATION - THE INFLUENCE OF THE EASA

Future EASA regulation will apply to all UK aircraft except those outside the scope of the Regulation (see paragraph 1.4.2 above). EASA will therefore have a fundamental influence on the future regulation of the GA community.

The GA community and the CAA are largely in agreement about the possible impact of EASA and the IRs on future GA regulation in the UK. However, the proposed amendment to Regulation (EC) 1592/2002, dated 16 November 2005, is very unclear in many areas. To assist EASA in clarifying matters, the Agency has instituted Working Group MDM.032, comprising representatives from Industry and some NAAs, to examine, in detail, future regulatory arrangements. The UK (both GA community and the CAA) is well represented on this Group and a common position between Industry and the CAA has been established to take forward into negotiations within this Group.

Working Group MDM.032 is tasked with, amongst other matters:

- Developing a concept for the regulation of aircraft other than "complex motor-powered aircraft"[1] when used in non-commercial activities.
- Developing IRs for the issue of a Recreational Pilot's Licence (RPL).
- Developing general IRs for the operations of the concerned aircraft.

[1] Complex is defined in the proposed amendment to Regulation (EC) 1592/2002.

Once the output of MDM.032 is considered mature then the CAA and GA community should examine the impact on the current UK regulatory model. Notwithstanding the existence of the MDM.032 Working Group, the Review considered various options for the future regulation of UK GA. For EASA aircraft no firm conclusions were drawn and the Review Group preferred to wait until the output of MDM.032 was known. However, for the non-EASA aircraft there was universal agreement that Industry should be encouraged to consider further devolution, in conjunction with the CAA, in the area of issue and renewal of PstF or Cs of A.

1.6 THE ACCIDENT RATE & SAFETY TARGETS FOR UK GENERAL AVIATION

1.6.1 Fatal Accident Rate

The FAR is one measure to determine how the GA community compares, in safety matters, to other activities. Other measures could be used but the data on the number of fatal accidents is highly accurate and this determinant is used widely in other comparative studies. It should be noted however that best estimates are used for the numbers of hours flown. Nevertheless the FAR remains the most reliable measure available.

A comprehensive study of UK GA fatal accidents was undertaken for a 10-year period from 1995 to 2004. The study detailed 235 fatal accidents involving UK GA aircraft resulting in 340 fatalities. The estimated FAR per 100,000 hours flown ranged from 1.3 for aeroplanes to 45.8 for gyroplanes. The rates for all other classes of aircraft (helicopters, microlights, gliders, self-propelled hang gliders, hang gliders and paragliders) were below 4 fatal accidents per 100,000 hours flown. It was encouraging to note that the number and rate of aeroplane accidents showed a decreasing trend during the second half of the study period. Meaningful comparison of the UK data with other foreign States was not possible due to differences in the definition of GA and a lack of available information, particularly utilisation. However, the estimated FARs for the various classes of UK GA were found to be similar to those for Australia and the USA and better than the rate for most European States.

1.6.2 Fatal Accident Rate versus Regulatory Environment

The estimated FAR per 100,000 hours for the group of aircraft in the conventional aeroplane full-regulation category was statistically better than that for aircraft in the devolved and self-regulation groups. However, it would not necessarily be correct to attribute this difference solely to the amount of regulation in place as, for example, the FAR for fully-regulated helicopters is very similar to self-regulated gliders, paragliders and partially devolved microlights. There was no difference, at a 95% level of statistical confidence, between the FARs for the group of aircraft in the devolved and self-regulation categories. Further study would be required to establish any such relationship.

1.6.3 Causal Factors in Accidents

Loss of control in visual conditions was the most common accident category for all classes of aircraft, apart from helicopters, and was allocated in 40% of fatal accidents. Many of these fatal accidents involved stall/spin scenarios.

The most common accident category for helicopters was loss of control in poor visibility and/or night conditions, which tended to involve pilot disorientation.

Lack of flight handling skills and lack of training, currency and/or experience were the most frequently allocated factors; both overall and for fatal accidents involving loss of control in Visual Meteorological Conditions (VMC).

1.6.4 Safety Forecasts for UK General Aviation

The current methodology for producing GA safety forecasts was considered to be appropriate. Lack of time precluded further investigation into other, possibly better, methods of deriving forecasts and subsequent targets and it has been recommended that this be accomplished outside the GA Regulatory Review.

Any future discussion on the most appropriate form of GA safety forecast/target would need to address, inter alia, the following questions:

- Should there be an overall GA forecast/target or should GA be divided into separate classes of aircraft or types of activity?
- What measure should be used (FAR, fatality rate, etc)?
- If a European GA forecast/target was to be introduced that was less strict than that currently observed in the UK, should an increase in the FAR be tolerated even if it was still below the acceptable European value?

1.7 SECTORAL TRENDS & OTHER MAJOR DEVELOPMENTS LIKELY TO AFFECT THE REGULATION OF UK GENERAL AVIATION (EXCLUDING EASA)

1.7.1 Sectoral Trends

There has been a steady increase in the number of UK-registered GA aircraft over the last 10 years. This has been accompanied by an unquantifiable increase in the number of UK based foreign-registered GA aircraft, particularly on the US register. Over the past 10 years the total number of hours flown by GA aircraft has remained remarkably steady at approximately 1.4 million flying hours per annum. Two thirds of GA aircraft are privately owned but business use (including flying training) accounts for two thirds of the hours flown. Over the last 10 years there has been a marked change in the utilisation of airfields. The development of some regional airports has had a negative impact on GA - from hours restrictions imposed to higher landing, parking and mandatory user fees. However, a number of small aerodromes (including private strips) have seen increases in their utilisation. It is notable that instrument flying training is becoming more difficult due to restricted access and the increased charges, as this activity tends to be carried out at the larger airfields with the necessary infrastructure.

The total number of pilots licensed to fly powered aircraft in the UK is 47,160. Of these, 19,036 are professional licence holders and 28,124 are private pilots. Out of the private licence holders, 3,394 hold National Private Pilot's Licences (NPPLs). Since 1998 the number of Private Aeroplane Licences issued per annum has been declining whereas the number of Professional Licences issued has been reasonably steady over the past 5 years. It has to be remembered that many professional licence holders also use that licence to fly privately, and there are 8,100 gliding and around 7,000 foot launched pilots who do not need a licence.

1.7.2 Major Developments Likely to Affect Regulation of UK General Aviation (Excluding EASA)

Introduction

Technological change is taking place currently at an ever-increasing rate, in all sectors of the aviation Industry. It is likely that emerging and future technological developments will have a significant impact on GA. Examples of currently emerging technologies include: powerplant developments (such as diesel aero engines), electronic flight bags, glass cockpit instrumentation systems and UAVs. In order to keep abreast of such developments, so that appropriate strategies and policies may be formulated, it will be necessary for informed and apposite dialogue to take place between the GA industry and the CAA.

The topics detailed below are an example of the technological issues facing the GA community. All of these issues will have associated regulatory challenges and will require attention by the CAA.

Mode S

Most sectors of GA are very concerned about the potential cost of Mode S Lightweight Transponders, compared to the benefits they are likely to provide to the purchaser, particularly when applied to very lightweight and inexpensive aircraft.

A Regulatory Impact Assessment (RIA) was published by the CAA in June 2006.

Global Navigation Satellite System (GNSS) Instrument Approach Procedures

GNSS instrument approach procedures are now widely available in the US with 1,178 stand-alone procedures published and 3,466 other Area Navigation (RNAV) procedures capable of use by Global Positioning System (GPS)-driven RNAV equipment. To a lesser extent this is also the case in other countries throughout the world, including in Europe. The GPS signal is free to use and there is reasonably priced GPS equipment for GA aircraft. In 2006 there are 2,811 aircraft on the UK register with a Maximum Take-Off Weight (MTOW) of less than 5,700 kgs with GNSS equipment installed. This represents a sizeable proportion of the UK-registered fleet that is capable of transport and training operations.

The CAA is trialling six GNSS approach procedures to be flown by GA aircraft in VMC. The results are due to be published in early 2007, with the aim of allowing the CAA to assess whether GNSS approaches are safe to introduce as permanent procedures.

Very Light Jets (VLJs)

There is a new sector developing, mainly led in the US, for very light “personal” jets. A handful of manufacturers will be bringing these to the market within the next few years. Such aircraft typically have a four-seat cabin and cost in the region of £0.5m–£1m, with lower operating costs than other aircraft with comparable performance. VLJs could be expected to operate out of smaller aerodromes that are presently the preserve of the lower end of GA, including recreational flying, as well as flying in the airways system at high altitudes along with CAT operations. Regulatory issues associated with VLJs include training and licensing.

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Access to Airspace

Increases in controlled airspace at regional airports have the potential to create choke points in the open Flight Information Region (FIR), if adequate access arrangements for GA traffic are not in place.

UK airspace is a national asset and private sector ANSPs are given the privilege and responsibility of managing it for all users. Adequate and equitable access to airspace should be achieved by an active CAA programmed review of controlled airspace requirements and monitoring of ANSP infrastructure, eg monitoring of access refusals to ensure ANSPs give appropriate priority to GA traffic.

Microlight Aeroplanes

From investigations it appears that some airfields still refuse to accept microlights/flexwing microlights. It is understood that the BMAA is continuing to campaign for all airfields that accept GA traffic to accept microlight aeroplanes.

Light Aviation Airports Study Group (LAASG)

The recent LAASG recommended that detailed proposals to remove the requirement for certain flying training to be conducted at licensed aerodromes be developed together with alternative arrangements, eg an Industry Code of Practice supplementing JAR-FCL in order to maintain safety levels for flying training. The LAASG also recommended a review of Article 126 of the Air Navigation Order (ANO) 2005 and a review of the Rescue and Fire Fighting Service (RFFS) requirements and light category aerodromes. A two-tier consultation process on these proposals is to be conducted in late 2006.

Military Aerodromes

The GA community suggests that access to military aerodromes for GA aircraft is becoming more expensive due to complicated access and indemnity requirements. This has led to a reduction in GA activity at these aerodromes and a consequent reduction in understanding of GA issues by the MoD.

Classification of Sailplanes

In the UK, sailplanes fall into four different categories: gliders, self-sustaining motor gliders, self-launching motor gliders and touring motor gliders, each of which has different training and licensing requirements. Elsewhere in Europe such aircraft fall into just two categories: sailplanes and powered sailplanes. The BGA proposes an alignment of the UK classification of sailplanes with the European model.

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Qualification Criteria for Certificate of Airworthiness versus Permit to Fly

The ANO states that an aircraft shall not fly unless it possesses a C of A. This follows from the normal process that requires an aircraft to be designed and certificated to certain prescribed standards. Accordingly such aircraft, whether built in the UK or elsewhere, will be designed against a suitable code or certification specification and will usually be granted a Type Certificate and each example of that aircraft type issued with a C of A. CAA policy has therefore largely been focused on the premise that if an aircraft can qualify for a C of A it should hold one. For many years however, a number of aircraft that were the subject of Type Certificates in other countries have been imported into the UK and have been issued with a PtF for a variety of reasons.

As a consequence of EASA and the introduction of European legislation, this policy has been reviewed and the acceptance of such aircraft for a PtF upon import has stopped. These aircraft are now required to qualify for an EASA or National C of A as appropriate. It is clear that since many of these aircraft can be considered as vintage types, they potentially fall under the criteria set by EASA for Annex II aircraft. The reviews and discussions currently being conducted by EASA on such vintage types, as part of the review of Annex II to Regulation (EC) 1592/2002, and in the EASA Part 21 21.023 PtF/Restricted C of A Working Group, may well have an impact upon what the CAA is required to do in relation to these aircraft.

1.8 REGULATION - PROPOSED OPTIONS FOR UK REGULATION

1.8.1 Proposed Options - EASA Aircraft

The future UK regulatory environment for those GA aircraft for which EASA has responsibility is unclear at present. The proposed amendment to Regulation (EC) 1592/2002 contains many concepts which the CAA and Industry agree should enhance regulatory options if appropriately implemented. These include:

- The use of Qualified Entities.
- The use of Assessment Bodies.
- The use of a sub-ICAO private pilot licence.
- The principle of regulatory proportionality commensurate with risk.

1.8.2 EASA Aircraft

There is considerable concern, within the GA community and the CAA members of the Regulatory Review Group, that a proposed amendment to Regulation (EC) 1592/2002 is being rushed through the legislative process without due consideration being given to all the issues affecting the GA community. An example of this is the formation of the EASA Working Group MDM.032. This Group has been given an extremely challenging timescale in which to complete its work on the future regulatory structure for the GA community within Europe. Many of the UK Group members on MDM.032 consider that to produce a tenable solution within these timescales is impossible. The Regulatory Review Working Group members also consider that the present difficulties experienced by EASA, in certification matters, are about to be replicated if the extension to Regulation (EC) 1592/2002 is granted without taking appropriate time in which to consider all the implications of the proposals.

The work of the GA Regulatory Review Group has been important in establishing a common UK Industry/CAA view on how EASA should regulate the GA sector.

1.8.3 Proposed Options - Non-EASA Aircraft

As part of the SRG Costs and Charges Joint Review Team activity, a proposal (GAMTA/01) was made by Industry, that approval of non-EASA aircraft be in effect devolved by the CAA either by using the existing Popular Flying Association (PFA) model or by establishing partnerships with external bodies, while retaining certain CAA core competencies. The recommendation that a Feasibility Study be added to the 2005/06 Business Plan was acted upon (SRG Business Plan 2005/2006, item 8.2.1.6). The Feasibility Study detailed a number of areas where changes in working practices may be possible as suggested in the GAMTA/01 action. Further work will be necessary to examine these opportunities in more detail.

Further devolution depends upon the sectors of Industry having the competence and the resource to take on the associated responsibilities.

1.9 METHODS AND EFFECTIVENESS OF CONSULTATION AND DIALOGUE BETWEEN THE GENERAL AVIATION/CAA/GOVERNMENT/ REGIONAL BODIES

This subject is more comprehensively dealt with in the GA Strategic Review including consultation with Government and regional bodies. Therefore this Review will address issues that apply to regulatory development between GA and CAA only.

The CAA places significant emphasis on the need for effective consultation with interested parties and regards this as an important aspect of being a world-class regulator.

1.9.1 Formal Consultation

CAA formal consultations follow set procedures following government guidelines. The CAA, on occasion, has published consultations during August and over the Christmas period. It is recognised that this could have reduced the ability of representative organisations to devote the necessary time to their comments and, if possible, should be avoided in future.

The responsibility for consultation on EASA and European legislative matters rests with the DfT.

1.9.2 Informal Consultation

Informal consultation covers a broad spectrum of activities. It often takes place at the early development of a proposal. The early identification of issues can lead to more effective proposals and sometimes consensus prior to formal consultation. Moreover, it can also help reduce the workload of CAA staff associated with introducing new regulations. This process can also build up trust and cooperation between the various parties that can result in better implementation and compliance when introducing new regulations.

1.9.3 A Single GA Representative Organisation

There have been suggestions that there should be a single GA umbrella organisation that can present a single viewpoint to the CAA, to improve upon the current arrangements. However, it is acknowledged that the variety of different aircraft and operations in GA, as well as the different functions (such as trade, recreational, sport, personnel) make such a noble aim difficult to achieve. There was consensus among the Regulatory Review Group that appropriate alliances would best present a unified view on particular issues. This will be particularly so when other sectors of the aviation industry are involved in such issues.

1.9.4 Committees

The National Air Traffic Management Advisory Committee (NATMAC)

The CAA consults on airspace matters through NATMAC. GA has its own subgroup of NATMAC, the General Aviation Working Group (GAWG).

Present and Future Role of the General Aviation Consultative Committee

The GACC has been SRG's main forum for consultation with a wide range of GA representative organisations in the UK since 1997.

The GACC aims to develop technical and operational policy that would help to improve GA safety standards whilst encouraging the development of UK GA. This aim is reflected in the current ToR. However, the Regulatory Review Group recommends that it review its ToR to broaden its membership and to seek to improve its status such that it becomes a principal focal point for debate.

1.9.5 Issues Log

During the Regulatory Review Group debates in plenary session, it became clear that the Industry has many issues with CAA regulation and had ideas on how to improve policies and processes.

Many of these issues are specific and, whilst germane to the Review, were too detailed to include within this report. It was therefore agreed that these issues should be recorded separately. An Issues Log was created and these were dealt with as a parallel activity to this Review. Several issues have already been responded to by the relevant CAA specialist/department whilst others remain open. It is intended to respond to the present and future Industry concerns and ideas, within the GAAC, using this mechanism.

1.10 GENERAL AVIATION REGULATION UNDERTAKEN BY THE CAA ON BEHALF OF THE GOVERNMENT

The DfT has required the CAA to carry out two aspects of GA regulation that would otherwise be beyond the CAA's remit:

- Insurance; and
- Safety Assessment of Foreign Aircraft (SAFA).

The CAA is reimbursed by the DfT for those activities in relation to foreign-registered aircraft.

1.11 IMPACT OF REGULATORY REVIEW RECOMMENDATIONS

1.11.1 Impact on the CAA

All recommendations addressed to the CAA will entail the use of existing resources to permit their consideration and, where appropriate, implementation. It is not expected that any reduction in CAA manpower will be evident in the short to medium-term. In the meantime, the CAA continues to review the processes and staffing levels to ensure that the regulatory oversight of the GA community is cost effective and proportionate. The only envisaged manpower reductions could be in the area of future devolution to an Assessment Body for the issue of the RPL.

1.11.2 Impact on Statutory Requirements

Until EASA Working Group MDM.032 has completed its task it is difficult to estimate the changes required to UK legislation. There will, inevitably, be changes required as a consequence of the proposed amendment to Regulation (EC) 1592/2002 when enacted and any further changes stemming from consideration of the adoption of MDM.032 should be implemented at the same time.

1.11.3 Impact on General Aviation

There are many questions to be answered as to EASA's (and CAA's) role in the future regulation of GA. Until Working Groups MDM.032 and M.017 (EASA Part M Assessment Group) have completed their tasks it is difficult to estimate the impact on the GA Industry.

There will be, in all probability, opportunities for non-regulatory bodies to act as either Qualified Entities or Assessment Bodies in a wide range of oversight activities. It could be argued that the BMAA and National Pilot Licensing Group (NPLG) already act as Qualified Entities in their role as NPPL application assessors. It would be a relatively short step for these organisations to become assessment bodies, issuing the proposed EASA RPL in their own right.

The improved communication links, through the Issues Log and revised GACC, will ensure that the GA community has a robust and significant platform on which to debate issues with the CAA.

1. EXECUTIVE SUMMARY & RECOMMENDATIONS

1.12 SUMMARY OF THE GENERAL AVIATION REGULATORY REVIEW

The Regulatory Review has made 19 recommendations and it is proposed that all be progressed through a revised GACC.

As these recommendations are progressively implemented, the relationship between the GA community and the CAA will continue to develop.

This Review has:

- **Resulted in a fundamental re-energising of the relationship between the GA community and the CAA.**
- **Provided a formalised on-going system (the Issues Log) for dealing with GA community concerns with or ideas for improving the CAA's regulatory policies and processes.**
- **Proposed an enhanced GACC with a wider membership (including DfT) and revised ToR to establish sub-groups to examine all aspects of mutual concern or interest.**
- **Provided a platform for debating and agreeing a joint GA community/CAA position on the most appropriate regulatory model to be used by the EASA. This agreed position will be important in trying to influence the current debate on this issue.**
- **Suggested the structure (the revised GACC) in which to consider the detailed proposals from the Commission, the European Parliament and EASA on the future regulation of GA.**
- **Proposed new safety initiatives which will assist in reducing the accident rate within the GA community.**

The Regulatory Review has played a major role in highlighting the issues of concern and made proposals to improve the regulatory environment for the benefit of both the GA community and the CAA. Whilst there is good agreement between both parties on the regulatory models to be employed, further progress in many areas must await the conclusion of the EASA MDM.032 study but where there is scope for further action this will be progressed through the recommendations in the GACC.

The Review was timely in allowing the GA community and the CAA to debate and agree a common position to take forward into the EASA study.

Appendix 3

CASA August 2019 - CASA Discussion Paper DP1912ss - Maximum take-off weight limit for aeroplanes managed by Approved Self-administering Aviation Organisations (ASAO)

Australian Government
Civil Aviation Safety Authority

DISCUSSION PAPER

DP 1912SS

Maximum take-off weight limit for aeroplanes managed by approved self-administering aviation organisations (ASAO)

Date	August 2019
Project number	SS 99/05
File ref	D18/477202

Introduction

This Discussion Paper explores the policy proposition that an Approved Self Administering Aviation Organisation (ASAO) may administer aeroplanes with a MTOW greater than 600 kg up to a maximum of 760 kg, and that they conduct only recreational activities or flying training on the basis that the organisation demonstrates to CASA a capability of maintaining an acceptable level of aviation safety.

The premise for discussion is for a change to the MTOW limitations that currently apply to 3-axis aeroplanes. It would potentially amend the relevant regulations to permit 3-axis aeroplanes up to a maximum weight of 760 kg, regardless of whether the aircraft is equipped to land on water or not and to be included as aircraft that could be administered by an ASAO. Other limitations such as maximum stall speed would not be changed by this proposal.

The proposal is for the establishment of a new operating classification within an ASAO's safety system to manage operations of aircraft within the proposed higher MTOW and above the 600 kg limit which currently exists.

CASA previously considered a similar proposal in 2008 which did not result in changes. Given recent requests CASA wishes to get feedback from all parties on this topic using this discussion paper. We hope submissions will examine the proposed change and highlight any perceived pros, cons, effects of aviation safety as well as potential financial impacts. The provision of relevant data or practical examples would be very beneficial to our review.

Why are we consulting

CASA seeks input and welcomes feedback and relevant comment from all stakeholders in relation to proposed changes to the regulations. Importantly, this paper outlines a proposal that might result in a change to the regulations. This does not mean CASA has already decided to make such a change.

This Discussion Paper seeks to understand:

- the specific advantages of the proposed change
- the specific disadvantages of the proposed change
- real/perceived improvements or degradations in overall aviation safety
- other alternatives.

Prior to deciding to make any change, CASA is committed to considering the feedback relevant to this Discussion Paper to ensure we maintain and enhance aviation safety.

The purpose of this Discussion Paper is to seek feedback from the aviation community with regards to the relevance of the stated benefits, the identified risks and the industry impacts more broadly.

Contents

1 Discussion

1.1 Background

Globally, there has been a significant increase in the operational and technical capability of sport and recreational aviation. The introduction of simpler light aircraft certification standards globally has led to an increasing range of categories with less obvious distinctions between them.

A review of the safety performance statistics associated with the particular operations under discussion suggests; (1) safety performance is presently of a comparable level; (2) safety performance has continued to improve since 2014.

The potential benefits for the aviation community (an estimated 10,000+ pilots) of an ASAO administering aeroplanes with an MTOW greater than 600 kg up to a maximum of 760 kg may include:

- increased aircraft utilisation - introducing the higher MTOW may provide an opportunity for greater utilisation of aircraft in the higher weight range
- increased maintenance activity - additional utilisation of aircraft with an MTOW between 601 kg to 760 kg may lead to an increase in maintenance organisation activity
- access to aircraft with a broader flight envelope may increase exposure to more capable aircraft and increased training opportunities.

1.2 The policy change under consideration

1.2.1 Why is this change being considered?

The proposal to increase the MTOW limit presently imposed by CAO 95.55 may align the simplified certification schemes to a known simplified operational scheme. The proposed amendment also facilitates access for almost 10,000 pilot certificate holders and student pilots to a larger variety of aircraft.

1.2.2 What regulations are related to this proposal?

The proposal is to amend MTOW values that are specified in CAO 95.55, Part 149, the Part 149 MOS, Part 103 and the Part 103 MOS. Details of proposed changes would be identified and consulted as a separate proposed rule change consultation following this discussion paper, should it occur.

1.3 Australian Civil Aviation Register overview

Based on only the certificated MTOW, analysis of aircraft on the Australian Civil Aviation Aircraft Register as at July 2019 shows[1]:

- A total of 15,600 aircraft are listed on the Australian Civil Aviation Register (VH registered).

[1] Figures are approximate.

- 1,690 single-engine aeroplanes are registered with a MTOW not greater than 760 kg.
  - 440 single-engine aeroplanes are registered with a MTOW not greater than 600 kg.
  - 985 single-engine aeroplanes are registered with a MTOW between 601 kg and 750 kg.
  - 265 single-engine aeroplanes are registered with a MTOW between 751 kg and 760 kg.
- Most aircraft with a MTOW between 751 kg and 760 kg are types such as; XL-2 (Liberty), A152 (Cessna Aerobat), C152 (Cessna), PA-38 (Piper Tomahawk) and PA-22 (Piper Tri-pacer). Generally, aircraft types such as the PA-38 (Piper Tomahawk) and the PA-22 (Tri-Pacer) do not meet the requirements specified in clause 1 of CAO 95.55 relating to stall speeds and/or minimum useful loads.
- Most aircraft certificated in a category other than the normal category have a MTOW greater than 700 kg.

By comparison, there were approximately 3,325 aircraft registered with RAAus as of May 2019.

Approximately 440 aircraft are presently registered under Part 47 with a MTOW of not greater than 600 kg, any increase in the current MTOW limit would have no change on this cohort[2]. With a total of 1,690 aircraft registered under Part 47 with a MTOW not greater than 760 kg, this leaves a current maximum of 1,250 aeroplanes that might fall within the scope of this proposal.

Not all of these aeroplanes would meet the additional requirements of clause 1 of CAO 95.55; such as maximum stall speeds (45 kts) and minimum useful load calculations. Therefore, the actual number of aircraft effected would likely be less. This number considers only MTOW to provide a measurable maximum limit of scope.

1.4 Potential aviation industry benefits

1.4.1 Is the proposal considered positive for the aviation industry?

There are potentially several benefits of this proposal that might include the following, but CASA is seeking comments on this and other industry suggestions:

Potential increased aircraft utilisation (601 kg to 760 kg MTOW)

- A higher MTOW for aircraft managed by ASAOs may provide access to a larger number of aircraft that may provide additional performance and training opportunities.
- Increased Maintenance Activity (CAR 30 and Part 145 Organisations).
- Additional utilisation of aircraft with an MTOW between 601 kg to 760 kg may lead to an increase in maintenance organisation activity.
- Is the proposal good for the sector?

As with any change, this proposal to modify the policy and regulatory framework can be complex and multi-faceted. A change that benefits one may not benefit another. The purpose of this Discussion Paper is to understand the extent to which the change might impact others

[2] A distinction between aeroplanes equipped to land on water and those not, was considered immaterial for the purpose of establishing a general understanding of the scope of those operations affected.

(negatively or positively).

1.5 Potential aviation safety outcomes

1.5.1 Is the proposal considered positive for aviation safety?

Any proposed change must maintain or improve the current level of safety in the sector. There are potential safety benefits from exposure to aircraft with more manoeuvre capability and increased training opportunities that may benefit those in every category of operations.

CASA is interested on your thoughts on these and other potential safety benefits, and the topics below.

Assessment of risk

Any application and approval to administer aircraft in the higher MTOW by an ASAO would need to be accompanied by a safety case and a risk management framework that support the change.

An ASAO authorised to administer aeroplanes between 601 kg and 760 kg would need to have a supporting administration system, approved by CASA, within their CASR Part 149 exposition. CASA would require an ASAO to have an appropriate system that manages the proposed aviation administration function.

The amendment would provide clarity of the definition of MTOW and Part 149 authorisations

The proposed amendment would include a clearer definition of MTOW. This definition would equate to a limitation on the published certificated limit (or its equivalent), not an operational take-off weight on a particular day. Specifically, a person could not register an aircraft with a higher certificated MTOW and then operate the aircraft under 760 kg by limiting usable loads and minimising the basic empty weight.

1.5.2 What requirements or conditions would not change?

Continuing airworthiness of aircraft

The proposed amendment to the MTOW limit would not change the continuing airworthiness requirements that would otherwise apply to aircraft between 601 kg and 760 kg. It is anticipated that CAO 95.55 and Part 103 MOS would require that aircraft (other than those referred to in the next paragraph) within this weight bracket would need to meet the continuing airworthiness and maintenance requirements currently specified in CAR and CASR.

Persons who have fabricated and assembled a relevant amateur-built aircraft (amateur-built, kit-built and light sport aircraft) and who are authorised by CASA under 42ZC (4) (e) of the CAR, may continue to perform maintenance on an amateur-built aeroplane they are approved to maintain.

Medical requirements

This proposal would apply the ASAO's current medical arrangements for pilots operating aircraft up to 600 kg, to 760 kg.

Eventually, Part 103 of CASR (Sport and Recreational Aviation Operations) will consolidate the rules for private recreational operations including these medical requirements. Until the proposed Part 103 commences, the medical standards for Part 103 aircraft pilots including instructors will be prescribed in the respective ASAO's operational manuals approved by CASA.

Access to controlled airspace

The proposed amendment to the MTOW limits would not change any airspace authorisation or restriction that currently exists. Specifically, operations will continue to be authorised to operate in the classes of airspace as they currently exist.

Ability to conduct advanced operational activities

The proposed amendment to the MTOW limits would not change any operational authorisation or restriction that currently exists. Specifically, operations that are currently limited to Day Visual Flight Rules (VFR) would continue to be limited.

The number of places (seats) fitted to the aircraft

The proposed amendment to the MTOW limits would not change the single-place or two-place restriction that presently applies. The two-place restriction refers to an aeroplane designed by the manufacturer (amateur-built or certificated) with no more than two seats. For those limited number of aircraft fitted with more than two seats and are certificated at or below 760 kg MTOW, the aeroplane will not be permitted to be modified to meet the two-seat limitation (e.g. removal of additional seats).

The number of engines and propellers

The proposed amendment to the MTOW limits would not change the requirement that the aircraft be a single engine aircraft fitted with a single propeller.

The types of operations able to be conducted

The proposed amendment to the MTOW limits would not change the types of operations that are able to be performed by aircraft administered by an ASAO. For example, a pilot is not currently able to perform aerial work or charter operations under the current or proposed ASAO scheme. The aircraft would not be available for training conducted under Parts 141 or 142 of CASR.

Stall speed and minimum useful load requirements

The proposed amendment to the MTOW limit would not change the limitations that presently apply to stall speeds or minimum useful load requirements.

2 Safety performance indicators

2.1.1 What do the safety performance indicators show?

Total accident rates – recreational aeroplanes

Figure 1 shows the accident rate for the last five years and how it has progressively declined between 2014-2018 towards a rate of 342.6 accidents per million flying hours.

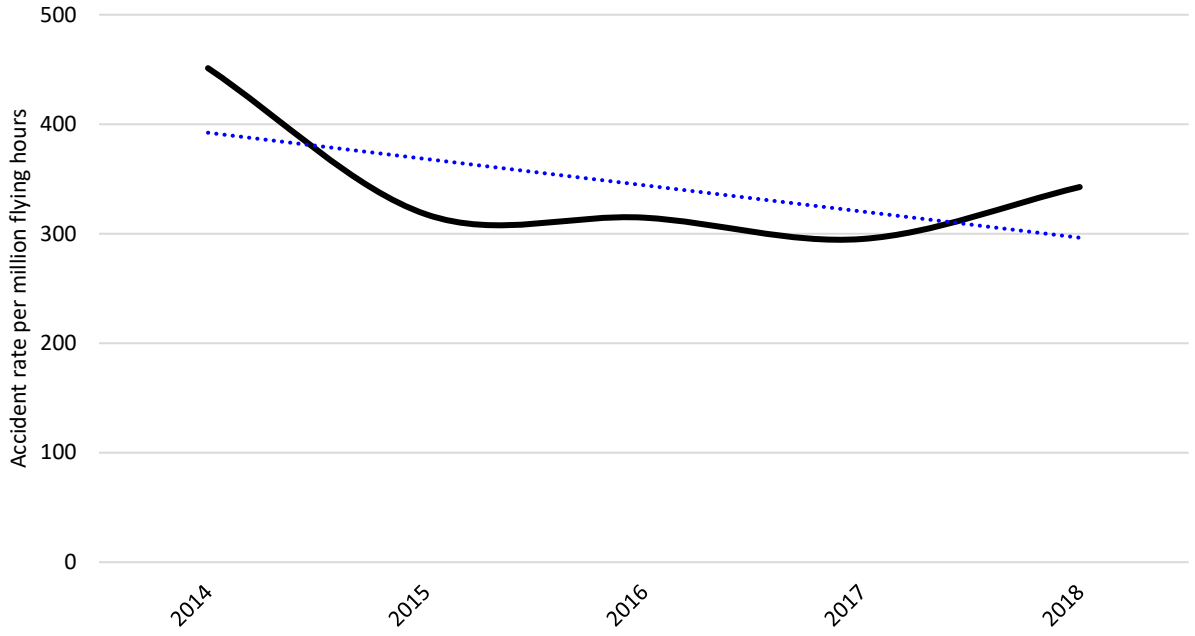

Figure 1: Total accident rates – Recreational aeroplanes 2014 – 2018

Note: Rates shown are per million flying hours. Data was provided by BITRE.

Number of fatal accidents – recreational aeroplanes

Figure 2 below, shows the annual number of fatal accidents for recreational aeroplanes between 2014 -2018. The data shows the number of fatal accidents over the last five years is trending downward.

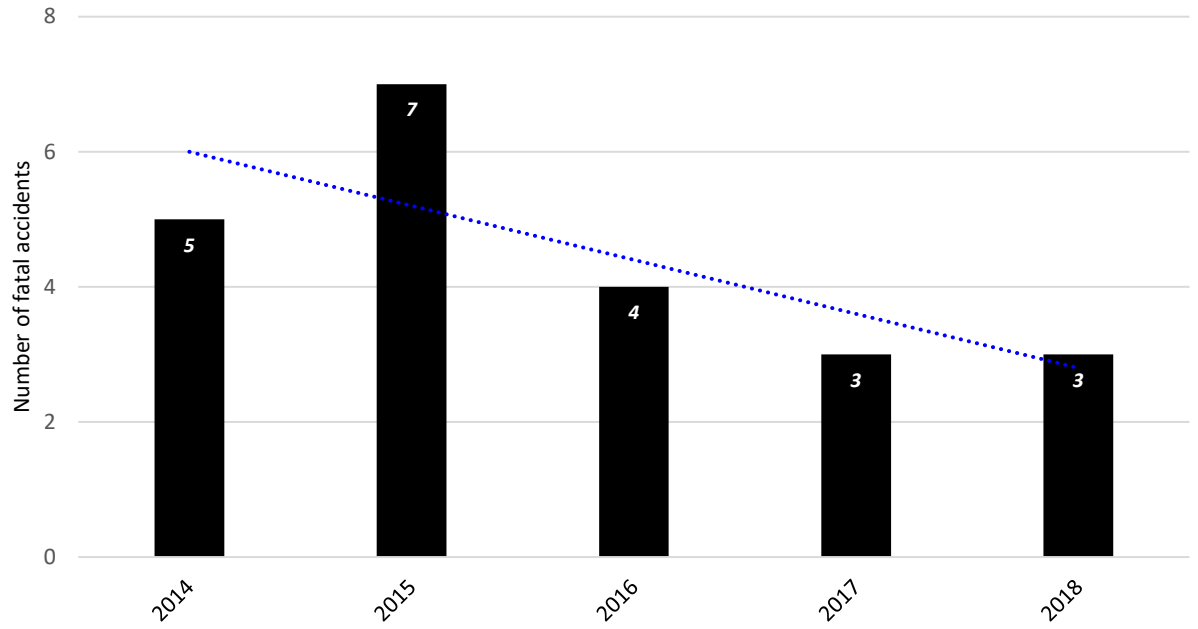

Figure 2: Number of Fatal Accidents – Recreational aeroplanes 2014 – 2018

Note: Data was taken from the ATSB's quality assured dataset (July 2019)[3].

Safety performance comparison – fatal accident rates

Consideration should be given to a comparison between the fatal accident rates for recreational aeroplanes against those of aircraft operated in the private/sport category of the private flying sector up to 760 kg MTOW.

CASA considers the comparison in Figure 3 below, is for general information, as there is variability in practice between the groups. For example, the private/sport category includes operations of aircraft that are certificated differently, powered differently, operated under instrument flight rules etc. and cannot be dissected further. Specifically, Figure 3 compares light and simple operation recreational aeroplanes with the safety performance of aircraft and operations that are not equivalent.

The comparison shows declining trends of fatal accident rates of recreational aeroplanes and the private/sport category of the private flying sector over the past five years.

[3] In February 2015 a mid-air collision occurred between two aircraft at Donnington Airpark (QLD). This data considered that accident as a single occurrence.

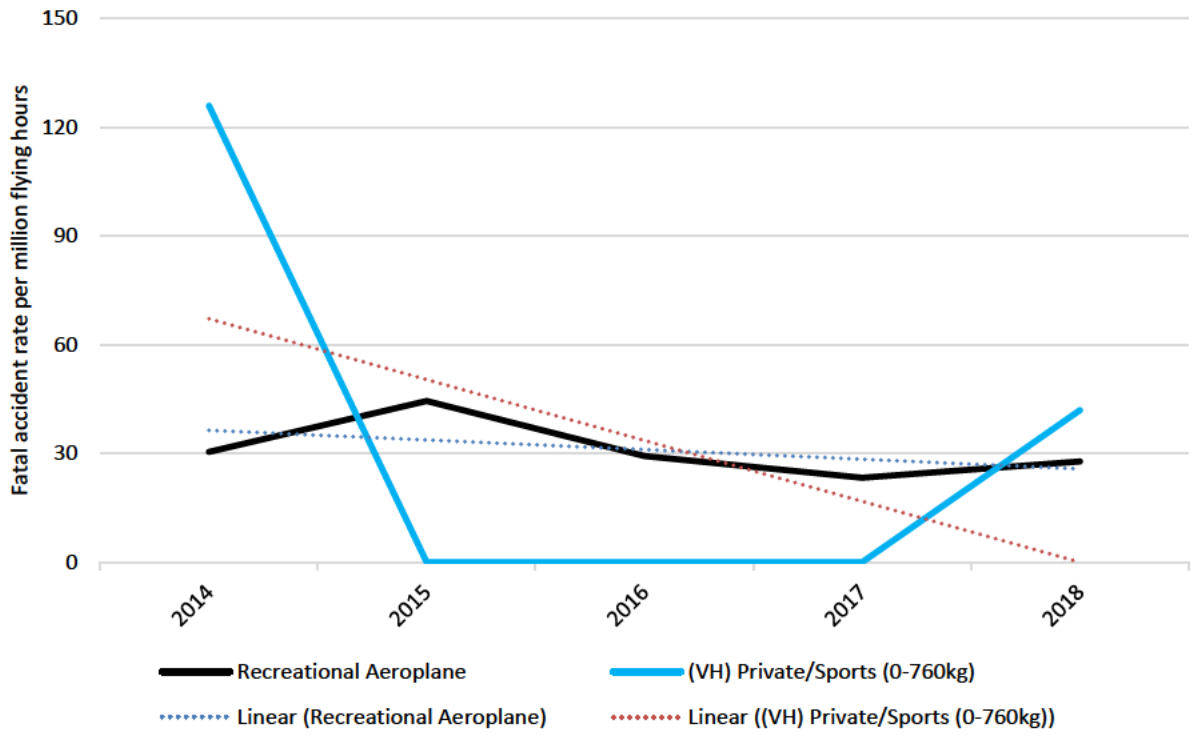

Figure 3: Fatal accident rates – Recreational Aeroplanes vs (VH) Private/Sports 2014 – 2018

3 Options for discussion

This Discussion Paper presents two initial options to begin the discussion on the proposal. However, when providing your feedback within the consultation feedback tool, CASA will seek the aviation community's views on any other options that CASA may reasonably consider, in addition to these specific options:

- Option 1 – Maintain the status quo and make no changes to the MTOW limit.
- Option 2 – Amend the MTOW limit in CAO 95.55, Part 149 MOS and develop the Part 103 MOS to provide an option for an ASAO, if authorised by CASA, to administer applicable aeroplanes with a MTOW of up to 760 kg.

3.1 Option 1 – Maintain the status quo and make no changes to MTOW limits

This option would result in no changes to CAO 95.55 and the Part 149 MOS to extend the range of aeroplanes that an ASAO may administer. That would mean that CASA administration of aeroplanes above 600 kg MTOW would continue.

3.2 Option 2 – Amend the MTOW limits and associated matters in CAO 95.55, Part 149 MOS and develop Part 103 and the Part 103 MOS to reflect these matters

This option would form the basis of CASA policy to accept light aircraft up to 760 kg MTOW that meet requirements to be administered by an ASAO.

The potential benefits to pilots and aircraft owners might include:

a. Increased aircraft utilisation.
b. Increased maintenance opportunities.
c. Access to a larger number of aircraft with broader operating envelope.
d. Choice to either register and operate their aeroplanes under an ASAO, or with CASA.
e. Increased choice of holding a Part 61 licence and a pilot certificate.

4 Submitting your view and what next

You are encouraged to review the information and provide your feedback regarding the options that have been presented and any additional options or concerns not covered in this discussion paper.

The consultation hub feedback tool includes a series of questions that explore your views in relation to five key areas:

- The potential benefits to aviation safety – are they likely to be realised by implementing this proposal?
- The potential benefits to the aviation community – are they likely to be realised by implementing this proposal?
- The effect of the proposal on the aviation community – do you consider the proposal to be positive for private recreational aviation? Does it have a negative impact on aviation in general?
- The effect of the proposal on you as an individual – does the proposal affect you, and if so, how?
- The effect of the proposal on your aviation business (if applicable) – how does the proposal affect your aviation business?

Your feedback will make a valuable contribution to CASA's policy decision-making process and help to fully inform CASA of the perceived impacts (positive and negative) on the aviation community regarding the proposal.

Responses should be submitted using the online response form by 28 September 2019. The online response form is available at the CASA Consultation Hub.

Appendix A

Key questions answered

Listed below are key questions and answers that CASA anticipates stakeholders may have.

A.1 Does this mean CASA is privatising the private flying sector?

No. Privatisation means the act of selling an industry, company or service that was owned and controlled by the government, so it becomes privately owned and controlled. CASA has not and does not intend to sell any section of the industry. A scheme of self-administration was introduced in Australia over 25 years ago, which as of 14 July 2019 has a new regulatory framework called Part 149.

CASA always retains the responsibility and ultimate oversight of the entire private flying sector including those that are managed by an ASAO.

A.2 Why does CASA have self-administering organisations?

This Discussion Paper does not discuss the regulatory framework and objectives associated with Part 149. For information regarding that regulation readers are encouraged to review the regulation and MOS available on the CASA website and the associated Explanatory Statement available on the Federal Register of Legislation website.

A.3 Does CASA retain responsibility for the operations?

Section 9 of the *Civil Aviation Act 1998 (the Act)* outlines the functions of CASA. These are the functions of CASA even when an industry-based organisation holds an approval under Part 149 as an ASAO. In other words, CASA approves such an organisation to administer certain aviation functions but retains the overarching responsibility for safety in the sector.

A.4 If I currently operate an aircraft between 601 kg and 760 kg, would I have to join the ASAO?

No. A pilot or registered operator could continue to operate within the CASA scheme. There would be no obligation for any person to join an ASAO.

It is worth noting that the CASA issued Recreational Pilot Licence (RPL) authorises a pilot to operate as pilot-in-command of a single engine, Part 47 registered aircraft up to 1500 kg MTOW, potentially with four persons on board. The RPL has greater privileges, and associated risks, than that of a person operating under a recreational self-administering scheme, who is restricted to a two-person operation and a significantly reduced MTOW (smaller aircraft). An RPL holder may elect to operate aircraft at a lower MTOW or less seating capacity; however, they are not restricted in doing so and are managed according to the extent of the privilege of the licence.

A.5 Has CASA already made a decision?

No. Prior to making a final decision, CASA will consider all responses submitted. For CASA to consider your feedback it must be submitted using the online CASA Consultation Hub. A link is provided in the next section of this Discussion Paper.