

Senate RRAT Committee submission

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Perspectives of a private pilot

I am a pilot and aircraft owner. I hold a CASA Part 61 private pilot license and a CASA Class 2 medical certificate. My aviation activities include travel through regional Australia and personal education and betterment.

I anticipate that you will receive many submissions from industry groups. My aim here is to provide a view of Australian civil aviation regulation from the perspective of a private pilot individual. We form a majority of Australia's pilots, but our views are mostly crowded out by the various four- and five-letter industry associations.

I have previously been a member of Approved Self-Administering Aviation Organizations¹ (ASAOs): I have a lapsed RAAus pilot certificate with ratings for cross country, flight radio and high performance. I have also been a member of the Gliding Federation of Australia, with a Level 2 Instructor rating, a motor glider endorsement, and a three year tenure as a club's Chief Flying Instructor.

At present, my training standards and the nature of my operations are in excess of the abilities bestowed on ASAOs, so I now conduct myself under CASR Part 91. My aircraft is maintained by a CASA-regulated Licensed Aviation Maintenance Engineer (LAME), except where allowed under CAR 1998 Schedule 8².

Because I am operating non-commercially, I'm unaffected by some of the pressures and compulsions which are often used to justify strident regulatory intervention. I will never lose income or employment by refusing to fly, which distinguishes me from most commercial pilots: If my aircraft has an airworthiness issue, or if I have a medical problem, or if the weather is hazardous, or if my competency is in question, I can (and do) simply opt not to fly. Regardless of whether we choose to exercise it, it's undeniable that private pilots have greater control over their risk appetite than commercial pilots.

Also because I am operating non-commercially, the risk awareness of me and my passengers is distinct from (say) charter and airline customers. My operations do not involve naïve personnel; Everyone involved has opted in following a detailed briefing.

At all times throughout my flying career, I've been at partial odds with CASA's oft-stated view that it causes aviation safety. No amount of oversight from a safety regulator can prevent me from making decisions about running out of fuel or crashing into a mountain or running off the side of a runway or operating an airplane with a faulty engine, or from setting up any of the preconditions that make those

¹ AC 149-01 v1.0 - Approved self-administering aviation organisations

<https://www.casa.gov.au/sites/default/files/advisory-circular-149-01-approved-self-administering-aviation-organisations.pdf>

² CAR 1998 Schedule 8 details maintenance which can be performed on CASA-regulated aircraft by trained holders of CASA pilot licenses, using approved techniques, methods and materials.

http://www5.austlii.edu.au/au/legis/cth/consol_reg/car1988263/sch8.html

things happen. The only entity who can maintain the safety of my operations is me, in accordance with the quality of the decisions I make, which I've always taken very seriously. A safety regulator is only worthwhile to the extent that it promotes and supports my safety culture. A safety regulator which obstructs or diminishes my ability to operate safely is, for any practical purpose, a failure.

For private pilots, CASA often hangs like a sword of Damocles over our heads. No matter how diligently we develop our safety culture, every private pilot is terrified that one day an arbitrary regulatory decision could be made which limits, devalues or destroys the capital value of our aircraft, a medical examination will reveal something innocuous and treatable which grounds us, or the slow-motion effect of a decades-old policy decision could close down our airport. None of those things are *reasonable*.

The legislative and regulatory framework underpinning CASA's aviation safety management functions

CASA's regulatory framework consists of the Civil Aviation Act 1998 ("The Act"), Civil Aviation Safety Regulations 1998 ("CASRs"), a vast and burgeoning number of Civil Aviation Orders ("CAOs") which apply exemptions and overrides, and CASA's regulatory policy as interpreted and applied by its bureaucracy.

The framework has been the subject of a number of public inquiries, most notably the Forsyth Aviation Safety Regulation Review³ (ASRR) conducted in 2012/13/14. The extraordinary degree of stasis in the CASA regulatory framework becomes obvious when you observe how few of the ASRR recommendations have reached a satisfactory conclusion in the nearly nine years since it commenced. The overwhelming bulk of the Forsyth Report remains topical in 2021.

CASA's functions

Before analyzing CASA's aviation safety management functions, it is important to understand what those functions are.

CASA's functions differ markedly from National Aviation Authorities in our peer jurisdictions. For example, the United States' Federal Aviation Administration (FAA) funds airports, operates an Air Traffic Control (ATC) capability, administers American airspace, builds and maintains a network of ground-based radio navigation equipment, operates SBAS and GBAS GPS capabilities, carries out airworthiness research, and funds aviation accident investigations via the NTSB.

CASA, conversely, performs none of those functions. Airports in Australia are fully privatized, operated by owners who prefer to avoid dealing with CASA at all unless they're compelled because CASA's functions are slow, bureaucratic, and supplied on a cost recovery basis. Air Services Australia runs Australia's ATC capability under its own budget allocation, which also includes airspace administration, navigational maintenance, and instrument approach design. The Australian ATSB is independent from CASA, also operating under its own budget allocation.

The vast bulk of CASA's actual function falls into two broad categories: Firstly, its job is to write regulatory instruments to support aviation safety and the conduct of aviation business in Australia; And secondly, it administers those regulations. There are other functions listed in Section 9 of The Act, such as safety

³ Aviation Safety Regulatory Review report, 2014. <https://www.infrastructure.gov.au/aviation/asrr/>

promotion and representing Australia in ICAO proceedings, but they're relatively small and lightweight in comparison to those two.

Perverse incentives

The departmental headcount required to administer a regulation increases if the regulation is more complex. What we have seen across the last 30 years is that the size of the airworthy Australian aircraft fleet, the size of the industry it serves, the number of pilots, and the number of flight hours have all been declining; And yet CASA's budget and headcount keeps expanding. There is no reason for this, except for the fact that the complexity of CASA's administrative function is a direct outcome of CASA's inability to write clear and efficient regulations. The burgeoning size of the CASA bureaucracy needed to regulate a declining industry is a warning sign which should be taken a lot more seriously than it is.

As an example: Both CASA and the FAA administer medical certification for private pilots.

FAA regulations have, for many years, provided a system called "BasicMed" which enables private pilots to manage their own medical fitness in consultation with their GP without involving FAA administrators. While CASA has paid lip service to similar principles, its "Class 2 Basic" medical certification carries enough operational limitations to make it impractical to use, so the lion's share of medical certification for Part 61 RPL and PPL holders requires mandatory oversight from a burgeoning (and, oftentimes, interfering) CASA AVMED bureaucracy.

FAA and CASA both administer pilot medical certification systems which deliver roughly equivalent levels of safety, but the *method chosen by CASA to perform that function* insists on the maintenance and funding of a staff of expensive and prescriptive administrative specialists who apply expensive and time consuming requirements on some of their applicants of a type and magnitude that the FAA has successfully abandoned.

Applying that principle to other regulatory realms yields similar observations: CASA, when confronted with a plethora of different ways of attaining a public policy outcome, tends to gravitate towards ones which create cost and administrative complexity instead of ones which serve the same outcomes but minimize its own involvement. Which is probably why CASA in 2021 has 832 employees, which is nearly one staff member for every ten airworthy aircraft on their Australian civil aircraft register.

I invite the committee to consider the effect on the public purse if similar ratios applied to the safety regulation of motor vehicles, boats or forklifts, and ask themselves what makes aviation so special?

CASA's budget

Having established that CASA's two primary functions are writing regulations and administering the regulations it has written, we can now turn to a question of how much it costs.

To carry out those functions, CASA's 2021-22 budget appropriation was \$217 million⁴. Slightly over half of that budget is funded by a levy on aviation fuel, the other half comes out of Commonwealth general revenue.

⁴ "Civil Aviation Safety Authority: Entity resources and planned performance" table 1.1 on page 257.
https://www.infrastructure.gov.au/department/statements/2021_2022/budget/files/2021-22_Infra_PBS_10_CASA.pdf

When you compare CASA's annual budget to the aviation industry statistics collected by the Department of Transport and Regional Development's BITRE program, you can see that CASA's regulatory activities cost the Australian economy more than \$60 per flight hour⁵.

For comparison: CASA spends about as much per hour to regulate each flight hour as I spend on fuel (which is the largest share of the total cost of aircraft ownership) and about twice as much per hour as I spend on comprehensive aircraft insurance. Over the ten years I've owned my airplane, CASA has spent more to regulate it than its entire resale value.

But that isn't even a complete picture: Many of CASA's administration functions are supplied on a cost recovery basis⁶, meaning that its budget appropriation isn't paying for all of them, and \$60 per flight hour is therefore an underestimate.

Evaluating CASA's performance as a regulatory agency

The aims of The Act are stated in Section 3A:

The main object of this Act is to establish a regulatory framework for maintaining, enhancing and promoting the safety of civil aviation, with particular emphasis on preventing aviation accidents and incidents.

Has CASA's regulatory framework "maintained, enhanced and promoted the safety of civil aviation?"

Happily, we don't need to leave this to a question of opinion, because the Australian Transport Safety Bureau (ATSB) maintains aviation safety statistics, particularly those concerned with aviation accidents and incidents.

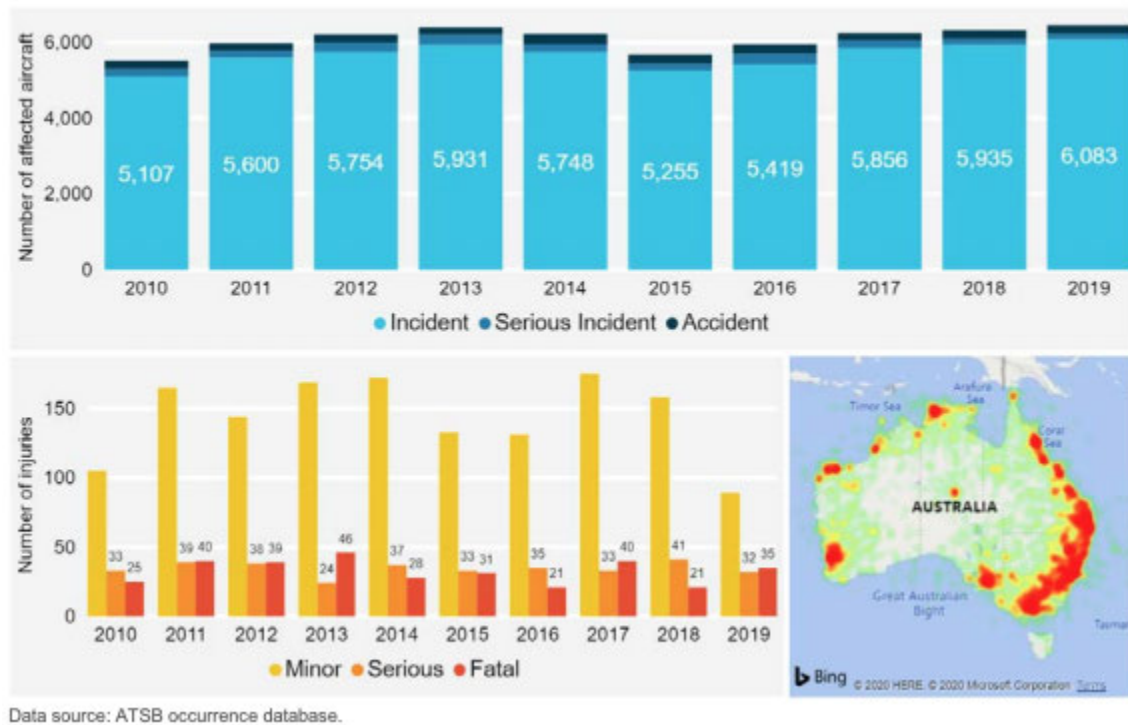
CASA has been pursuing a program of regulatory reform for more than three decades. If the resulting regulations had been serving the purposes of the Act, we would be able to see a concomitant improvement in ATSB accident statistics as new regulations "... maintaining, enhancing and promoting the safety of civil aviation..." came into force..

That is: Unlike many other areas of government regulatory activity, where the actions of a regulatory agency are quite distant from the metrics used to measure their efficacy, we possess detailed independently maintained statistics which measure the degree to which CASA is supporting the aims of the Civil Aviation Act. If they're doing a good job of enhancing and promoting safety, we should be able to directly observe trends in the ATSB's safety occurrence data.

⁵ Estimate of 3.6 million Australian Aircraft fleet hours in the most recent BITRE report (2019), versus CASA's \$217 million budget yields \$60.33 worth of CASA expense per flight hour.
https://www.infrastructure.gov.au/departments/statements/2021_2022/budget/files/2021-22_Infra_PBS_10_CASA.pdf In 2020-21 and 2021-22, we can expect this cost to be higher because lockdowns have reduced the number of flight hours, even though CASA's budget continues to grow.

⁶ CASA's budget estimates for 2021-22 included an additional \$8.9 million worth of income from industry for levies and regulatory service fees, and \$1.084 million worth of interest and sale of goods, adding about \$10 million to their operating revenue, which adds an extra \$3 per flight hour to the cost of CASA's regulatory burden.

So: Can we?



The chart above⁷ depicts ATSB incident, serious incident and accident statistics, including injuries and deaths, for the ten years to year end 2019.

The ATSB report containing the infographic notes, in its Safety Summary section, that “... the number of [general aviation] operational-related accidents and serious incidents, per year, increased over the period,” with instructional flying as the main contributor. It should be noted that GA instructional flying is one of the most heavily regulated activities in the aviation industry, with CASA involvement required at almost every turn. CASR Part 61 flight crew licensing rules were launched during this timeframe, with new Manuals of Standards and new CASA oversight.

The report also notes, later in the same section, “The accident rate for recreational flying decreased between 2014 and 2018, with Recreational Aviation Australia (RAAus) registered aircraft having the greatest contribution to this reduction.” RAAus aircraft over this timeframe were operating under the auspices of their own operational manual via CASR exemptions, with virtually no CASA involvement or oversight whatsoever.

Correlation is not causation, and we should recognize that one of the reasons these statistics are “noisy” is because they rely on self-reporting obligations, but it can’t escape attention that the ATSB has observed that the worst reduction in safety has occurred in places where CASA is involved the most, and the best improvement in safety is in places where CASA is involved the least.

⁷“Aviation Occurrence Statistics 2010 to 2019”, ATSB, 29 April 2020. Figure 3, page 8.
https://www.atsb.gov.au/media/5777724/ar-2020-014_final.pdf

Putting that observation to one side: The other thing we can extract from ten years of ATSB data is that there has been no notable improvement. The decade depicted here has included some of CASA's most significant regulatory reforms, including the culmination of more than 28 years of regulatory development to deliver the redrafted CASR Part 61. The same timeframe featured the implementation of almost the entire suite of maintenance regulations in the form of CASR Parts 42, 66, 145 and 147 in June 2011, under development since 1988.

CASA has consumed uncounted hundreds of millions of dollars worth of Commonwealth funds over more than three decades to produce those regulations, and the result is no obviously discernible improvement in Australia's aviation safety.

But it is actually worse than that, because the replacement regulations arising from their regulatory reform program place a heavier burden on the industry they're regulating.

As a consequence of Part 61 reform, I now require (and must pay for) two biannual flight reviews, where previously I only needed one, because Part 61 treats day-VFR and night-VFR separately. This doubling of compliance costs has added nothing to safety – otherwise it'd be reflected in the infographic above – but it has obviously increased my cost of operations.

As a consequence of CASA's CASR Part 66 airworthiness regulation reform, it is more difficult for me to find LAMEs who can maintain my aircraft. I fly it from Sydney to Adelaide every year for its annual inspection, because that's how far I must travel to find appropriately qualified and experienced maintenance personnel who specialize on my aircraft type. The population of LAMEs is ageing, with few apprenticeships to provide for generational refresh, partly due to the overabundance of regulation and licensing requirements. It's notable that CASR Part 66 is arguably one of CASA's most successful regulatory reforms, but has nevertheless contributed to the steady decline of the entire industry. Long-time CASA observers find this unsurprising.

CASA's unceasing regulatory churn creates safety deficiencies. For example, if you gather any five pilots into a room, you'll get three different opinions on which is the correct radio frequency to use in the circuit area of an uncharted airport in regional Australia because CASA has had three different positions on what the right answer is over the last ten years, *even though the underlying regulations have not changed*. It's critically important that aircraft operating in the vicinity of each other can maintain radio communications on the same frequency to facilitate "Alerted See and Avoid," the primary means of mid-air collision avoidance for VFR aircraft. It is baffling that a safety regulator should promote so much confusion about such a fundamental requirement.

I find myself drawn to the inescapable conclusion that CASA simply isn't very good at safety. This shouldn't be surprising, *because their primary role isn't safety, it's regulatory drafting*. That is what they do.

Given the extraordinary investment of money and talent into CASA's regulatory reform program, it should be possible to point to beneficial outcomes that serve the purpose of The Act. The fact that a safety regulator can draw a \$217 million budget appropriation and produce safety outcomes that aren't meaningfully different from those of ten years ago qualifies, in the opinion of the author, as an horrific governance failure. It's even worse if you go back further than ten years, and note accident trends in Australia's aviation industry have barely improved for half a century.

To summarize: If we're paying CASA more than \$60 per flight hour to regulate aviation safety, *we should see an improvement in aviation safety*. That simply isn't happening, and I'd like to know why we would be any worse off if we wound the clock back to when CASA was less well funded: If pouring money and expertise into CASA's maw yields no identifiable safety improvements, shouldn't we stop doing it?

CASA's Parallel Paths

No analysis of CASA's regulatory framework is complete until everyone understands that they have several of them.

This is especially relevant in the context of Regional and Rural Affairs, where CASA's many and varied approved regulatory schemes interlock the most.

Since the 1950s, CASA's predecessors have cleaved-off a number of their regulatory functions to third-party private organizations by means of delegations and exemptions contained in CAOs. The purpose of the delegations and exemptions is to reduce CASA's burden by allowing the third party organizations to construct their own parallel licensing, regulatory and airworthiness regimes which oftentimes contradict the "normal" ones that apply elsewhere in CASA's regulatory suite. Effectively, CASA's position is, "We recognize that our bureaucracy makes it impossible for you to carry out these normal aviation operations that are routine elsewhere in the world, so we'll carve out some space for you and stay out of your way."

Some examples:

- The Gliding Federation of Australia (GFA) was founded in 1949, and was provided with a series of delegations and regulatory exemptions by the then DCA to enable it to create its own suite of airworthiness regulations, its own system of pilot training and certification, its own pilot medical standard, its own series of operational standards, and its own administrative structures to oversee them. The rules have been "grandfathered in" as the relevant regulations have evolved, to the extent that it's now possible for a GFA member to undergo pilot training, self-declare that they're medically fit, buy an aircraft, acquire maintenance authority to self-maintain it, fly it in controlled airspace, become an instructor, and teach other GFA members to do likewise without ever having any contact with CASA whatsoever. I can speak here from personal experience, because that is essentially what I did between 1999 and 2014.
- The Australian Ballooning Federation (ABF) formed in 1978 to administer CASA standards for amateur and sport ballooning. Under exemptions, members have been able to qualify for ABF-administered pilot certificates separate and distinct from CASA pilot licenses.
- The Australian Ultralight Federation (AUF - now defunct) operated under exemptions to permit members to build and operate what we now call microlight and weight-shift aircraft. A typical AUF aircraft would have one seat, a 2-stroke engine perhaps extracted from a lawnmower, and lightweight fabric wings. Its fully laden weight was usually less than a few hundred kilograms and it flew at less than 60 km/h. AUF members could build, fly and maintain their own aircraft with no medical standard, away from cities and towns under limited operational conditions, at very low

cost and with minimal regulatory interference.

- Recreational Aviation Australia (RAAus) is the evolution of the AUF. It operates under a different set of CASA exemption CAOs, which permit it to maintain its own suite of airworthiness regulations, pilot training and certification, pilot medical standards, operational standards and administrative structures. RAAus aircraft are piston single-engine aircraft with a maximum takeoff weight of 600 kg, which allows for considerable complexity and technical sophistication. RAAus aircraft include everything from aluminium and fabric “drifters” grandfathered in from AUF up to 130 knot 2-seat glass-cockpit carbon fibre missiles with constant-speed propellers and retractable undercarriage such as the Blackshape Prime.

In more recent times, the collection of exemptions and regulatory overrides contained in these organizations’ enabling CAOs have been rationalized into CASR Part 149, which formalizes the idea that Australia can have as many different aviation regulatory systems as it likes, as long as CASA rubber-stamps them with Part 149 approvals.

The resulting systems feature considerable variation and complexity, so much so that even CASA lacks awareness about what members of these organizations can lawfully do.

For example, in his 19 November 2018 testimony⁸ given to the Rural and Regional Affairs Transport Legislation Committee, CASA Branch Manager (Client Services Centre) Mr. Mark Sullivan justified the complete absence of a regulated medical certification standard for RAAus’ 10,000 pilot members by, in part, stipulating that they are risk-managed by exclusion from built-up areas:

Mr Sullivan: *This turns precisely on the likelihood side of the risk equation. The likelihood of a bad outcome from a pilot incapacitation increases dramatically once you enter controlled airspace, because there are more aircraft operating within that environment. In addition, controlled airspace is typically around large built-up areas—I’m talking Bankstown, Camden or Canberra. These are areas that are surrounded by large built-up areas, unlike somewhere where you might operate on a recreational pilot’s certificate⁹, like Holbrook, where I used to fly my ultralights.*

A CASA official qualified enough to speak on behalf of the Authority before the Senate, appears unaware that GFA pilots can operate in controlled airspace with no medical certification¹⁰, which somewhat

⁸ Hansard, Rural and Regional Affairs and Transport Legislation Committee 19 November 2018, “Oversight of the Civil Aviation Safety Authority”

https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;adv=yes;db=COMMITTEES;id=committee_s%2Fcommsen%2F1d4f495c-3aec-4840-98e2-7d10cf3eb653%2F0003;orderBy=customrank;page=0;query=Mark%20Sullivan%20Date%3A19%2F11%2F2018%20%3E%3E%2019%2F02%2F2019%20Dataset%3Aestimate.comSen.comJoint.comRep;rec=0;resCount=Default

⁹ With reference to recreational pilots certificates, the CASA official said, “... we have the certificates which are administered by RAAus *and are not within* CASA’s scope...” That is simply not true: Sports aviation organizations are only allowed to administer their own certificates because CASA has authorized them to do so, and CASA maintains oversight over that continuing authorization at all times. It is simply not correct for CASA to declare a pilot certification as “out of scope” when they are the nation’s only lawful source of certifying authority.

¹⁰ The CASA official’s testimony described “... five levels of medical certification, four of which are administered by CASA,” and went on to identify the RAAus “Self-declared driver’s license standard” as the fifth. Perhaps CASA is unaware that there is a sixth Australian aviation medical standard, used by the GFA with CASA approval, where a pilot simply asserts that he or she is medically fit without reference to

undermines the justification he described to the Committee. He also lacks operational knowledge of the RAAus pilots operating legally out of secondary airports such as Bankstown, Parafield and Camden by entering and leaving early in the morning or late in the afternoon when the control towers are closed and the surrounding airspace has reverted to class G “uncontrolled.”

More significantly, after creating an association in the minds of Committee members between controlled airspace and large built-up areas, he neglected to inform the committee that almost the entire surface area of Sydney is uncontrolled airspace below 2000’ altitude. While it’s true that RAAus aircraft are excluded from overflying Sydney International, they fly over population centres of Parramatta, Liverpool and Camden all the time, and aviation maps feature a specifically marked-out corridor between the vicinity of Brooklyn Bridge and the vicinity of Prospect Reservoir overflying Hornsby and Dural which they’re supposed to use when entering or leaving Sydney to the North. Every other capital city in Australia has similar airspace features.

I draw attention to these facts to highlight that not even CASA knows what’s legal in Australia’s baroque tapestry of civil aviation complexity.

This proliferation of parallel regulatory paths is unique to Australia. In the UK, NZ or USA, there’s *one* regulator, *one* set of standards, *one* set of rules. Conversely, in Australia, the responsible authority, flight rules, medical standards, aircraft certification standards, pilot training qualifications and maintenance requirements are a complex fabric of interlocking regulatory clauses administered by multiple organizations operating under CASA delegations and Part 149 approvals, and it’s almost impossible for an observer to determine whether an aircraft operation is legal without knowing whose register it’s on and what paperwork its pilot is carrying.

With respect to Regional and Rural Affairs, one must consider the interactions between heavily regulated airline services at regional airports, and pilots governed by different regulatory schemes sharing the same uncontrolled airspace, where an RAAus pilot with inadequate instrumentation, no realistic radio procedure training and no medical baseline might have to self-separate from a Boeing 737 at Mildura or Ballina to avoid a mid-air collision. CASA rarely invokes these scenarios when it’s talking about its CASR Part 149 risk management story.

To illustrate the complexity CASA has created, consider a Pipistrel Sinus 912 motorglider. This is a 2-seat aircraft with a maximum takeoff weight of 600 kg, with a Rotax 912 UL2 60 kW engine. It is designed with quick-release fittings to facilitate rapid removal and reinstallation of the wings for road transport.

As an EASA type-certified aircraft, the Pipistrel Sinus can be placed on CASA’s VH aircraft register, where it can be operated by a holder of a CASA Part 61 Recreational Pilot License (RPL) with a CASA Class 2 Basic medical certificate.

As a 600 kg aircraft, it can also be placed on the RAAus register in accordance with CAO 95.55 (and, more recently, RAAus’ Part 149 approval), and flown by an RAAus member trained to RAAus standards *without a pilot license*. In addition to CASA’s \$217 million budget appropriation, the aircraft’s owner would also need to pay membership fees and aircraft registration fees to RAAus to facilitate cost recovery for the additional “regulatory services” bestowed by CAO 95.55.

drivers licenses, Austroads, doctors, or anything else, and which is recognized by CASA as being suitable for authorizing operations in controlled airspace.

As a motorglider, it can also be placed on the GFA glider register, in accordance with CAO 95.4. GFA has not elected to join Part 149 at this time, and continues to operate under historical exemptions which date back to the 1950s. GFA does not require licenses or certificates to fly its aircraft; Pilot authorizations are on the basis of “demonstrated competence” and annotations and sticky labels in the pilot’s logbook. As in the RAAus case, GFA also requires additional membership, airworthiness, and aircraft registration fees over and above CASA’s \$217 million budget appropriation.

Here are some realities of those divisions. The inherent complexity of these rules makes this difficult to explain, so please bear with me:

On the CASA register, a Part 61 licensed pilot can fly the motorglider anywhere in Australia, including arrivals and departures from Sydney International with airways clearances from Air Services Australia’s ATC. Under CASA’s rules, the pilot is not permitted to make use of the aircraft’s “de-rig” facility without engaging the services of a LAME to certify that controls have been correctly reconnected afterwards.

On the RAAus register, a pilot is excluded from “the big airports,” but can still fly practically anywhere else, including over the built up areas of Australia’s most populous cities, *UNLESS* the RAAus member pilot also holds a CASA Part 61 PPL, in which case they can fly their self-maintained motorglider into Sydney International. Under RAAus rules, the pilot is not permitted to shut off the aircraft’s engine in flight. The pilot can, however, de-rig and re-rig the aircraft, and use another RAAus member with an RAAus maintenance authority to certify its airworthiness afterwards. RAAus does not require a CASA maintenance release, and pilot owners can maintain their own aircraft, including any and all annual inspections, without needing to avail themselves of a qualified second opinion.

On the GFA register, a pilot can fly the same aircraft *in the same places available to a CASR Part 61 license holder*, including in controlled airspace, even though the pilot has no pilot license, no medical certificate, and has received no training from the CASA syllabus. The pilot can also operate the aircraft in places Part 61 license holders cannot lawfully fly, because the GFA has an exemption from CASA’s low-flying regulations, and can therefore legally operate at 50’ above ground under certain conditions. The pilot is permitted to shut down the aircraft’s engine in flight, or they can leave it on all the time and operate akin to a powered light airplane. The pilot can de-rig and re-rig, as long as they get an independent control check from another GFA member afterwards. There is no requirement for that member to have any aircraft maintenance training.

If a CASA-qualified pilot is assessed by a CASA medical practitioner as being too unhealthy to qualify for a CASA medical certificate, they can simply join RAAus or GFA, move the aircraft to the appropriate register, self-assess their own medical fitness, and keep flying – Including, in the case of the GFA register, in controlled airspace into Sydney International Airport.

A qualified Pipistrel Sinus CASA Part 61 licensed pilot who is not an RAAus or GFA member cannot legally fly a Pipistrel Sinus on the GFA or RAAus register. But an RAAus or GFA qualified pilot can fly a CASA-registered Pipistrel Sinus with no further training if they fill out a CASA Part 61 RPL application form to recognize their GFA or RAAus ratings, and avail themselves of a Class 2 Basic medical certificate and a CASA flight review. This is despite CASA training to a higher standard than RAAus and GFA.

If a GFA or RAAus pilot ceases to pay their membership dues, all of their qualifications, ratings, flying privileges, maintenance authorities and aircraft registrations cease to exist. They are no less safe, less

medically fit, or less airworthy than they were the day before their membership expired, but they are nevertheless grounded, and CASA will not recognize any of their credentials even though they were awarded under CASA approvals. I can think of few other areas of Australian law where a citizen's ability to enjoy the benefits of regulatory compliance is contingent upon them paying fees to private companies. The only dispassionate way to describe this regime is, "legislation for rent."

Holders of CASA Part 61 licenses require Aviation Security ID Cards¹¹ in accordance with section 6.55 of the *Aviation Transport Security Regulations 2005*¹². GFA members and RAAus members do not hold pilot licenses or any other "security designated authorisation" within the meaning of the Regulations, and thus do not have to subject themselves to the considerable expense and inconvenience of acquiring an ASIC every two years even if they're operating the same Pipistrel Sinus in the same airspace to the same airports.

CASR Part 149 and its regulatory antecedents of exemptions and overrides is the perfect example of CASA producing complexity which consumes headcount, money, and motivation without making one iota of difference to aviation safety. It's hard enough to keep track of CASA's own regulatory churn; It is *exhausting* to stay on top of the plethora of different interlocking regulatory requirements which authorize amateur aviators to play in the same airspace as commercial airliners.

This absurd mess of regulatory confusion has been created and enabled by CASA's approval of (at least) three different regulatory universes for the same pilot and same aircraft. None of this nonsense has any positive impact on safety. It's little more than an administrative contrivance, a set of bureaucratic rules which pay no heed whatsoever to the airworthiness of an aircraft or the operational safety of its pilot, but are absolutely *obsessed* with the minutiae of having the right paperwork.

Immediate and long-term social and economic impacts of CASA decisions across rural and remote Australia

I grew up in rural Australia. Some of my childhood and adolescent memories include the aviation industry, because my father held (and presumably still holds -- they don't expire) a private pilot license in its government-issued heavy green cardboard folder with gold-embossed logos on the front and loose-leaf pages inside bound with cotton thread.

We used to go to Mount Gambier Airport on weekends. He'd hire a Cessna 152 or 172, and we'd fly somewhere in the nearby area. An airshow at Millicent, some sightseeing at Little Blue Lake on the way to Port Macdonald, an agricultural fair at Horsham.

One of the things I recall about that era was, upon returning to the airport, trying to find somewhere to park the plane. There were so many airplanes on the bitumen sealed apron in front of the O'Connor flying school offices that we'd sometimes be forced to shut down the aircraft on the grass.

¹¹ Reform and, for the most part, abolition of the ASIC system was recommendation 36 in the Forsyth ASRR 7 years ago. The only thing that has changed since is that they've become more difficult to obtain because they require applicants to visit issuing authorities in person, versus pre-2018 when they could be obtained through the post.

https://www.infrastructure.gov.au/aviation/asrr/files/ASRR_Executive_Summary.pdf

¹² http://classic.austlii.edu.au/au/legis/cth/consol_reg/atstr2005457/s6.55.html

In 2019 I flew my own airplane back to Mt Gambier and met my father on the verandah of the aeroclub building next to where the O'Connor flying school building would be if it hadn't been demolished. Returning for the first time in decades, I was struck by how *empty* it was. My aircraft was the only one on the entire apron, *there was nobody else there*. Every visible sign of a General Aviation presence had been erased.

There wasn't even any fuel – The airport had a NOTAM advising that they'd run out a week earlier.

The decline of general aviation has been attributed to a lot of factors, many of which don't add up. I'm not persuaded, for example, that rising costs are the most significant factor: Aviation has never been cheap, and while economies of scale and healthy competition among service providers would obviously be helpful, it's plain that more expensive pursuits such as boat ownership have surged from strength to strength during the same decades as aviation has languished. Australia's aggregate wealth has increased over the years, so general aviation should be as affordable as it ever was, but perhaps Australians want to spend their money on more approachable things instead¹³.

Rural and Regional Airports

As airport facilities become less used, their financial case ceases to stack up. The infrastructure falls into disrepair, and demand is insufficient to support aviation businesses such as maintenance shops, flying training schools and fuel suppliers. Councils, who are often the owners of the airport assets since the Department of Transport divested them in the 1980s, seek more profitable uses for the land. The airport falls into a spiral towards oblivion.

We've seen this story repeat across Australia time and time again: Thriving towns with dusty deserted airports. Public infrastructure built up by generations since the 1920s and 1930s being turned into housing estates and vineyards.

I contrast this with my travels across Europe and North America, where airports are treated very differently.

A country airport in the United States isn't fetishised by local, state and federal governments as a national security risk, doesn't have a 9 foot fence surrounding it, and therefore remains accessible. It very likely has a restaurant or diner on the airport property¹⁴, making it a destination for visiting pilots and locals alike. Aviation fuel is ubiquitously available. Because there's traffic coming in and out of it all the time, there's likely to be a small maintenance operation who can help out if you break down, which considerably de-stresses travel. Community events will be held on the airport grounds. There'll be a local aeroclub with a couple of independent flight instructors who can conduct joy flights and provide *ab initio* training to anyone who wants to take it further.

¹³ If you get ten boat owners together in a bar, they'll talk about their race tactics, hidden harbours they've visited, and journeys they plan to take. If you get ten pilots together in a bar, they'll spend all night arguing about misinterpretations of vaguely-drafted CASA regulations. It's perhaps easy to see why a novice might be attracted to the boats.

¹⁴ <http://eatattheairport.com> documents literally hundreds of small airports across the United States with on-airport restaurants. The database that sits behind it can be imported into aircraft avionics systems and iPad flight planning software, so anyone planning a journey can make sure they stop at places where they can get food and drink. *There is nothing even remotely like this in Australia.*

All of these things are hard in Australia. Security requirements limit access to the airport property, and risk assessments reign supreme, so airports are difficult to use for anything that isn't aviation activity, so they won't be hosting community events. Without regular traffic, there's no business case for a maintenance outfit or a restaurant (which is probably prevented by zoning rules anyway). Independent flight instructors were made out-and-out illegal by CASA during regulatory reforms in the 1990s, and they've ignored industry attempts to bring them back. Joy flights are impossible without an Air Operators Certificate.

None of these factors are independently serious enough to drive a decline, but the accumulated mass of them creates a drag on human endeavour. No single raindrop believes it is responsible for the flood.

The USA story is repeated in Europe. I recently visited Flugplatz Birrfeld north of Zürich. It's a single-runway airfield within walking distance of the nearby town. There's a cafe/restaurant/bar near the gate which starts serving breakfast early and runs well into the night for *apres Flug* drinks and tall stories, with an umbrellaed deck overlooking the runway for sunny lunches. The runway is closed until 10am on weekends so the local model aircraft club can use it. During normal operations it has hot air balloons, skydivers, gliders, ultralights and light airplanes throughout the day. The facilities are all immaculate. And none of this was unusual; Flugplatz Birrfeld is a *normal* Western European small airport.

In Australia, the risk assessment for combined skydiving and gliding ops alone would render an aviation environment like that virtually impossible, without even considering the implications against CASA's Drug and Alcohol Management Policy arising from having a restaurant with a cocktail bar inside the airport fence.

To provide one simple example of the regional airport environment in Australia: For reasons unknown, Dubbo Regional Council has strong opinions about something as simple as whether back-country airplanes are allowed to land on the grass next to the runway; They'd be apoplectic about whether gliders could operate off the same runway used by ultralights and QantasLink.

The towns in the USA or Europe where airports are a hive of community activity are no larger than the ones in Australia; It's not a catchment population problem, it's a multi-layered problem where every level of Government conspires to make building and using Australia's airport infrastructure difficult.

And the micro yields the macro: When the same story is repeated at hundreds of airports across Australia, the combined effect makes aviation more generally difficult. For example, the ability to use aviation as a means of transport to regional and rural areas is made unnecessarily complicated when the airport is 10km from the town and there's no accessible road transport (American airports solve this by making "crew cars" available for visiting pilots – make sure you return it with a full tank of fuel and toss the keys back in the box with a cash donation when you're done – or, in some cases, an airside bike shed equipped and maintained by the local chamber of commerce).

When airport infrastructure deteriorates, it can't be used for regional tourism, it can't be used for medical evacuations. It can't be used as a base of operations for firefighting. The local aeroclub can't be a nexus of business and community social interaction. It's a community-owned resource, but the barriers erected in the way of the community actually using it are unnecessarily high.

Bright spots: Regional airports done well

There are some glimmers of hope.

Temora, Cowra and Narromine in NSW are examples of good cooperation between councils and airport communities.

These airports have residential-zoned allotments with taxiway access under freehold title¹⁵. In the same way that Sunshine Coast golf courses attract residents buying into the lifestyle, “airparks” on airports attract aviation-friendly residents moving to a place where they can live with their hobby. A typical house will have street access to a large garage which has sliding rear doors to a taxiway, which serves double-duty as an aircraft hangar. It’s a way to make sure that people living next to airports don’t spend all day on the phone to the council complaining about aircraft noise!

The local councils at Temora and Narromine encourage airshows, fly-ins and other aviation events. Temora has hosted the RAAus NatFly festival and several Australian National Gliding Championships. Narromine hosts the successful AusFly aviation festival each year.

There are also aviation businesses on the airports drawn to the increased activity. I’ve personally benefited from the services of a spare parts business at Temora when I had an aircraft-disabling fault. I’ve attended functions at the Narromine aero club many times.

There are other airparks dotted around the country in various stages of development (e.g., Gatton and Shute Harbour in Queensland, Goolwa in South Australia). They serve as good examples of partnerships between regional councils, aviators and local communities to preserve and improve aviation infrastructure.

Metropolitan Secondary Airports

If regional airports are languishing but saved by the odd bright spot, the situation in city airports is worse: There are no bright spots at all there. Billions of dollars worth of businesses, many of which also service regional and rural communities, have spent decades on a knife-edge due to successive governments’ mishandling of governance in relation to our secondary airports.

Capital city secondary airports like Moorabbin, Bankstown, Essendon, Archerfield, Parafield, Camden and Jandakot are Commonwealth property operated on 99 year leases by private interests. The leaseholders have tended to be some of the wealthiest property developers in the country (e.g., Goodman in the case of Moorabbin) or large financial institutions (the lease over Bankstown has, at various times, been held by a Canadian teachers’ pension fund and Macquarie Bank).

These outfits want to maximize their commercial yields, and the easiest way for them to do it is to carve off airport infrastructure and give it over to non-aviation use. In Bankstown that means the old 18/36 runway has been completely decommissioned to make way for warehouse leases; At Moorabbin, almost all of the main apron is being bulldozed to reassign the space to big-box retailers¹⁶. The Commonwealth’s

¹⁵ Narromine Skypark Residential Estate <https://www.narromine.nsw.gov.au/business/skypark>

¹⁶ <https://au.goodman.com/moorabbin-airport/latest-developments> Current developments include the demolition of everything inside the space bounded by Northern Avenue to the North, Second Avenue to the South, Grange Road to the West and First Street to the East, including heritage hangars dating back to the Second World War; Loss of parking space for more than 80 aircraft; And eviction of more than a dozen established businesses including flying schools, air charter agencies, airworthiness workshops and avionics suppliers. None of the businesses have been offered alternative sublets on the airport property, and without access to an airport most of them have consequently closed down altogether.

lease says the land must be operated as an airport for 99 years, but all they need to do is preserve a runway. The rest of it becomes fair game!¹⁷

Because the airport leaseholders want to maximize their profit-taking flexibility, they're reluctant to provide long-term sublet security to airport tenants. Furthermore, improvements tenants make to their sublets (e.g., erecting a new hangar, or bringing in interior designers to spruce up their office space) universally revert to the airport operator when the sub-lease expires.

For airport tenants, these features make it almost impossible to obtain secured credit from commercial banks to invest in their businesses: No bank wants to provide funding to enable a business to make somebody else's leasehold improvements when they don't even have their own security of tenure.

You can see this playing out if you drive around the landside areas of these airports. Almost all of the buildings are in advanced states of disrepair, with rusty steel, faded paint, cracked plasterboard and broken windows readily visible. Many of the hangars are storing furniture or cars because the airport operator can extract more rent by locking the airside doors and subletting the hangar as a warehouse, which also pushes up the price of legitimate hangar space by restricting supply. No new money is going in, but a lot is going out when established businesses downsize, relocate or close down.

This infrastructure deterioration is a result of the Commonwealth Government's secondary airport policy, which has enriched the leaseholders in the finance industry without benefiting the aviation industry at all. Aviation tenants have seen suppliers close down, facilities fall into disrepair, and rents jack up, and the leaseholders don't need to care at all because they can simply subdivide land that used to be occupied by hangars full of aircraft and specialist maintenance organizations, send in the bulldozers, and offer the rubble to Bunnings or DFO.

A path forward

None of this slow rot needs to happen.

The causes of the decline of Australia's aviation industry stem from a lack of strategic imperative to treat the infrastructure with the respect it deserves. The failure is at every level of Government, with dismal contributions from regulators, Commonwealth departments, local councils, and airport operators all conspiring to make airport infrastructure unnecessarily difficult to use and maintain. Because it's so difficult, the custodians of this infrastructure treat aviation as an annoyance to be minimized, rather than the purpose of the infrastructure's existence.

Australia needs a whole of government strategic plan for aviation infrastructure, akin to the ones we have for roads, rail and sea ports. It would be unacceptable to allow the road routes into a town to fall into disrepair, but for some reason the air routes are treated with less importance, even though they offer capabilities and amenities road transport can't, and cost less to operate and maintain.

¹⁷ There are no fewer than 7 golf courses within 3 km of Moorabbin airport, occupying nearly four times as much acreage and producing virtually no commercial yield whatsoever. *It does not go without notice that government policy values golf courses higher than airport infrastructure and the businesses it sustains.*

"If you pay for a mile of road, you can travel a mile. If you pay for a mile of runway, you can travel the world."

In infrastructure terms, regional and rural airports are *cheap*. They're not multi-billion dollar projects like a new interstate railway line or freeway. Each airport is a reasonably small allocation of land with reasonably simple improvements to support aviation activities which collectively form a nation-scale distributed transport network. Give it maintenance, secure tenure, fuel supplies, and appropriate zoning and businesses will flourish.

Most of the infrastructure is already there, having been funded and built in the 1930s and 1940s. The political will to prioritize it and maintain it properly is the only part that's missing.

In the United States, the FAA uses part of their budget to fund maintenance and expansion of community airports. The grants come with strings attached, so that the facilities they fund can only be used for aviation purposes for 20 years. That gives airport users security of tenure: An FAA-funded hangar can't be leased to a mattress warehouse; A taxiway can't be bulldozed to make way for a DFO mall after an FAA grant has been used to repair its potholes.

This relatively modest funding is part of a national strategic approach which treats airports as critical infrastructure. American airports are fully integrated into commerce policy, community development plans, military use, and emergency services contingencies.

It would be possible to initiate a program like this in Australia without impact on the budget. CASA already receives more than half of its annual funding out of the *Aviation Fuel Revenues (Special Appropriation) Act 1988*, which imposes a levy on aviation fuel to fund Australia's aviation apparatus. That funding is currently completely consumed by CASA's internal efforts to pursue its three-decade-long regulatory reform activities. CASA is *entirely* absent from Australia's infrastructure investment scene.

My proposal is that the share of CASA's funding obtained from aviation fuel sales (which varies from year to year between approximately one third and approximately one half of their total budget) should be redeployed to develop the infrastructure which supports aviation activities, with a particular focus on Australia's rural and regional communities.

The Federal Government should also invite representatives from industry and all levels of government to form a cross-institutional bipartisan taskforce with Ministerial accountability to develop a National Aviation Industry Development Strategy and establish KPIs to measure its progress. One of the reasons aviation is languishing is because there is no "champion" in government to preserve, protect and grow the industry. That's a problem of will, not a problem of capability. It should be fixed.

CASA's processes and functions

CASA's processes and functions are clearly not benefiting "maintenance of an efficient and sustainable Australian aviation industry, including viable general aviation and training sectors."

We know this because, *inter alia*, they are not currently being sustained. The entire general aviation sector has been in decline for decades.

Policy measures to support a viable general aviation training sector

A viable training sector would be assisted if independent flight instructors were permitted. In our peer jurisdictions, once a person is assessed as competent and qualified to train pilots, they can acquire a training aircraft, hang out a shingle and teach anyone who's prepared to pay them. Conversely, the holder of an Australian CASR Part 61 instructor rating can't use its rights and privileges unless they operate under the authority of a CASA approved chief pilot at a CASA approved flying school in accordance with a CASA approved ops manual.

This bureaucratic intervention adds nothing. The instructor in question is already competent without the overheads, otherwise they wouldn't have earned the rating¹⁸. In any other context, telling a qualified specialist that they can't earn a living without affiliating with a third party organization would be an illegal restraint of trade, but in CASA's regulatory environment we're supposed to accept it as normal.

Without independent flight instructors, small rural and regional centres cannot viably support an aviation training sector: While a rural population centre might be sufficient to sustain a travelling instructor operating as a sole trader, it's almost never large enough to cover the additional costs of the associated management hierarchy and administrative processes required by CASA, so small towns simply miss out¹⁹.

Organizations like RAAus, with their non-CASA regulatory system, can fill the void by bypassing CASA's bureaucratic requirements, but because they can't issue pilot's licenses they can't provide career paths. An RAAus-trained rural pilot can't earn a living in aviation unless and until they uproot and move to a larger city and pay a CASA-approved training school to retrain them to CASR Part 61 standards.

Without CASA-approved training operations, there are fewer CASA-registered aircraft, which means there's a smaller market for CASA-approved maintenance engineers, and without those there can't be any apprentice training either. The entire aviation industry collapses in on itself.

Before CASA shut down independent flying instructors, local aero clubs all over the nation had arrangements with one or two local instructors who could train their members. That's why the parking area at Mount Gambier Airport was full when I was a child: The aero club sustained a community of pilots who went out and bought airplanes *because it was easy*. In 2021, that's all gone.

It comes back to strategic priorities: If the Government wishes to revitalize viable general aviation and training sectors, it needs to first decide that that's what it's going to do. In my view, one of the first steps which should be undertaken to inject some energy into the sector is to change the CASRs to re-enable independent flight instructors.

¹⁸ If that isn't true, and CASA is handing out instructor ratings to applicants who aren't competent, that raises some rather more serious questions.

¹⁹ There have been efforts to fix this, most notably when Glen Buckley established a "distributed" flying school after working with CASA to gain a CASR Part 142 approval. Having spent several years going through the motions of approving this operation, CASA shut it down by varying the approval's conditions, and is currently not only litigating to prevent it from operating, but has also served cease and desist notices on Mr. Buckley's new employers to prevent him from obtaining work.

<http://www.australianflying.com.au/latest/buckley-levels-accusations-of-misfeasance-at-casa>

The efficacy of CASA's engagement with the aviation sector

CASA's consultation processes are universally woeful.

There's a pattern of behavior:

1. CASA, either tired of being harangued by industry to make a necessary rule change (e.g. medical reform), or having simply woken up one morning and decided upon a rule change nobody wanted (e.g., regulation of AngelFlight Community Service Flights), publishes an options paper which outlines three or four different paths it could take. Almost all of the paths are obvious nonsense, and it's clear that there's only one option they're prepared to take. Usually the actual best option they should take isn't listed for consideration at all.
2. CASA asks for submissions about the options paper, either in the form of a multiple choice questionnaire operated by their "consultation hub," or as written answers to a number of questions they put. They are never interested in consultation responses which propose alternative options that haven't already been canvassed in the options paper, which was produced without consultation with anyone. The purpose of a consultation is to seek recognition of CASA's brilliant expertise, it can't be used to provide CASA with the benefit of better expertise drawing on perspectives it doesn't have.
3. To support an industry-originated regulatory change, CASA requires proponents to offer them a "safety case." CASA has never written a safety case to support the existing regulatory regime, or any regulatory changes they've originated; they only require one to support changes to the status quo proposed by other people. In the overwhelming bulk of cases, this acts as a massive brake on anything other than the slowest incremental change because the data needed to support a detailed safety case is only known to CASA. It is never possible to say, "This whole thing isn't working and we need to replace it," the only viable path forward is, "Let's keep the thing that doesn't work but tweak it around the edges and hope."
4. Years pass.
5. Having accepted consultation, CASA produces a consultation report, which thematically summarizes what some people have said.
6. CASA then makes an announcement about the option from the original options paper they were obviously always planning to take. There is no coherent connection between the consultation report and the chosen option, no obvious way to work out whether any consultation responses or themes were persuasive or influential.
7. CASA requests feedback on the option they've chosen, and then either blasts ahead or maintains the obviously broken status quo by abandoning the whole thing.

In the last few years alone, this pattern of behavior played out in relation to the Part 61 disaster, Part 91, the creation of the RAMPC medical standard, the creation of the Class 2 Basic medical standard, the

consideration of a weight limit increase for RAAus-registered aircraft, and the bespoke creation of an entire new regulatory regime for “community service flights” designed to kneecap the Angel Flight organization.

A respondent who disagrees with the direction CASA wants to take wastes their time if they supply a submission that explains why, because CASA will simply ignore it. A respondent who agrees with the direction CASA wants to take also wastes their time if they supply a submission, because CASA is going to do it anyway without their help, so why should they bother?

CASA’s sham-consultations are an act of passive-aggressive hostility wielded against its stakeholders. I call it, “being consulted at.” It’s a box-ticking exercise because they’ve promised everyone that they’ll consult. They never promised anyone that they’d do anything with the consultation results.

Eight years ago, respondents to the Forsyth Aviation Safety Regulation Review described precisely the same pattern of behavior. Evidence collected by the Review included organizations describing hundreds of hours spent preparing regulatory consultation submissions, wasted when CASA changed tack or simply ignored them. The same happens today: CASA has learned little, changed nothing. Their disrespect for the GA industry remains legendary.

As a measure of the efficacy of CASA’s engagement with the aviation sector: I can’t find the energy to bother to participate in their consultations anymore. I’ve unsubscribed from most of their newsletters and briefing materials (with the exception of *Flight Safety Australia Magazine*, which has always been superb).

Generally speaking, the FAA provides more informative and actionable safety guidance, and it’s more productive and satisfying for Australian pilots to pay attention to foreign regulators than it is to get involved in what CASA is doing here. If our ability to influence a foreign regulator is no worse than our ability to influence CASA, on balance it’s better to pay attention to the agency that produces the least frustration.

Closing notes

A mistake that organizations like the Aircraft Owners and Pilots Association (AOPA) and RAAus have made in times past is to try to effect change in the Australian aviation industry by engaging with CASA. I don’t think that’s practical, because CASA is resistant to change and will generally sabotage lobbying efforts trying to cause it.

For example: RAAus has been campaigning for more than 15 years to gain the same access to controlled airspace for their members as enjoyed by GFA members and CASR Part 61 license holders. In 2018, CASA “relented,” and said RAAus members can access Class D secondary airports. But their approval came with strings attached²⁰: The permission would only apply if an RAAus member was flying an airplane rented from their CASA-approved RAAus flying school at the one Class D airport nominated by the school as their flying base, and the pilot possessed a CASA medical certificate. If the member wanted to visit a

²⁰ An example class D approval given to one specific flying school, a seven page regulatory exemption authorizing RAAus instructor Mark White to operate his aircraft in the vicinity of Coffs Harbour aerodrome only, and to permit his students (only) in his aircraft (only) to operate at the same location, but only if they’re carrying a CASA-issued medical. The instrument also imposes a five year record-keeping requirement on Mark White. https://www.casa.gov.au/sites/default/files/casa_ex18178_-_22.12.18.pdf

different airport, or rented an aircraft from someone else at the same airport, or (god forbid) bought their own aircraft, they would no longer meet the condition and would not be permitted to operate in class D.

To RAAus, that change was almost perfectly useless. But to CASA: Having regulated, their attitude is that they've now dealt with the issue of RAAus access to controlled airspace, and after obstructing a decade and a half of lobbying they have no desire to rip the scab off it, so that's the end of the matter. CASA has moved on, and very little has changed in any kind of practical sense. Indeed, the *status quo* has been maintained so completely that senior CASA officers continue to offer testimony to Senate Committees describing RAAus members' exclusion from Class D airspace.

A similar progression has played out over pilot medical reform. AOPA has noted that CASA has already approved self-declared medical standards for RAAus and GFA pilots, and has quite legitimately questioned why CASA risk-assesses more highly trained CASR Part 61 license holders more strictly, only permitting them to fly if they have regulator-issued medicals.

CASA's response has been universally obstructive: First they proposed a Recreational Aviation Medical Practitioners Certificate (RAMPC) which was launched with so many caveats, limitations and operational restrictions that almost nobody applied to use it. Under further entreaties from AOPA, they launched Class 2 Basic, based on an inflexibly strict reading of the Austroads commercial vehicle standard, and once again wrapped it up in so many caveats that most pilots can't use it.

Having regulated, they've moved on. Medical reform is, for CASA, now a closed book, even though they didn't do anything even remotely like what their stakeholders required them to do.

It's plainly obvious that CASA will eventually implement something based on FAA BasicMed, like much of the rest of the developed world already has, but only after being dragged kicking and screaming into it.

There's no reason for this obstructionism; It's just what CASA does and what CASA is. Their unwillingness to move (particularly in relation to anything that touches their sacrosanct AVMED bureaucracy) means attempts to engage with them consultatively are very likely doomed, and the only way to cause substantive change in the Australian aviation industry is to ignore them and go over their heads, either via the Parliament or direct to one of their many temporary Ministers.

Which is why inquiries like this one are so important. There *should* be more Parliamentary influence over CASA's actions. There *should* be more scrutiny over the outcomes they deliver in exchange for the budget they consume. They *must* be made responsive to their regulated stakeholders. **They'll never do any of those things by themselves, so the Parliament must force them.**

Fitness for purpose

The inquiry's terms of reference include a question of whether the Act and the CASRs are "fit for purpose."

In my view, CASA and the regulatory landscape it oversees requires revolutionary change, not evolutionary change.

Among other things, after more than three decades of legal drafting and approaching ten years of implementation, we should be rapidly approaching the point where we can declare that the regulatory reform process CASA initiated in the fourth quarter of the 20th century, before some of its current

administrators had even begun their careers, has failed: It's not producing measurably better safety outcomes, and it's driving the aviation industry into a ditch.

And it costs more than two hundred and seventeen *million* dollars per annum. Imagine.

Australia should have a whole-of-government strategic approach to the economic development, manufacturing, transport infrastructure, defence integration, sector growth, and safety of civil aviation and its supporting facilities and industries, with a focus on the rural and regional outposts that are easy to serve rapidly and efficiently with aircraft.

I expect that if we do that, we'll end up with a civil aviation sector which is operated and regulated like the one in the United States.

CASA's bureaucratic inertia probably has no useful part to play in a program of fundamental change, so they may need to be demolished and rebuilt. Whatever rises from their ashes should be a substantially leaner, more scope-limited, and less intrusive organization than what we have now.

Their legislated mission must include accountability for the safe growth of the industry. Further decline should cause heads to roll. CASA needs KPIs assessed against their ability to be a helpful facilitator, where reduced capitalisation, reduced activity, reduced capability, reduced profitability and reduced safety are all treated as serious governance failures.

But that's only part of the story. I hope this submission has successfully communicated that the problems afflicting the aviation industry aren't limited to CASA, it's actually an entire layer-cake of failure and neglect, which thankfully isn't too late to fix.