

Australian Experimental Aircraft Association Chapter 1308 Inc. (hereafter EAA) submission on CASA. EAA is based in the USA and is the largest sport/recreational aviation organisation in the world over 200,000 members around the world. Chapter 1308 is the only EAA Chapter in Australia at time of writing.

EAA is concerned about CASA Part 149

EAA agrees in principal that all sport/private aviators should be governed by the same rules as outlined in the SAAA submission.

Australian citizens should be treated as individuals by the law, not as members of a collective.

Part 149 is designed by CASA to push legitimate CASA functions in safety administration of sport and recreational aviation on to various private bodies which results in needless duplication, expense and poor safety outcomes. It also pushes legal liability on to some private citizens in their "supervision" of other private citizens activities and effectively makes these private organisations policemen, judges and juries where "members" are not afforded the normal legal protections of Australian citizens and where there is CASA compulsion to join these bodies.

At no stage has any improved safety or cost benefit been argued in respect of the members or their aviation operations been put forward as required by Government policy. The nearly 3 decades of bureaucratic inertia would seem to indicate that Part 149 is a facade implemented at great cost to the subject organisations for no demonstrable benefit.

There is a resultant artificial fracturing of the various sport/recreational activities which inhibits sensible political action on unneeded regulation and the interchange of safety related information as there is little cooperation or coordination between these bodies. It is all aviation and pilots all fly in the same airspace. Training and licensing standards of pilots and aircraft vary without good reasons.

CASA pushes these bodies to have their own "disciplinary" methods and procedures, aka "kangaroo courts" with none of the normal protections of protections of Australian Law. For example, right to silence, right to representation, lack of proper consideration of evidence etc.

On expense, it is costing the main sport aviation bodies, RAAus (Recreational Aviation Australia), GFA (Gliding Federation of Australia) and hence their members, hundreds of thousands of dollars and considerable ongoing expense to obtain and maintain their Part 149 certification via "expositions" which require these bodies to convince CASA they can administer whatever nebulous standards there appear to be.

However CASA does maintain a Sport Aviation Section to oversee these organisations. When last heard of there were enough CASA employees to actually just directly administer RAAus and GFA pilots and aircraft.

Currently General aviation Private Pilots are directly responsible to CASA which sets licensing and maintenance standards for pilots and GA aircraft.

RAAus does this for very small single engine aircraft which weigh less than 600Kg and have a stalling speed of less than 45 knots and are flown by day in VFR (Visual Flight Rules) conditions and aerobatics are prohibited.

A "Pilot Certificate" is issued to trained (to RAAus standards) pilots. Flight in controlled airspace is not permitted unless the pilot also holds a Recreational Pilot Licence with controlled airspace endorsement or a Private Pilot License. Note however that possession of either of those DOES NOT permit flight of RAAus registered aircraft anywhere unless the person is a member of RAAus and holds an RAAus Pilot Certificate. Note, many of these aircraft could have either RAAus or GA registration. This is absurd.

Pilot medical standards are relaxed to being holder of a medically unrestricted State Driver's Licence and owner maintenance of aircraft is permitted if the owner desires.

The GFA is similar in that medical standards are similarly relaxed and the organisation issues a “Glider Pilot Certificate” based on its, yet again different, standards. Glider Pilots may however fly in controlled airspace with a GFA endorsement.

The gliders are on the VH CASA register but registration is administered by the GFA.

Gliders can weigh up to 850 Kg and may have engines.

There are three types of powered gliders:

So called “Traveling Motor Gliders” which have a fixed engine and look similar to normal GA or RAAus aircraft but with longer wings and a flight manual which permits the turning off of the engine in flight although this is only occasionally done in these types.

“Self Launching sailplanes” which generally have an engine that is retractable after it is shut down when a suitable altitude is reached and then the aircraft behaves as a normal motorless glider.

The third type is similar to the second but the engine is incapable of powering the aircraft through takeoff from the ground but is capable of maintaining flight to return the glider to its home or other airfield.

ICAO treaty Appendix 7 Table 1 defines motorised aircraft as aeroplanes but CASA has made an exception to this treaty in order to maintain the silo that is the GFA.

The result is that we have 3 different general aviation pilot and aircraft licensing systems.

We may have a small General Aviation aircraft flying cross country with a Private Pilot in command.

An RAAus aircraft with an RAAus Pilot Certificate holder in command

A traveling motor glider being flown under power with a Glider Pilot Certificate holder in command .

Note that they all fly in the same airspace but the aircraft are registered and maintained to different standards and their pilots likewise.

All of this is greatly expensive as each Part 149 organisation writes its own voluminous airworthiness and operations manuals and administers them and there are absurd differences in requirements for no good reason.

Pilots wishing to fly General aviation, RAAus and gliders need to deal with three different organisations requirements and duplicated expense.

Recommendations:

Mostly follow the lead of the Federal Aviation Administration of the United States. The FAA maintains direct administration of all aspects of aviation except for Part 103 ultralights (under 254 lb empty weight) which are very restricted and not considered to be aircraft by the FAA. **Australia should do this.**

The equivalent of our RAAus aircraft is the LSA (Light Sport Aircraft) category with relaxed pilot medical requirements and less training required as operation is by day only (In the USA a Private Pilot License involves night flying training.) These aircraft and pilots are directly FAA administered as are glider pilots. Owners may maintain and certify the airworthiness after a 16 hour course (or equivalent experience)

Worthy of emulation as is

US glider pilots have a PPL (G) and must complete the same ground school as any powered aircraft pilot. The medical standard for glider pilots is relaxed to being a self declaration that there are no

medical reasons not to fly. This has worked well. The gliders themselves are maintained in FAA registered workshops and put on the US Civil Aircraft Register by the FAA.

Worthy of emulation but as most gliders are 600Kg or less gross weight, ALL those not used for training should have the LSA maintenance requirement.

Benefits:

Liability is removed from private bodies and individuals.

Expense is vastly reduced. The RAAus and GFA would continue to exist as advocacy, enthusiast and advice organisations without the vast overhead of being duplicate regulatory bodies and without the **outrageous** CASA requirement that pilots be members if they wish to indulge in these forms of aviation.

Note that a person is not required to join an automobile organisation to own or drive a car.

CASA Workload/Expense

No Impact as CASA already staffs a Sport Aviation section with enough personnel to carry out the required functions.

Hazards Avoided:

Under Part 149 CASA can at anytime decide an organisation is not meeting what CASA desires and suspend its certification resulting in members being denied beneficial use of their property and training **through no fault of their own**, but some CASA perceived (real or not) failing of the organisation. This has already happened in two episodes – RAAus registration and the Jabiru engine misadventure by CASA.

Australian citizens should not be penalised by the failings of organisations they are compelled to join by a government body (an obnoxious requirement in itself).

There is also of course the possibility that, as private bodies, the GFA and RAAus may become bankrupt due to mismanagement or legal action which CASA has stated would result in their activities ceasing until another organisation takes over the functions. This would take a minimum of months to years.

Other issues

Maintenance

In the early 2000's Canada introduced Owner maintenance of certain simpler types of small aircraft. The FAA audited this ten years later and found there was no increase in accident rate due to airworthiness issues and the fleet was in as good or better condition than those maintained by the traditional system.

EASA has recently introduced Part ML of their regulations which permits owner/pilot maintenance for privately operated aircraft up to 2730kg maximum takeoff weight including sailplanes, helicopters (up to 1200kg)

We note and welcome changes to maintenance of homebuilt (ie “experimental” category) and LSA aircraft proposed by CASA in their Part 43 consultation. It is hoped that there is no walkback on these reform proposals.

Medical standards

In the last few years both the USA and the United Kingdom introduced greatly relaxed private pilot medical standards.

Australia allegedly also had “medical reform” which was reform in name only. A sham.

This issue needs to be re-investigated for Australian Private General Aviation pilots.

I would welcome any opportunity to discuss this submission further with the committee or its individual members.

Mike Borgelt

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