



**Australian Government**  
**Civil Aviation Safety Authority**

OFFICE OF THE CHIEF EXECUTIVE OFFICER

*Our ref: F20/258*

17 November 2020

Senator Susan McDonald  
Chair  
Senate Rural and Regional Affairs  
and Transport Legislation Committee  
PO Box 6100  
Parliament House  
CANBERRA ACT 2600

Dear Senator McDonald

**Submission to the Senate Inquiry into General Aviation**

Thank you for the opportunity to make a submission to the Senate Rural and Regional Affairs and Transport Legislation Committee's Inquiry (the Inquiry) into the current state of Australia's general aviation industry.

The Civil Aviation Safety Authority (CASA) has been monitoring the submissions uploaded on the Inquiry's webpage and we have focussed our submission on responding to key matters raised in submissions up until 30 October 2020.

CASA will continue to monitor any further submissions uploaded to the Inquiry's website until the first hearing date of 20 November 2020 and will be prepared to respond to those matters raised at the hearing.

Please find attached CASA's submission to the Inquiry and I look forward to discussing the matters raised in the submissions on 20 November 2020.

Yours sincerely

Shane Carmody  
Chief Executive Officer and  
Director of Aviation Safety



**Australian Government**

**Civil Aviation Safety Authority**

## **Senate Rural and Regional Affairs and Transport Legislation Committee**

# **Inquiry into Australia's general aviation industry, with particular reference to aviation in rural, regional and remote Australia**

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Submission of the Civil Aviation Safety Authority

November 2020

## Introduction

The Civil Aviation Safety Authority (CASA) is an independent statutory authority established under the [Civil Aviation Act 1988](#) (the Act). CASA is Australia's aviation safety regulator, and its principal purpose is to maintain, enhance and promote the safety of civil aviation, with particular emphasis on preventing aviation accidents and incidents. CASA also has responsibility for classifying Australian administered airspace and determining the services and facilities to be provided by approved air navigation service providers. CASA fulfills its principal purpose by ensuring the regulatory framework is based on safety risk and does not impose unnecessary costs, hinder participation in aviation and/or limit its capacity for growth.

The recent amendment to the Act restates that safety should always be CASA's most important consideration and introduced the requirement that appropriate consideration be given to the economic and cost impact on individuals, business and the community when making aviation safety standards.

CASA seeks to promote a positive and collaborative safety culture through a fair, effective and efficient aviation safety regulatory system, supporting all members of the aviation community. This includes appropriate aviation safety regulation for all sectors, from Air Transport (passenger transport and cargo operations) through Flying for Reward (commercial aviation such as aerial work, flying training etc) to Private Aviation (private, recreational and sport aviation activities) whether through manned or remotely piloted (RPAS or drone) aircraft.

CASA recognises the importance and benefits a sustainable and competitive aviation industry brings to Regional Australia. In recent years, CASA has focused on working collaboratively with industry to fulfil a longstanding commitment to regulatory change and a reform agenda that is more risk-based and fit for purpose, whilst ensuring Australia's aviation environment remains one of the safest in the world.

## The General Aviation Sector

**WHAT IS GENERAL AVIATION?** There is no formally authoritative definition of 'general aviation' anywhere in the world. In defining **commercial air transport** operations as operations involving the transport of passengers, cargo or mail for remuneration or hire, and **aerial work** operations as operations in which an aircraft is used for specialised services such as agriculture, construction, photography, surveying, observation and patrol, search and rescue, aerial advertisement etc, the International Civil Aviation Organization (ICAO) effectively defines **general aviation** as aircraft operations other than a commercial air transport or aerial work operations. For some, that definition may be overly broad, for others it may be too narrow. Without a clear identification of the particular kinds of operations that fall within GA operations, ICAO's definition is not especially helpful.

Within Australia, there is also no universally agreed definition of general aviation or the aviation sub-sectors that fall under the general aviation umbrella. During the last three years, with input from its Board, the Aviation Safety Advisory Panel (ASAP) and the General Aviation Advisory Group (predecessor to the General Aviation Advisory Network), CASA has used aviation safety risk methodologies to segment the Australian aviation community into three aviation sectors: Air Transport; Flying for Reward and Private Flying.

There is no compelling evidence to point to an overall decline in Australian general aviation. Since CASA was established in 1995, general aviation activity has remained relatively stable. Over the same period, the composition of the sector has changed considerably including: a relative decline in certain private flying activities; the retirement of ageing aircraft; changes to pilot licences; and the increasing growth of the recreational aviation sector. As has been the case throughout the history of aviation, aircraft and their associated operations are constantly changing.

Due to limitations of the Australian aircraft register and the fact that some aircraft may be used in both general aviation and air transport operations, there is no way to accurately identify the number of general aviation aircraft in use. However, we know there are 15,721 VH-registered aircraft on the CASA register (as of 30 June 2020), of which approximately 2,000 are larger aircraft used for air transport operations. CASA estimates a further 2,000 aircraft registrations may relate to aircraft that are no longer flying, leaving around 11,000 aircraft (both fixed and rotary wing) that are capable of being used for general aviation purposes (although some of these may be operated for air transport purposes only). This figure does not include the 3,232 aircraft on the Recreational Aviation Australia register which are solely used for general aviation (including related flying training).

Traditionally, airlines recruited many of their pilots from smaller commercial operators. However, today many pilots are being trained in flight academies or in the affordable and accessible recreational aviation space. Training costs have increased, as have fuel costs, airport charges, insurance charges, the cost of aircraft maintenance, security requirements, and the like. Costs associated with CASA's regulatory requirements were assessed by the [Bureau of Infrastructure, Transport and Regional Economics \(BITRE\) study](#) in 2017 as comprising only four per cent of overall operating costs whereas the same study indicated that wages, fuel and maintenance costs comprise some 45, 16 and 19 per cent respectively. It was noted in the study that in some areas the true cost is higher due to cost to achieve regulatory compliance in areas like flight crew licensing, flying training and maintenance. Additionally, CASA has not increased its fees or hourly rates since 2007. As CASA continues to modernise, it has worked diligently to provide time and cost saving measures to support all sectors with an emphasis on providing simpler forms, sample templates, sample manuals and introducing no touch/low intervention processing that all contribute to a lower time and cost burden on operators.

### **Is CASA's Legislation Fit for Purpose?**

CASA exercises its powers under the *Civil Aviation Act 1988*, the *Airspace Act 2007* and through the subordinate regulations (CAR and CASR), Civil Aviation Orders (CAO), Manuals of Standards (MOS) and other legislative instruments. CASA also publishes advisory and guidance materials related to air safety.

While the legislative framework regulating aviation safety can appear complex at times, aviation community participants are only required to be familiar with sections relevant to their aviation sub-sector.

An example of how this complexity is managed in our current legislative framework is CASR Part 61 (flight crew licensing), which covers the wide-ranging and general topic of flight crew licensing. All pilots need to be familiar with the elements that are common to all licences. These are sub-parts 61.A (General) through to 61.E (Limitations and Authorisations). This is some 64 pages. Pilots also need to be familiar with the specific element of Part 61 for the licence they hold. In the case of a private pilot, this would be sub-part 61.H, a further six pages. As a pilot progresses from, say, a PPL to an Air Transport Pilot Licence he/she only needs to be familiar with the content applicable to the currently held licence.

There is evidence to support the position that the legislative and regulatory framework is generally fit for purpose. This includes:

- The Australian general aviation accident rate is low and has improved in the last five years, although there is always room for further improvement.
- CASA's regulatory requirements for general aviation form only a relatively small cost component in terms of the total cost of operating in this sector.
- The regulatory requirements applicable to general aviation in Australia are broadly similar to those in other comparable countries such as the United States and the United Kingdom.

## Enhancing Stakeholder Engagement and Consultation

Numerous submissions to this Inquiry made positive comments about CASA's improvements in its approach to stakeholder engagement, such as the following statement by the Regional Aviation Association of Australia (RAAA):

*The efficacy of CASA's engagement with the aviation sector, including via public consultation, has never been better.*

These positive developments are due to a genuine commitment over the past three years to improve the way CASA does business with the respective aviation sectors, aviation associations, pilots and engineers, including those active in general aviation.

Part of this engagement is conducted through a dedicated General, Recreational and Sport Aviation Branch providing client services and holistic oversight of general aviation, sport and recreational sectors. The Branch includes a Flight-Testing Office involved in the oversight of over 1,300 industry flight examiner rating holders. This Branch also undertakes the oversight of nine self-administering organisations some of which are transitioning to CASR Part 149 (approved self-administering aviation organisations). This transition will allow these organisations to continue administering sport aviation activities under new prescribed standards covering pilot and maintainer qualifications, approval of associated flying and maintenance training facilities and oversight and enforcement activities in respect of members.

The primary objectives of CASA's stakeholder engagement strategy are to contribute to a better understanding by stakeholders of the safety rationale for CASA's actions (including the economic implications for industry), to recognise that industry experience and input is valued and appreciated by CASA and to promote improvements in CASA's services to its clients.

The performance of CASA's stakeholder engagement and communication with industry is tracked through a regular stakeholder relationship health survey – *Measuring our Performance*. The scores from the most recent survey in 2018 demonstrate a marked improvement in performance when compared to the 2015 survey. CASA is currently conducting the 2020 survey.

CASA views improvements in stakeholder responses are a result of greater efficiency in business processes, effective consultation and the provision of accurate safety advice. These efforts are consistent with CASA core purpose as set out in the Act and the [Minister's Statement of Expectations](#) to the CASA Board. As CASA's performance of these functions has a direct impact on the viability of the general aviation sector, the Committee is asked to note the improvements outlined below.

### 1. Streamlining the processes for issuing and maintaining licences, authorisations and permissions

- Transforming the Aviation Reference Number application process to a fully digital process, and subsequently reducing the service standard from 3.5 working days to less than two minutes.
- Developing a digital application and issuing process for Remote Pilot Licences.
- Streamlining the proficiency checking notification process through the Flight Test Management portal so examiners and instructors can now submit the required documentation online, reducing timeframes and overheads.
- Progressively automating aircraft registration transactions and flight crew licence transactions including licence reprints, flight review notifications and licence applications.
- Implementing digital applications for initial domestic pilot licences, and digital views of licence information in August 2020. Further, an iPhone compatible digital view of flight crew licences will be available in late December 2020.
- Developing a self-study training pathway for CASR Part 66 (continuing airworthiness – aircraft engineer licences and ratings) to streamline aircraft engineer licensing.

- Improving consistency and transparency in decision making in the medical certificate application process and reducing turnaround times for medicals. 99.7% (25,841) of medical certificates submitted to CASA in 2019-20 were approved, meaning only 0.3% (85) were rejected.
- Delegating authority to Designated Aviation Medical Examiners (DAMEs) so that all have the option of assessing and issuing Class 2 medical certificates on the spot, generally valid for four years for applicants less than 40 years of age or two years for those aged over 40 years. CASA no longer reviews Class 2 medical applications unless a DAME elects to refer the application to CASA for review, or unless there are certain limited conditions.
- Introducing the Basic Class 2 medical certificate in 2018, assessed by any General Practitioner, to encourage continued participation in flying by pilots.
- Commencing a major review of CASR Part 67 (aviation medicine) including fitness for purpose and examining levels of medical certification, including those for general aviation. CASA's aviation medicine guidance material is also under review to ensure it is contemporary and reflects modern treatment regimes.

## **2. Improving consultation on regulatory and other changes**

The key CASA consultation mechanisms are:

- The Aviation Safety Advisory Panel (ASAP). This is the primary advisory body through which CASA directs its consultation and engagement with industry. ASAP's current membership (as at 1 November 2020) includes representatives from a broad spectrum of aviation participants operating in regional Australia including air transport, aerial work, flight training, maintenance training and remotely piloted aircraft operations. The role of this panel is to provide objective, high-level advice on aviation safety issues which is then considered by CASA's Chief Executive Officer and Director of Aviation Safety before making final decisions on proposed regulatory change or the launch of a safety initiative.
- The ASAP is supported by Technical Working Groups (TWGs). These are established as required and provide a forum where industry members and relevant technical experts working with CASA provide their input on specific technical issues. Over 165 members of industry have participated in at least one of the 23 discrete TWGs that have been established by the ASAP, with 20 currently operating. The standards that TWGs have reviewed or are currently examining include continuing airworthiness and maintenance requirements, fatigue management rules and proposed regulations covering flight operation regulations, maintenance engineer licensing and flight crew licensing.
- Regional Airspace Procedures Advisory Committees (RAPAC). CASA has strengthened regional engagement on local airspace and safety issues by fostering the evolution of the RAPACs. These forums have been expanded by broadening their areas of engagement and providing better access for members through the new online portal Aviation State Engagement Forum - AvSEF. Plans for regional safety events coordinated by CASA and involving all the aviation agencies under a new FlySAFE banner are scheduled to commence as soon as the current border and event restrictions lift.
- Consultation Hub (the Hub). This is a web-based platform and is CASA's main window for public consultation. During 2019-20 the Hub hosted 48 external regulatory and other consultations with almost 4,776 industry responses submitted.
- Public consultation. CASA consults publicly all major regulatory changes that might affect industry. This provides any member of the public to provide input on proposed changes.

The common objective for both CASA and aviation industry representatives is to produce aviation standards and safety requirements that are fit for purpose and produce the desired safety outcome. While the documents that result may be lengthy, individuals and organisations only need to read the parts relating to their specific sub-sector. In much the same way State and Territory road traffic authorities produce reader-friendly guides to the road traffic legislation, CASA is helping users to manage some of the inherent and unavoidable complexity in the aviation safety regulations through improved guidance material and Plain English Guides (PEGs).

These improvements are designed to ensure that CASA's regulatory reform process results in a regulatory framework that is proportionate, easy to understand and timely.

### 3. Involving general aviation in safety education programs

- One of CASA's major engagement strategies is to build a safety culture by using case studies from the aviation community, accident reports and industry information to encourage safe behaviours, relying on subject matter experts within industry to help create compelling campaigns. The success of this approach was demonstrated recently in CASA's highly successful *Know Your Drone* national RPAS safety campaign which ran from March – June 2020 and reached over 12.4 million people.
- CASA has commenced a program to develop PEGs to provide complex regulatory information in a simple, logical and easy to understand format with digital interactive elements to enhance the user experience. Industry reaction has been overwhelmingly positive to this initiative. PEGs are being finalised for flight crew fatigue (CAO 48.1) and CASR Part 91 (general operating and flight rules) and have been released for RPAS.
- CASA's AvSafety program, conducted by our aviation safety advisors (ASAs), is aimed at pilots who fly and engineers who maintain smaller aircraft. In 2019, CASA's nine ASAs reached more than 9,200 aviation community members through 219 free seminars and 819 onsite meetings. Around 70 per cent of these activities take place in regional Australia. Exit surveys show that these seminars and the safety messages communicated are highly valued by participants with 98 per cent of seminar participants stating they would recommend a seminar to others.
- [Flight Safety Australia](#) is CASA's flagship aviation safety magazine now published in print and online formats and aimed primarily at general aviation pilots and engineers. This publication is highly praised by its readers and recognised as a source for increasing their knowledge and awareness of aviation safety issues.
- Promotion of safety in the general aviation sector at the grassroots level by sponsoring workshops, fly-ins and conferences. In 2019 CASA delivered a \$140,000 sponsorship program for the benefit of general aviation associations and for related safety activities.
- CASA is supporting a post COVID-19 *Community Safety Program* designed to support aviation clubs, schools and organisations with a small grant to enable them to host an activity promoting aviation safety in their local area. This year CASA is also the major sponsor of the *Australian Flying Wings Awards* for the general aviation industry, recognising the achievements of flyers, instructors, aero clubs and service providers.
- Last financial year CASA shipped over 57,000 items to industry including a wide range of plain English safety promotion material to meet the needs of the general aviation community, most of which is free except for postage.

These activities demonstrate CASA's understanding and appreciation of the needs of the aviation community including those operating in regional Australia.

### Regulatory Consistency

CASA recently completed its 25 year-long Regulatory Reform Program; a program encompassing the migration and updating of aviation safety rules from CARs to CASRs. This long process involved extensive industry consultation. Improvements to consultation arrangements in 2017 allowed this program to be completed in December 2019. CASA is now actively preparing the aviation community to transition to the new flight operations regulations.

CASA has issued *Guiding Principles for the [Development and Application of Risk-Based and Cost-Effective Aviation Safety Regulations](#)*. These principles reaffirm CASA's commitment to ensure that civil aviation regulatory changes are based on safety risk and do not impose unnecessary costs or burden on individuals or operators.



To ensure consistency in the interpretation and application of the CASRs, CASA is currently managing an organisational transition from a decentralised model to a functional model for regulatory oversight; the hallmark of which will be a consistent and centralised solution. By 30 June 2021 CASA's Regulatory Services & Surveillance Division and its regional approach will be transitioned to a new Regulatory Oversight Division, consisting of four functions: national oversight strategy and planning, guidance delivery, regulatory services and regulatory surveillance.

## **The Impact of COVID-19 on Aviation**

The Australian aviation landscape has been severely impacted by the COVID-19 pandemic. Whilst many sectors of the industry such as high capacity regular passenger transport experienced a steep decline in aviation activity, almost all other sectors (excluding some charter) continue to function, albeit at reduced levels.

CASA continues to ensure the ongoing safety of aviation by adopting a flexible approach to regulation to alleviate the pressure on all sectors of the industry. We have also strived to reduce the administrative and financial burden on individuals and operators during this time through a program of exemptions and extensions. These include:

- Over 40,000 medical certificate exemptions made available for pilots and air traffic controllers to continue to exercise their privileges without a valid medical certificate to 31 March 2021.
- Over 1,200 Air Operator's Certificates and Part 141/142 certificates automatically extended for six months.
- A three-month extension of pilot's flight review and proficiency check due dates between March-December 2020, with the expiry of the exemption then extended to 31 March 2021.

A full list of exemptions provided by CASA can be found at: <https://www.casa.gov.au/about-us/covid-19-advice-industry>.

CASA has also adopted a less intrusive approach to surveillance to account for reduced levels of activity and new and emerging sector risks.

## **Inquiry Submissions**

CASA acknowledges the considerable effort made by various individuals and groups who have provided submissions to this Inquiry. In considering their submissions we believe it is important to identify and comment on some themes and to address some apparent misconceptions.

The appropriateness of the Act is a theme in many submissions. Some, such as Mr Dick Smith AC, consider the amendment to the Act in 2019 to ensure that amongst other things, CASA considers cost in developing and promulgating certain aviation standards was not sufficient and that further changes are needed. Alternately, the Australian and International Pilots Association opposes the inclusion of economic considerations in the Act as it conflicts with CASA's mandate to curb unsafe behaviour. Others, such as the Aerial Application Association of Australia (AAAA), push for an independent review of the Act. It is CASA's view that the Act is generally fit for purpose and amendments are a matter for Government.

Some submissions question the appropriateness of CASA's regulatory model, stating it is too complex, prescriptive, and burdensome. For example, the AAAA maintains that the CASRs are 'engorged' compared to the previous regulations. It outlines regulations around pilot licensing, stating the previous approach in Part 40 of the CAOs was around 208 pages while the new CASR Part 61 (flight crew licensing) is about 700. The AAAA appears to have confused the Regulations (which has 242 pages of regulatory text) with the MOS which is 698 pages.

The reality is that CASA has simplified the flight crew licensing system, with industry only needing to refer to Part 61 and its supporting MOS, rather than 24 separate pieces of legislation or standalone syllabuses of training. The Recreational Pilot section (sub part 61.G) is only one page. We acknowledge that while the Part 61 MOS is long, it also contains numerous syllabuses



of training. The important point is that only the chapters relevant to each pilot licence type and sub-sector need to be reviewed.

After many recent amendments, CASA acknowledges that the implementation of Part 61 has not been well explained or well received. We have learnt from this by setting up a taskforce to review Part 61 operations and making changes in consultation with industry. Building on this experience, CASA is now undertaking detailed preparations for the transition to the flying operations suite to improve the understanding of both CASA staff and industry of how these regulations operate before they come into force.

Another common theme in the submissions is that the economic burden of regulatory compliance is too high. However, as outlined in submission 16 by Anjum Haweed and Kyriakos Kourousis, the ageing fleet in the general aviation sector means that the costs for keeping these aircraft flying are higher than for new aircraft. The cost of maintenance has increased, along with the cost of parts, particularly for older aircraft which require more maintenance more often. As outlined earlier in this submission, the relative cost of adhering to safety regulations is relatively minor at four per cent.

The submission from Professionals Australia suggests CASA is experiencing cultural problems and workforce challenges, particularly in relation to technical roles. CASA acknowledges that technical staffing numbers have fluctuated over the past few years, however it is important to note that CASA is in transition to a new centralised, cross-regional office approach that enables allocation of resources where they are required and is designed to deliver consistent national outcomes. The strong feedback on the 2019 Census results around being proud to work at CASA (77%) and engagement and confidence in their direct managers (78%) does not support the allegation of poor culture.

Many of the submissions, such as that from the RAAA and the AAAA, refer to the positive changes CASA has made to its approach to consultation and stakeholder engagement. CASA is grateful that the industry has noted the significant efforts made to improve this. CASA is committed to further improving engagement with the aviation community to ensure safety solutions are practical, proportionate and effective.

Some submissions, such as from the Sports Aircraft Association of Australia (SAAA), identify perceived inequities for medical standards between recreational pilots and private general aviation pilots. The content of the SAAA's submission fails to acknowledge that the reasoning behind recreational aviation pilots having lower medical requirements, is because they are limited to fly aircraft under 600kg, are only allowed to carry one passenger, may only fly in non-controlled airspace and are restricted to fewer airports. In contrast, this very difference is supported by the RAAA who understand and appreciate that recreational pilots have less onerous regulation because they may not operate in the commercial world and are generally restricted only to private flying outside of controlled airspace.

CASA is pleased that the RPAS industry recognises the work CASA has undertaken in the RPAS sub-sector and looks forward to working with the Australian Association of Unmanned Systems and other RPAS associations to progress the regulatory framework for this area.

## **Conclusion**

CASA strives to ensure a positive and collaborative safety culture through a fair, effective and efficient aviation safety regulatory system. To achieve this, CASA works diligently to improve the regulatory environment for all aviation sectors. CASA regularly consults in a variety of ways to ensure that all issues are considered in the development of any new or amended regulations or standards. A great deal of effort is exerted to ensure that CASA's client-facing systems are efficient and effective. While CASA's systems and processes have improved, there are always further improvements we can make. CASA looks forward to working together with industry to ensure Australia's aviation environment remains one of the safest in the world.