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SENATE COMMITTEE ON RURAL AND REGIONAL AFFAIRS AND TRANSPORT INQUIRY INTO GENERAL AVIATION IN AUSTRALIA – GLIDING FEDERATION OF AUSTRALIA SUBMISSION

Introduction

The Gliding Federation of Australia (GFA), also known as Gliding Australia and incorporated in Victoria, is the governing body for the sport of gliding¹ in Australia. GFA was founded in 1949, becoming the first independent sporting aviation body in Australia.

GFA is responsible, as a co-regulator, to the Civil Aviation Safety Authority (CASA) for the conduct of safe gliding operations in Australia. This includes the setting and maintenance of flying operational and airworthiness standards and in particular training standards. GFA is also recognised by Department of Defence and Royal Australian Air Force (RAAF) as the co-regulator for Australian Air Force Cadet (AAFC) gliding operations.

Terms of Reference Addressed

GFA notes the broad-reaching Terms of Reference for this Inquiry, including the current state of Australia's general aviation industry, with particular reference to aviation in rural, regional and remote Australia. GFA also notes the focus on the operation and effectiveness of the Civil Aviation Safety Authority (CASA) and other aviation agencies. This submission makes comments and recommendations on these terms of reference²:

¹ Gliding, unpowered flight in fixed wing aircraft, is also known as Soaring. Gliders soar in rising air or lift, and trade altitude for airspeed and distance when flying cross country. Gliders are also known as Sailplanes. Gliders and sailplanes now include powered sailplanes capable of self-launching and touring, and power-assisted sailplanes capable of sustained flight only.

² Terms of reference are those published at the Senate Committee website at https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Rural_and_Regional_Affairs_and_Transport/GeneralAviation

- a. the legislative and regulatory framework underpinning CASA's aviation safety management functions, including:
 - i. the application of the *Civil Aviation Act 1988* and the *Civil Aviation Safety Regulations 1998* to Australia's aviation sector, and whether the legislation is fit for purpose;
 - ii. the safety and economic impacts, and relative risks, of CASA's aviation safety frameworks; and
 - iii. the engagement of CASA with other relevant Australian Government agencies;
- b. the immediate and long-term social and economic impacts of CASA decisions on small businesses, agricultural operations and individuals across regional, rural and remote Australia;
- c. CASA's processes and functions, including:
 - i. its maintenance of an efficient and sustainable Australian aviation industry, including viable general aviation and training sectors;
 - ii. the efficacy of its engagement with the aviation sector, including via public consultation; and
 - iii. its ability to broaden accessibility to regional aviation across Australia, considering the associated benefits of an expanded aviation sector; and
- d. any related matters.

GFA's comments and recommendations are detailed in Appendices to this submission. Each Appendix refers to a subset of these terms of reference and forms part of this submission. Since there is considerable interconnection between these terms of reference, there is some unavoidable overlap in notes and recommendations, in the context of each Appendix's subject. This strengthens the case for change and resolute action.

Change Imperatives

The GFA submits that whilst gliding is both an aviation recreation and sport, it is a legitimate airspace user and participant in Australia's general aviation industry, which generates significant economic activity, assists in the development and skills retention of many professional pilots in civil and military environments, facilitates technological developments, promotes sporting achievements, and adds to the fabric of Australian society in cities, regional areas and remote communities. It is a capable, credible co-regulator, with much gliding subject matter expertise that should be effectively and equitably applied by CASA within a revised, properly funded collaborative business model.

Fundamental concerns for GFA revolve around gaps in the Minister's Statement of Expectations for CASA, plus the "cliff-based" approach to introducing Part 149, driving a prescriptive, high cost approach to co-regulation.

Part 149 was introduced in its current form in 2019. Its complexity, limited time and high costs and effort to implement may be unacceptable if a revised phased strategy is not adopted, and the cost model applied to co-regulation and CASA charges for approvals arising from those regulatory functions are not revised.³

The current trajectory of the regulation change process actually threatens the very viability of recreational aviation activities; GFA submits there are alternatives to the current trajectory. CASA's charter must include encouraging the development of aviation in all its forms, including sustainable regional, general, sporting and recreational aviation. This broader focus is essential to changing consultation, culture, processes and overheads.

³ The government's funding model for CASA does not reflect a sustainable baseline and does not meet aviation sector nor community expectations. CASA's zero-sum-game approach to funding is not aligned to realistic government expectations of CASA and safety outcomes required of co-regulators. Also see Annex A to Appendix 2 to this submission, where GFA seeks CASA approval of a time extension and revised approach to Part 149 transition.

Recommendations.

Our comments and recommendations are offered in the context of seeking to improve the future of general aviation and gliding in Australia, improving safety outcomes, improving economic outcomes and financial impacts, improving governance and regulation whilst reducing unnecessary burdens and adverse consequences, and improving relationships between all organisations vested in safe and affordable aviation activity across Australia.

GFA's recommendations address many complex inter-related aspects, including:

- Acknowledging GFA's extensive gliding subject matter expertise as a co-regulator, essential to CASA meeting government and community expectations;
- Transitioning the government's and CASA's funding model for general aviation and GFA co-regulation, from limited zero-sum-game (with CASA fee for service), to recognising trusted ASAO functional activity and expertise (with exemptions from CASA fees for ASAO delivery of regulatory documents and functions);
- An alternative phased strategy is needed for transition and implementation of Part 149 regulation by GFA and sporting aviation bodies in the general aviation sector;
- Recognising the current trajectory of the regulation change process threatens the very viability of recreational aviation activities, so alternatives to the current trajectory must be pursued through new government priorities, expectations and KPIs;
- Amending the Ministerial Statement of Expectations, and then the *Civil Aviation Act 1988*, modifying the roles of CASA and DAS to include fostering a healthy aviation industry in Australia that includes supporting regional, general, recreational and sporting aviation, ensuring the affordability of aviation by reducing costs of regulatory compliance;
- Establishing new consultative mechanisms with industry and general aviation to develop simpler, less legalistic, more outcome focussed regulation, reducing administrative burden and costs, and consequently reducing second order economic effects;
- Recognising the contribution of gliding to the general aviation industry, economic activity, development and skills retention for civil and military pilots, technological developments, sporting achievements, and the fabric of Australian society in regional areas and remote communities;
- Ensuring freedom to fly for all airspace users and better safety outcomes by improving CASA Office of Airspace Regulation process compliance and interaction with Airservices Australia and ASAOs; and
- Providing more ATSB Human Factors and Accident Investigation training opportunities to ASAOs, to better enable their investigation, support and pilot education capabilities and therefore improve safety outcomes.

Conclusions.

At a strategic level, much improvement is needed, with genuine commitments to collaborate across organisations, particularly between CASA and co-regulator sporting aviation bodies including GFA, plus ATSB, Airservices Australia, RAAF and AAFC, and coordinative representative bodies such as ASAC.

The CASA-ASAO co-regulator funding and business model must be revised, along with facilitation of Part 149 ASAO co-regulator regulation. This may require changes in government funding allocated to CASA, to meet both community and government expectations.

These expectations must be clearly specified in a revised Ministerial Statement of Expectations to CASA, pending development and passage of revised legislation to achieve required reforms. These expectations should emphasise accountability for meeting revised Government objectives for CASA.

This is an opportunity to break the historical cycle of procrastination, with multiple reviews and glacial progress in Australian aviation reform. GFA supports resolute pursuit of tangible improvements to achieve sensible regulation while fostering economic, aviation operations and safety outcomes. Let's not just talk about it; let's do it, properly! I would welcome the opportunity to address the committee in person, if required.



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APPENDICES TO GLIDING FEDERATION OF AUSTRALIA SUBMISSION

These Appendices form part of the Gliding Federation of Australia (GFA) formal submission to the Senate Committee on Rural and Regional Affairs and Transport Inquiry into General Aviation in Australia.

These Appendices address the formal Terms of Reference at [https://www.aph.gov.au/Parliamentary Business/Committees/Senate/Rural and Regional Affairs and Transport/GeneralAviation](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Rural_and_Regional_Affairs_and_Transport/GeneralAviation)

Appendix 1: The Gliding Federation of Australia – Structure, Functions and Legislation – GFA Detailed Submission (Page 15)

Appendix 2: Transition to Part 149 and Case for Change of Funding and Business Model – GFA Detailed Submission (Page 19)

Appendix 3: Legislative and regulatory framework underpinning CASA's aviation safety management functions – GFA Detailed Submission (Page 28)

Appendix 4: Social and economic impacts of CASA decisions on small businesses, agricultural operations and individuals across regional, rural and remote Australia – GFA Detailed Submission (Page 33)

Appendix 5: CASA's processes and functions, impacts on efficient and sustainable Australian aviation industry, viability of general aviation and training sectors, efficacy of engagement with the aviation sector and public consultation, accessibility to regional aviation across Australia – GFA Detailed Submission (Page 39)

Appendix 6: Related Issues – GFA Detailed Submission (Page 45)

EXECUTIVE SUMMARY OF NOTES AND RECOMMENDATIONS

NOTES

GFA recommends that the Inquiry Committee **notes**:

Appendix 1:

1. GFA operates as the CASA-approved co-regulator for gliding in Australia, performing agreed compliance, regulatory and safety functions on behalf of CASA;
2. GFA's gliding subject matter expertise is recognised by CASA, Defence, RAAF and other government agencies; and
3. Changes to the *Civil Aviation Act 1988* were proposed to be introduced in 2019, through the *Civil Aviation Amendment Act 2019*. These would have fundamentally changed CASA's roles and focus, to "*require the Civil Aviation Safety Authority, in developing and promulgating aviation safety standards, to take into consideration the impacts of costs and the relative risk environment of the different aviation industry sectors.*" The Act reached a Third reading but was not passed to the Governor-General for Assent, owing to the 2019 Federal election.

Appendix 2:

4. Effective implementation of Part 149 regulation by ASAOs performing co-regulatory functions on behalf of CASA is inextricably linked with ensuring:
 - a. adoption of a sustainable co-regulator funding model, recognising functional activities, through a flexible business model aligned with strategic priorities; and
 - b. application of a sensible, phased transition and implementation approach with maximum application of existing ASAO documents and rules, upgraded in phases; and
 - c. achievement of regulatory reform and safety strategic priorities set by Government and the CASA Board.

Appendix 3:

5. GFA is concerned with the weight and extent of legislation and rules, its legalistic and technocratic focus, complexity, difficult navigation and referencing, pedantic detail, confusing and often incomprehensible style, driving onerous overheads and compliance workloads, thus not fit for purpose. There is a high risk of Part 149 co-regulation following this pattern.
6. GFA is concerned with the increasing risk of unintended regulatory non-compliance and cost of remediation.
7. GFA is concerned with overheads, costs and delays arising from the complexity or documentation and difficulties in generating and reviewing document changes.
8. GFA is concerned with compliance and enforcement mindsets evident in CASA, rather than required facilitative mindset and generative culture.
9. GFA is concerned with reduced industry forums and opportunities for collaborative engagement with CASA. CASA's engagement strategy and design requires review and

reinvigoration, to achieve strategic and safety outcomes and alignment of priorities.

Appendix 4:

10. The significant economic impacts of CASA decisions on GFA, Regional Associations, Gliding Clubs and AMOs, all small businesses, many reliant on volunteer effort, therefore highly sensitive to increasing costs of regulation and compliance;
11. The significant economic contributions made through gliding activities to remote and regional communities;
12. The highly valued career development contributions that gliding makes to pilot skills development and retention, and the development of technical skills, aeronautical knowledge and aptitude in both military and civil aviation; and
13. The importance of CASA participation in industry forums with broad consultative mechanisms, complying with agreed processes for developing airspace and aviation regulatory changes.

Appendix 5:

14. GFA recognises that it needs to be a positive, collaborative co-regulator, alongside CASA, working through industry forums supporting a generative safety culture and the growth of aviation activity in regional Australia.
15. As highlighted in previous reviews, changes in CASA focus and functions must be underpinned by legislation changes similar to those tabled in the July 2018 Aviation Summit and *Civil Aviation Amendment Bill 2019*.

RECOMMENDATIONS

GFA recommends that the Inquiry Committee **recommends**:

Appendix 1:

16. Changes in government and community expectations for supporting regional, general, recreational and sporting aviation be clearly specified in a revised Ministerial Statement of Expectations to CASA, pending development and passage of revised legislation to achieve required reforms.
17. Changes to the *Civil Aviation Act 1988* be developed as a priority, drawing upon the draft *Civil Aviation Amendment Act 2019*, with its scope further amended to address the viability and sustainability of regional and general aviation including sporting aviation.

Appendix 2:

18. Adoption of a phased implementation strategy for transition and implementation of Part 149 regulation by GFA and other sporting aviation bodies in the general aviation sector. This phased approach should allow for interim approval of existing co-regulator manuals and documents, phased ASAO certification and prioritised revision of manuals and systems of control;
19. The CASA funding model for general aviation and GFA co-regulation transition from limited zero-sum-game (with CASA fee for service) to one based on recognition of trusted agency functional activity and expertise (with exemptions from CASA fees for co-regulatory functions), consistent with the Government's principles underpinning co-

regulation. The funding model must support a flexible business model aligned with priorities and a revised Ministerial Statement of Expectations;

20. Support more interaction by the Director Aviation Safety (DAS) and CASA Board with ASAC and ASAOs, including the GFA, on alignment of strategic priorities with required changes to business models and strategic engagement processes. This should include reinvigoration of industry forums supported by CASA.

Appendix 3:

21. High priority be placed upon changes in CASA roles encompassing fostering of aviation and reduction of compliance overheads and costs;
22. CASA priorities and strategies encompass culture changes to better reflect a generative safety culture, one that facilitates required changes rather than focussing solely on specification, law, compliance and enforcement;
23. Opportunities for consultative CASA engagement with ASAOs including GFA be reviewed and pursued urgently, as a catalyst for required changes. Top level changes to CASA's engagement strategy and design of consultation mechanisms are urgently required, to achieve strategic and safety outcomes.
24. Revised Key Performance Indicators be applied to CASA through an updated Ministerial Statement of Expectations, and through CASA Board oversight and strategic direction to DAS.

Appendix 4:

25. Amending the *Civil Aviation Act 1988* and the roles of CASA and DAS, to include consideration of the affordability of aviation and costs of regulatory compliance, plus fostering a healthy aviation industry in Australia that includes regional, general and sporting aviation; and
26. Establishing new consultative mechanisms with industry and general aviation to develop simpler, less legalistic, outcome focussed regulation, reducing administrative burden and costs, and reducing second order economic effects.

Appendix 5:

27. The *Civil Aviation Act 1988* and Ministerial Statement of Expectations be urgently revised to include new CASA and DAS roles and responsibilities encompassing fostering aviation activity, including sustainable regional, aviation and sporting aviation.

Appendix 6:

28. Revision of the *Civil Aviation Act 1988* and the Director Aviation Safety's roles regarding affordability of safety, and fostering aviation in Australia including regional, general and sporting aviation;
29. Improved CASA Office of Airspace Regulation process compliance and interaction with Airservices Australia and ASAOs, including through RAPAC Committees, to ensure freedom to fly for all airspace users and better safety outcomes; and
30. Provision of ATSB Human Factors and Accident Investigation training opportunities to ASAOs, to better enable their investigation and support capabilities and improve safety outcomes.

ABBREVIATIONS AND ACRONYMS

AAFC	Australian Air Force Cadets
AD	Airworthiness Directives
AIP	Aeronautical Information Package
AMO	Approved Maintenance Organisation
APF	Australian Parachute Federation
ASAO	Approved Self-administering Aviation Organisation
ASRR	Aviation Safety Regulatory Review
ATSB	Australian Transport Safety Bureau
AvSEF	Aviation State Engagement Forum (previously the Regional Airspace Procedures Advisory Committee)
CAAP	Civil Aviation Advisory Procedures
CAO	Civil Aviation Orders
CAR	Civil Aviation Regulations 1988
CASR	Civil Aviation Safety Regulations
CASA	Civil Aviation Safety Authority
DAS	Director of Aviation Safety
EASA	European Union Aviation Safety Agency
EMO	Executive Manager Operations
FAA	Federal Aviation Authority
FAI	Fédération Aéronautique Internationale
GA	General Aviation
GFA	Gliding Federation of Australia Inc (aka Gliding Australia)
GPC	Glider Pilot Certificate
GPL	Glider Pilot Licence
GQ	Gliding Queensland
HGFA	Hang Gliding Federation of Australia
IGC	International Gliding Commission
LAME	License Aircraft Maintenance Engineer
MOS	Manual of Standards
MOSP	GFA Manual of Standard Procedures
NSWGA	New South Wales Gliding Association
OAR	Office of Airspace Regulation (CASA)
OD	Operations Directives
OPREGS	GFA Operational Regulations
OSTIV	Organisation Scientifique et Technique du Vol à Voile
RAAF	Royal Australian Air Force
RAAus	Recreational Aviation Australia
RAPAC	Regional Airspace Procedures Advisory Committee (Now the Aviation State Engagement Forum)

RPT	Regular Public Transport
SAFA	Sports Aviation Federation of Australia
SAGA	South Australian Gliding Association
SAOs	Sporting Aviation Organisations
SLG	Self-Launching Glider
TMG	Touring Motor-Glider
VSA	Victorian Soaring Association
WAGA	Western Australian Gliding Association

ILLUSTRATIONS



Aerotow Launch – Pawnee PA-25 Towing a Puchacz Twin-Seater Glider on Take-off



High-performance DG1000S Twin-Seater Sailplane



Pawnee PA-25 235HP Glider Towplane



DG500M Self-Launching Glider - Powered Sailplane with Retracting Propeller



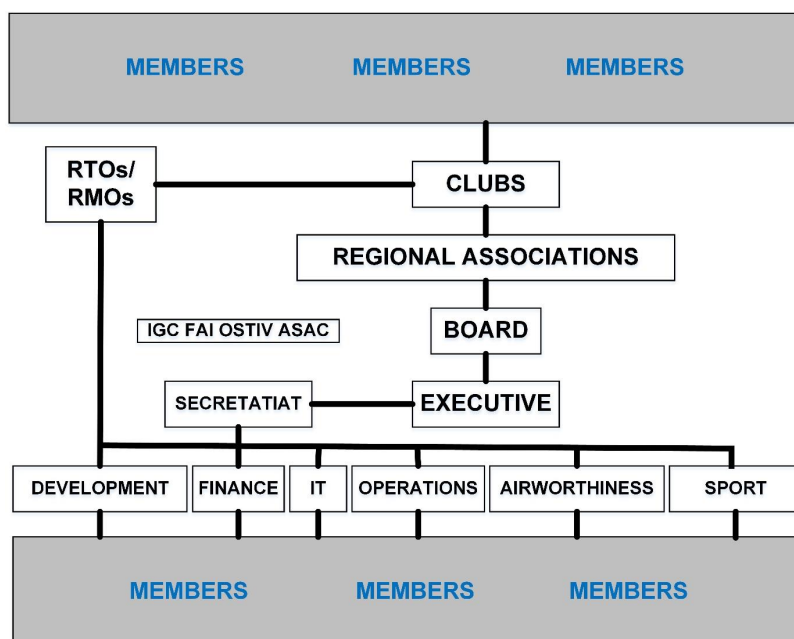
Dimona Touring Motor-Glider – Non-Retracting Propeller



Starting Grid for Gliding Competition, Temora NSW



F1 GP Competition Finish, Leeton NSW



GFA Simplified Administrative Structure 2019

APPENDIX 1:

THE GLIDING FEDERATION OF AUSTRALIA – ORGANISATION, FUNCTIONS AND LEGISLATION – GFA DETAILED SUBMISSION

The Senate Committee into General Aviation in Australia terms of reference include:

“The committee will consider the operation and effectiveness of the Civil Aviation Safety Authority (CASA) and other relevant aviation agencies, with particular reference to:

- a. the legislative and regulatory framework underpinning CASA's aviation safety management functions, including:
 - i. the application of the *Civil Aviation Act 1988* and the *Civil Aviation Safety Regulations 1998* to Australia's aviation sector, and whether the legislation is fit for purpose;
 - ii. the safety and economic impacts, and relative risks, of CASA's aviation safety frameworks; and
 - iii. the engagement of CASA with other relevant Australian Government agencies.”

Introduction

The legislative and regulatory framework that the Civil Aviation Safety Authority (CASA) and Gliding Federation of Australia (GFA) operate under shapes the interactions and engagement processes applied in practice. This submission describes how GFA's organisational structure, approved functions and legislative basis affects those interactions and engagements.

GFA Responsibilities, Functions and Organisation

The Gliding Federation of Australia (GFA), also known as Gliding Australia and incorporated in Victoria, is the governing body for the sport of gliding⁴ in Australia. GFA was founded in 1949, becoming the first independent sporting aviation body in Australia.

GFA is responsible, as a co-regulator, to CASA for the conduct of safe gliding operations in Australia. This includes the setting and maintenance of flying operational and airworthiness standards and in particular training standards.

GFA's relationship with CASA and the general aviation industry is shaped by its organisational context:

- as a Federated body acting through Regional Associations and Gliding Clubs;
- as a co-regulator recognised by CASA and RAAF; and
- as the over-arching body meeting the service demands of glider pilot members and affiliated gliding clubs.

GFA provides services to its members and clubs including:

- Regulatory functions and guidance covering pilot training, licensing, certification, gliding operations and airworthiness, and glider towing aircraft training and authorisations, and maintenance of the glider portion of the Australian Aircraft Register handled under delegations from CASA;

⁴ Gliding, unpowered flight in fixed wing aircraft, is also known as Soaring. Gliders soar in rising air or lift, and trade altitude for airspeed and distance when flying cross country. Gliders are also known as Sailplanes. Gliders and sailplanes now include powered sailplanes capable of self-launching and touring, and power-assisted sailplanes capable of sustained flight only.

- Liaison with other government agencies, including:
 - Airservices Australia, particularly regarding their airspace management responsibilities and radio use
 - Australian Transport Safety Bureau (ATSB), particularly regarding accidents and incidents, investigations, reports and safety education
 - Australian Department of Defence and Royal Australian Air Force (RAAF) regarding gliding operations undertaken by Australian Air Force Cadets (AAFC) and clubs.
- Assistance to State and Territory Police and Coroners in fatal accident investigation, in some cases by formal Memorandum of Understanding;
- Liaison with other sporting and recreational aviation bodies on matters of mutual interest (e.g. through Australian Sport Aviation Confederation);
- Liaison with international gliding organisations (such as OSTIV, IGC and the FAI, and other National gliding bodies);
- Technical matters including airworthiness, airfields, avionics, airspace and emerging technologies;
- Arranging and managing liability insurance coverage for all members and clubs;
- Awarding achievement badges and managing Australian gliding records;
- Encouraging and staging competitions at the national and international level;
- Promotion of the sport of gliding and soaring;
- Publishing a magazine Gliding Australia and online communications.

As the title 'Federation' suggests, the GFA has a tiered federated structure based on Regional Associations, which are in turn based on Gliding Clubs. It is only possible to be a glider pilot and member of the GFA if one is also a member of a Gliding Club affiliated to the GFA through the applicable Regional Association. The five regional associations are:

- Gliding Queensland (GQ), which covers all of Queensland and the northern New South Wales border region south to Byron Bay;
- Victorian Soaring Association (VSA), which covers Victoria and Tasmania plus NSW southern border towns;
- New South Wales Gliding Association (NSWGA), which covers NSW and the ACT except as noted above;
- South Australian Gliding Association (SAGA), which covers South Australia and the Northern Territory;
- Western Australian Gliding Association (WAGA).

For many years, CASA has formalised via Deeds of Agreement the agreed functions⁵ that GFA performs, as a co-regulator, on its behalf. Many of these functions are performed by Chairs of Operations and Airworthiness Departments, and by the Executive Manager Operations⁶ (EMO) as primary point of contact. Regional officers assist GFA department heads and EMO in the performance of regulatory and safety audit functions.

GFA's 2019 Strategic Plan lists six primary objectives. The highest priority objectives are Freedom to Fly and Safety. GFA upholds the primacy of pilot responsibility and the primacy

⁵ The Deed of Agreement between CASA and GFA titled "*Funding for the Self-Administering Activities of The Gliding Federation of Australia Incorporated, 2019 to 2020*", Schedule B "*Statement of Expectations*", lists Compliance, Standards, Safety Promotion, Service and Safety Management System Functions. These are also examined in Appendix 2.

⁶ The Executive Manager Operations (EMO) is the designated GFA primary point of contact with CASA, Airservices Australia and ATSB, plus State or Territory Police and Coronial Authorities. The EMO reports through the GFA Chair of Operations Panel to the GFA President.

of club-based systems to ensure safety, compliance, and support for glider pilots. GFA seeks reduction of administrative overheads and best safety outcomes.

Application of Legislation to GFA and Gliding

GFA, operating under a Deed of Agreement with CASA, is the aviation administration organisation applicable to Gliding in Australia. GFA is subject to the *Civil Aviation Act 1988*, *Civil Aviation Regulations 1988*, *Civil Aviation Safety Regulations 1998* and other relevant Legislation as amended from time to time.

GFA notes that changes to the *Civil Aviation Act 1988* were proposed to be introduced in 2019, through the *Civil Aviation Amendment Act 2019*⁷. These would have fundamentally changed CASA's roles and focus, to "*require the Civil Aviation Safety Authority, in developing and promulgating aviation safety standards, to take into consideration the impacts of costs and the relative risk environment of the different aviation industry sectors.*" The Act reached a Third reading but was not passed to the Governor-General for Assent, owing to the 2019 Federal election.

Certain exemptions from the provisions of the *Civil Aviation Regulations 1988* (CARs) have been granted to members of the GFA by way of *Civil Aviation Orders* (CAO) 95.4 and 95.4.1. These regulatory exemptions have been granted where it is either not feasible for a glider to comply with a regulation or in the interest of flight safety, due to the unique nature of gliding flight. Where exemptions exist, the practices adopted by GFA are outlined in GFA Operational Regulations (OPREGS) approved by CASA. Put simply, the GFA OPREGS define how GFA complies with the exemptions in CAOs 95.4 and 95.4.1.

There are other GFA publications that have to be approved by CASA. Examples include the GFA Aerotowing Manual, GFA Winch Manual, GFA Training Manual and GFA Basic Sailplane Engineering and Airworthiness Manuals.

Other GFA publications provide detailed guidance to clubs and members on the processes that should be applied to meet governance, compliance, regulatory, operational, technical airworthiness, safety, sports and competition requirements. The GFA Manual of Standard Procedures (MOSP) is approved by the GFA Board, and comprises:

- MOSP Part 1 – Administration
- MOSP Part 2 – Operations
- MOSP Part 3 – Airworthiness
- MOSP Part 4 - Sports

Glider pilots, who are members of affiliated clubs, must comply with these, plus any club operational, airworthiness and administrative supplements and policies. At club level, affiliated training clubs must have a Committee and Training Panel, headed by a President (responsible for administrative and governance aspects) and Training Panel Chair / Chief Flying Instructor (responsible for operational and safety oversight aspects).

In Australia, glider pilots are exempt from holding CASA pilot licences. GFA is responsible for training and award of Glider Pilot Certificates (GPC), Glider Towing Certificates, gliding charter and gliding instructor ratings. These are recognised by CASA and the aviation industry as a satisfactory substitute for a CASA licence or endorsement thereto. Pilots

⁷ https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=r6305

wishing to travel and compete overseas may convert their GFA Glider Pilot Certificate to a CASA issued (and ICAO compliant) Glider Pilot Licence. CASA approves training syllabi for certificates and requirements for ratings and towing pilot permits⁸.

Gliding airworthiness requirements, systems and processes parallel those for general aviation. Gliders, like civil powered aircraft, are VH registered, built, maintained and modified to approved standards. Some exemptions are provided to gliders, sailplanes and powered sailplanes that are not capable of generating continuous onboard electrical power.

Gliding operations are subject to the same airspace and radio access and usage requirements as general aviation, with some exemptions specified in CAO 95.4 and 95.4.1.

Defence and the RAAF manage the Australian Air Force Cadets (AAFC) and their gliding clubs. RAAF successfully operates AAFC gliders and clubs under the oversight of GFA for both operations and airworthiness⁹.

Recommendations

GFA recommends that the Inquiry Committee **note** that:

31. GFA operates as the CASA-approved co-regulator for gliding in Australia, performing agreed compliance, regulatory and safety functions on behalf of CASA;
32. GFA's gliding subject matter expertise is recognised by CASA, Defence, RAAF and other government agencies; and
33. Changes to the *Civil Aviation Act 1988* were proposed to be introduced in 2019, through the *Civil Aviation Amendment Act 2019*¹⁰. These would have fundamentally changed CASA's roles and focus, to "*require the Civil Aviation Safety Authority, in developing and promulgating aviation safety standards, to take into consideration the impacts of costs and the relative risk environment of the different aviation industry sectors.*" The Act reached a Third reading but was not passed to the Governor-General for Assent, owing to the 2019 Federal election.

GFA recommends that the Inquiry Committee **recommend** that:

34. Changes in government and community expectations for supporting regional, general, recreational and sporting aviation be clearly specified in a revised Ministerial Statement of Expectations to CASA, pending development and passage of revised legislation to achieve required reforms.
35. Changes to the *Civil Aviation Act 1988* be developed as a priority, drawing upon the draft *Civil Aviation Amendment Act 2019*, with its scope further amended to address the viability and sustainability of regional and general aviation including sporting aviation.

⁸ Glider tow pilots are required to hold CASA Licences, or GFA or RAAus Certificates, and Endorsements applicable to the type of GA or Recreational aircraft being used for towing gliders. GFA manages, on behalf of CASA, the system of training and permits for glider towing.

⁹ Defence and RAAF gliding management is led by Director General Cadets – Air Force. RAAF has duty of care for all cadets, and for the integrity of their safety management systems. RAAF could have elected to operate under Defence registration, certification, airworthiness and operations management systems, but elected to operate under the civil CASA-GFA system. GFA has a Letter of Agreement with Director General Cadets – Air Force, that defines how RAAF and GFA operate in compliance with CASA and GFA requirements, and the organisational links and processes that will apply. GFA Operations and Airworthiness Departments routinely attend and support Defence Airworthiness Boards. Also see AAFC gliding at Bathurst NSW at <https://worldofaviation.com/2019/05/from-the-archives-reach-the-heights-gliding-with-the-aafc/>

¹⁰ https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=r6305

APPENDIX 2: TRANSITION TO PART 149 AND CASE FOR CHANGE OF FUNDING AND BUSINESS MODEL – GFA DETAILED SUBMISSION

The Senate Committee into General Aviation in Australia terms of reference include:

“The committee will consider the operation and effectiveness of the Civil Aviation Safety Authority (CASA) and other relevant aviation agencies, with particular reference to:

- b. the legislative and regulatory framework underpinning CASA's aviation safety management functions, including:
 - i. the application of the *Civil Aviation Act 1988* and the *Civil Aviation Safety Regulations 1988* to Australia's aviation sector, and whether the legislation is fit for purpose;
 - ii. the safety and economic impacts, and relative risks, of CASA's aviation safety frameworks; and
 - iii. the engagement of CASA with other relevant Australian Government agencies.”

Application of Legislation to GFA and Gliding

Gliding in Australia is regulated through a complex set of Acts, Regulations, Civil Aviation Orders, Exemptions and Civil Aviation Advisory Procedures administered by CASA as well as Aviation Information Packages administered by Air Services Australia. In addition, GFA has a Deed of Agreement with CASA that describes functions to be performed by GFA on behalf of CASA.

The suite of legislation, regulations and advisory guidance applying to GFA and gliding in Australia is as follows (legislation in italics):

- *Civil Aviation Act 1988*
- *Civil Aviation Regulations 1988* (CAR) supported by
 - *Civil Aviation Orders* (CAO)
- *Civil Aviation Safety Regulations 1988* (CASR) supported by
 - Manuals of Standards (MOS)
 - Advisory Circulars (AC)
- CAO 95.4 Instrument 2011 *Exemption from provisions of the Civil Aviation Regulations 1988 – power-assisted sailplanes, powered sailplanes and sailplanes*
- CAO 95.4.1 *Exemption from provisions of the Civil Aviation Regulations 1988 – gliders engaged in charter operations*
- Civil Aviation Advisory Procedures (CAAP)
- *Airspace Act 2007 and*
- *Airspace Regulations 2007*

These are supplemented through many GFA documents:

- Gliding Federation of Australia Operational Regulations (OPREGs)
- Gliding Federation of Australia Operational Directives (OD)
- Gliding Federation of Australia Operations Advice Notices (OAN)
- Gliding Federation of Australia Operational Safety Bulletin (OSB)
- Gliding Federation of Australia Airworthiness Directives (AD)
- Gliding Federation of Australia Manuals
- Gliding Federation of Australia Manual of Standard Procedures (MOSP)

As GFA operates with certificated VH-registered aircraft, within the common systems of airspace access and operations for all general aviation, glider pilots must also utilise the Aeronautical Information Package (AIP) issued by Airservices Australia. These enable compliance with the *Airspace Act 2007 and Airspace Regulations 2007*. As described below, GFA is also required to operate in accordance with a Deed of Agreement between CASA and GFA, which is also the vehicle for limited funding. The Deed includes a Statement of Expectations for delivery of various functions, on behalf of CASA. This is reproduced below.

2. Schedule B-Statement of Expectations

This Statement of Expectations specifies the functions the Civil Aviation Safety Authority (CASA) expects the Gliding Federation of Australia Incorporated (GFA) to perform, and the GFA agrees to perform, under the Deed of Agreement, in accordance with the applicable provisions of the Civil Aviation Regulations 1988, the Civil Aviation Safety Regulations 1998 and any exemptions issued under those regulations.

Compliance Functions

The GFA will:

1. Require all members of the GFA to operate gliders power sailplanes and power-assisted sailplanes in accordance with the applicable CASA requirements and the GFA Operational Regulations and other manuals and directives of the GFA;
2. Monitor and audit standards and procedures of glider pilot certification systems, including gliding instructor, passenger flying and radiotelephone authorisations to ensure compliance;
3. Monitor the operational standards and procedures of member clubs and rectify any deficiencies detected to ensure compliance with the GFA Operational Regulations and other applicable GFA directives;
4. Require glider pilots visiting Australia from overseas countries and flying foreign registered gliders to comply with the GFA Operational Regulations and other manuals and directives of the GFA;
5. Review the results of sailplane, powered sailplane and power-assisted sailplane incident and accident investigations to ensure that standards have been complied with;
6. In appropriate coordination with CASA, investigate alleged breaches of the Civil Aviation Regulations 1988 (CAR), the Civil Aviation Safety Regulations 1998 (CASR) and the GFA Operational Regulations and other manuals and directives of the GFA by member pilots of sailplanes, powered sailplanes and power assisted sailplanes;
7. Monitor sailplane, powered sailplane and power-assisted sailplane certification systems, including Certificates of Registration, Certificates of Airworthiness, special flight permits and Airworthiness Directives compliance in accordance with CASR Parts 21, 22 and 39; and
8. Provide quarterly statistical reporting in relation to the numbers of GFA members, aircraft, accidents, incidents, defects and fatalities in accordance with the table below, no later than 14 Business Days after the dates specified.

Standards Functions

The GFA will:

10. Liaise with and advise CASA in setting standards and procedures for glider and tow pilot certification systems, including gliding instructor, passenger flying and radio- telephone authorisations;
11. Review the GFA Manual of Standard Procedures including Operational Regulations as necessary and submit amendments to those requirements to CASA for approval;
12. Liaise with and advise CASA on developments in gliding techniques and equipment;
13. Review the results of incident and accident investigations to ensure that standards are appropriate; and
14. In accordance with the general requirements specified in CASR Parts 21, 22 and 39:

- (a) liaise with and advise CASA in setting the Regulatory standards for sailplane, powered sailplane and power-assisted sailplane certification systems, including Certificates of Registration, Certificates of Airworthiness, special flight permits and Airworthiness Directives; and
- (b) Liaise with and advise CASA on developments in glider airworthiness.

Safety Promotion Functions

The GFA will:

- 15. Conduct safety education programs for Members;
- 16. Provide guidance to members in the form of advice and information to assist in the maintenance of safety in the airworthiness of sailplanes, powered sailplanes and power-assisted sailplanes in accordance with the general requirements of CASR Parts 21, 22 and 39; and
- 17. Provide guidance to members in the form of advice and information to assist in the maintenance of safety in the operation of sailplanes, powered sailplanes and power assisted sailplanes.

Service Functions

The GFA will:

- 18. Establish and administer a glider pilot, tow pilot, radio operator, charter glider pilot and gliding instructor certification system;
- 19. In respect of sailplanes, powered sailplanes and power-assisted sailplanes operated in accordance with the requirements specified in any exemptions issued by CASA under the CARs and the CASRs, and in accordance with the applicable provisions of the CARs and the CASRs:
 - (a) maintain that portion of the register of Australian aircraft; and
 - (b) appoint persons to be authorised by CASA to issue:
 - (i) Certificates of Registration;
 - (ii) Certificates of Airworthiness; and
 - (iii) special flight permits pursuant to the applicable provisions of the CASRs;
- 20. Appoint persons to conduct, and where necessary, to be approved by CASA to conduct, modifications, repairs, maintenance and inspections on sailplanes, powered sailplanes and power-assisted sailplanes; and
- 21. Provide CASA, no less frequently than once every three months, with changes to that portion of the register of Australian aircraft administered by the GFA, including:
 - (a) a full description of each aircraft, including manufacturer, model and manufacturer's serial number;
 - (b) the registration mark assigned to each aircraft; and
 - (c) The name and address of the holder of the certificate of registration.

Safety Management System

Consistent with the GFA's self-administration functions, its associated responsibilities in respect of the activities of its Members and with a view to the requirements contemplated by proposed CASR Part 149 for Approved Self-administering Aviation Organisations, the GFA will, by the end of the Term:

- 22. Develop and implement an appropriate organisational Safety Management System (SMS); and
- 23. Take appropriate steps to ensure that corresponding arrangements are developed and implemented by GFA clubs.

As can be seen above, the overheads of performing these functions are considerable, requiring a full-time GFA point of contact with CASA (through the GFA EMO) and much effort in the GFA Executive, Operations and Airworthiness departments. GFA relies substantially on volunteer effort. In order to achieve efficiencies and cost savings, GFA Office staffing is also lean. GFA exists to support its regional associations, its clubs and glider pilot members, not just CASA.

GFA as Co-Regulator, Transition to Part 149

The above expectations reflect the current practice, where GFA is operating as a competent co-regulator, recognised as having the requisite subject matter expertise to manage gliding in Australia. The effect is that GFA provides these co-regulatory functions and services on behalf of CASA. GFA members and clubs are in a regulatory sense first accountable to GFA. It would be extremely rare for a member to interact directly with CASA.

The Government and CASA wish to transition to a regulatory model, under CASR Part 149, the legislative framework for Approved Self-administering Aviation Organisations (ASAOs). Part 149 includes a Manual of Standards (MOS).

Under Part 149, GFA would be issued with an ASAO Certificate; with approved personnel and organisational structure; using approved systems, facilities, reference materials and rules; in accordance with an organisational exposition and system of authorisations. This intent is described in the Draft Advisory Circular AC 149-01 v1.0.

CASA's General Manager Legal Affairs, Regulatory Policy & International Strategy in 2017 affirmed the co-regulatory intent as follows¹¹:

Beyond the considerable range of autonomy embodied in draft CASR Part 149 approvals, these arrangements contemplate the measured expansion of control and oversight, to an extent commensurate with the ability and willingness of individual organisations to discharge those responsibilities effectively. Such an approach is entirely consistent with the concept of 'co-regulation', as described in *The Australian Government Guide to Regulation* (March 2014), which is entirely synonymous with the regulatory approach we describe as 'self-administration'.

The principles might be simple but getting there, getting approval, is the hard and very expensive part!

GFA has been involved in consultations with CASA on Part 149 since 1998. By agreement with CASA, Part 149 transitions have commenced with sporting aviation organisations other than GFA¹². GFA has contributed to development of Part 149 and its supporting Advisory Circular (AC) and Manual of Standards (MOS), primarily through the GFA EMO, Chair of Operations, Chair of Airworthiness and President.

GFA now understands that Part 149 implementation progress with the Australian Parachute Federation (APF) and Recreational Aviation Australia (RAAus) have been problematic. Despite consistent expressions of good intent at higher management levels, including recognition of existing manuals and systems of control, suites of documents required by CASA for the Part 149 Exposition and ASAO Certification have been drafted, with substantial volumes rejected or approval withheld until major revisions are incorporated.

¹¹ Civil Aviation Safety Authority, Legal Affairs, regulatory Policy and International Strategy letter to President Air Sport Australia Confederation dated 21 Jan 2017, p2.

¹² Informal discussions with CASA indicated a high level of confidence with GFA's current management and systems of control, with a well-developed suite of regulations and manuals, and achievement of relatively good safety outcomes. GFA understands that CASA wished to commence with smaller and higher priority sporting aviation organisations. GFA also worked closely with the Air Sport Australia Confederation (ASAC) supporting a respectful, measured evolution of documents to give effect to Part 149.

It appears that some lower level functional officers in CASA have been striving for perfection, the enemy of good¹³.

The delays and substantial levels of effort for other sporting aviation bodies have been costly, in terms of staff effort and financial expenditure. These impacts have been adverse, for small organisations with limited paid staff and substantial reliance on volunteer effort.

GFA has sought greater visibility of changes to regulations in CASR Parts 91 and 103, the associated Manual of Standards, and access to the CASA-developed manual authoring and assessment tool. So far these have not been forthcoming.

GFA is most concerned, that with a projected administrative effort costing in the hundreds of thousands of dollars, and severely taxing the volunteers in operations, airworthiness and executive departments, the current approach to Part 149 transition will be unsatisfactory, costly and risky. Diversion of effort runs much higher risks of unintended second order (safety and regulatory integrity) consequences. In a post-COVID context these risks are magnified.

In principle GFA supports the philosophy behind Part 149, allowing greater autonomy and efficiency in certified ASAOs achieving regulatory and safety outcomes. GFA is also opposed to onerous overheads and unwieldy administration. GFA therefore strongly recommends a phased approach to Part 149 documentation and approval of ASAO certification, over an extended period. This will require greater recognition of existing ASAO regulations, rules, manuals, processes and systems of control. A more flexible approach by CASA is urgently required.

Annex A to this Appendix refers, documenting GFA's most recent approach to CASA for a change in strategy and approach.

Funding and Business Model

Unfortunately progress towards Part 149 implementation and organisational trust have been eroded by pressure on all recognised sporting aviation organisations to operate with a reduced funding allocation. For years GFA has operated with a fixed funding allocation by CASA (with no CPI increases), agreed with the abovementioned Deed of Agreement. This funding model did not reflect the actual cost of performing those functions.

The funding model changes proposed in 2019-2020 reflected a 'zero-sum-game' approach where funds were to be provided to RAAus within the fixed budget limit for all other SAOs. Considerable effort was applied to develop a new funding split formula under severe time pressure. GFA understands that "...an extra \$20,000 had been 'found' to support RAAus".¹⁴

GFA and other bodies remained concerned about the method applied and the fixed funding limit mindset that applied. Other organisations, under Board direction, often require changes to that entity's business model to achieve required flexibility in funding applied to achieve strategic outcomes. As regulatory demands change, and priorities for certain outcomes change, the government business resourcing systems must also change.

¹³ In other examples, manual changes sought by Sports Aviation Federation of Australia (SAFA) on clear safety grounds were initially rejected by CASA. CASA agreement to GFA's changes to the Aerotow Manual and Winch Manual took many months.

¹⁴ ASAC President letter to DAS CASA dated 28 June 2019

CASA also applies fee for service charges for many administrative approval processes. CASA advised GFA that there would be a time-limited no-charge period applied for transition to Part 149 regulation, and that after ASAO certification is achieved, fees would be charged for approval of changes to regulatory documents.

The logic here is perverse. GFA and other ASAOs are intended to operate as co-regulators, apply their own limited volunteer-reliant resources to developing required changes and improvements, then pay CASA for the privilege of approving updates to the ASAO's own documents and regulatory system improvements. Further, this is a regulatory function required of CASA by ICAO, therefore not an optional service to GFA. This is a disincentive towards regulatory, safety and training improvements. The application of these charges for co-regulation functions must be reconsidered in the funding and business model.

Under Part 149 CASA is clearly seeking a substantial change and improvement to the integrity of sporting aviation regulation within the General Aviation sector. Co-regulation requires a higher level of recognition of the costs of services and functions delivered by ASAOs. The alternative, namely CASA regulation, requires higher costs within CASA for requisite expertise and additional administrative burden.

Perverse logic applies also to existing co-regulator service delivery. CASA maintains the national aircraft register for VH-registered aircraft. Under the CASA-GFA Deed of Agreement, GFA maintains the glider portion of the aircraft register, for 1,287 sailplanes.¹⁵ This task is done on behalf of CASA by GFA members holding CASA Instruments of Delegation for airworthiness functions. GFA issues Certificates of Airworthiness, special flight permits, etc for CASA. CASA charges GFA for issue of those Instruments of Delegation. Those costs add to the burden and are partially offset by charges to members. The alternative, service delivery by CASA, would be far more costly, with greater delays.

GFA does not accept the simplistic notion that the size of the pie should be frozen. GFA understands that CASA budget is driven by 3.566 cents per litre excise on aviation fuel consumed and some regulatory service fees, \$16.5m, much from the RPT airline sector. CASA already needs substantial government supplementation to operate as normal. A significant budget shortfall is now worsened by reduced aviation activity and COVID-19 impacts. GFA does accept the need for an evolving funding model within a flexible, outcome-focussed, strategically aligned business model.

To achieve this, GFA also recommends more interaction by the Director Aviation Safety (DAS) and CASA Board with ASAC and ASAOs, including the GFA, on alignment of strategic priorities with required changes to business models and engagement processes. This may, in part, alleviate the effects of reduced industry forums supported by CASA.

Recommendations

GFA recommends that the Inquiry Committee **notes**:

1. Effective implementation of Part 149 regulation by ASAOs performing co-regulatory functions on behalf of CASA is inextricably linked with ensuring:
 - a. adoption of a sustainable co-regulator funding model, recognising functional activities, through a flexible business model aligned with strategic priorities; and

¹⁵ GFA reports glider and sailplane numbers to CASA every quarter. As of 1st July 2020, 1,287 sailplanes were on the register.

- b. application of a sensible, phased transition and implementation approach with maximum application of existing ASAO documents and rules, upgraded in phases; and
- c. achievement of regulatory reform and safety strategic priorities set by Government and the CASA Board.

GFA recommends that the Inquiry Committee **recommends**:

1. Adoption of a phased implementation strategy for transition to, and implementation of Part 149 regulation by GFA and other sporting aviation bodies in the general aviation sector. This phased approach should allow for interim approval of existing co-regulator manuals and documents, phased ASAO certification and prioritised revision of manuals and systems of control;
2. The CASA funding model for general aviation and GFA co-regulation transition from limited zero-sum-game (with CASA fee for service) to one based on recognition of trusted agency functional activity and expertise (with exemptions from CASA fees for co-regulatory functions), consistent with the Government's principles underpinning co-regulation. The funding model must support a flexible business model aligned with priorities and a revised Ministerial Statement of Expectations; and
3. Support more interaction by the Director Aviation Safety (DAS) and CASA Board with ASAC and ASAOs, including the GFA, on alignment of strategic priorities with required changes to business models and strategic engagement processes. This should include reinvigoration of industry forums supported by CASA.

ANNEX A TO APPENDIX 2

GFA LETTER (BY EMAIL) TO CASA DATED 2 JULY 2020

Mr Shane Carmody
Director of Aviation Safety
Civil Aviation Safety Authority

RE: Gliding Federation of Australia (GFA) request for extension to CASR Part 149 application

Dear Shane

Following the introduction of CASR Part 149 on 14 July 2019, the various ASAOs were given 3 years to become Part 149 organisations. CASA then agreed to waive all fees for those organisations transitioning within the first 18 months.

GFA has closely followed the application process undertaken by the Australian Parachute Federation (APF) and Recreational Aviation Australia (RAA) with a view to leveraging their experience. However, the delays and complications these two organisations have experienced do not give us any confidence that the process will be easy, simple or within a cost parameter that GFA can afford.

The process is far more complicated than we were led to believe, and the issues with both the aforementioned organisations demonstrates this. There also appears to be limited clarity around the process and a degree of Bureaucratic overreach that does not align with either CASA's or the Sports organisations initial expectations.

We are aware that many of the Operational Regulatory exemptions for gliding are going to be incorporated into CASR Part 91 and CASR Part 103. However, the exposure draft prepared in late 2018 only covered some Regulations and the accompanying Manual of Standards have not been made available to us. More clarity around what is now intended to be included in these Regulations suites and Manuals of Standards will assist in streamlining and minimising any efforts made by us to apply for Part 149.

I also note that CASA created a free online manual authoring and assessment tool (MAAT), that can be used to write and submit manuals or expositions for assessment. It's also touted as "a great tool for organisations transitioning to new regulations". This would be really helpful for CASR Part 149 applications by complex organisations like GFA and RAAus, but CASA appears to have no appetite to provide this.

Separately but also importantly The Gliding Federation, like most aviation organisations has been heavily impacted by the COVID-19 pandemic, being affected in all operational and support systems. These short, medium and long term issues will certainly affect our organisation in the preparation for Part 149.

In light of the above, the Gliding Federation of Australia seeks an extension of time, of (say) 12-18 months following the completion of the APF and RAA submissions, to apply for a fee free Part 149 Certificate.

I look forward to your positive reply.

Yours Sincerely

[SIGNED BY P CESCO]

Peter Cesco | President
Gliding Federation of Australia
Extraordinary Flying

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cc. Rob Walker CASA Stakeholder Engagement Group Manager
Chris Monahan CASA Operations Standards Manager
Steve Fickling CASA Manager Sports Aviation

APPENDIX 3:

LEGISLATIVE AND REGULATORY FRAMEWORK UNDERPINNING CASA'S AVIATION SAFETY MANAGEMENT FUNCTIONS – GFA DETAILED SUBMISSION

The Senate Committee into General Aviation in Australia terms of reference include:

“The committee will consider the operation and effectiveness of the Civil Aviation Safety Authority (CASA) and other relevant aviation agencies, with particular reference to:

- c. the legislative and regulatory framework underpinning CASA's aviation safety management functions, including:
 - i. the application of the *Civil Aviation Act 1988* and the *Civil Aviation Safety Regulations 1998* to Australia's aviation sector, and whether the legislation is fit for purpose;
 - ii. the safety and economic impacts, and relative risks, of CASA's aviation safety frameworks; and
 - iii. the engagement of CASA with other relevant Australian Government agencies.”

Introduction - Co-Regulation and Transition to Part 149 Strategy

This should be read in conjunction with Appendix 2, which addresses in detail the applicability of legislation, the role of GFA as a co-regulator, the functions performed by GFA on behalf of CASA under the Deed of Agreement, GFA concerns with the transition to Part 149 ASAO regulation and the CASA funding and business model. Appendix 2 also highlights the high priority need for changes to the CASA funding and business model, changes to CASA Board and DAS consultation with ASAOs, and a more sensible phased approach to Part 149 transition and implementation. The alternatives, based on CASA in-house regulation of sporting aviation, will be much more costly and compromise safety outcomes.

Weight and Fitness For Purpose of Regulation

The weight and complexity of legislation and regulation is enormous. Over many years the applicable legislation has grown to many thousands of pages. It is legalistic and impenetrable by design.

GFA is required to comply with the *Civil Aviation Act 1988*, *Civil Aviation Regulations 1988* (CAR) supported by *Civil Aviation Orders* (CAO), the *Civil Aviation Safety Regulations 1988* (CASR) supported by Manuals of Standards (MOS) and Advisory Circulars (AC), approved exemptions CAO 95.4 Instrument 2011 *Exemption from provisions of the Civil Aviation Regulations 1988 — power-assisted sailplanes, powered sailplanes and sailplanes*, CAO 95.4.1 *Exemption from provisions of the Civil Aviation Regulations 1988 — gliders engaged in charter operations*, Civil Aviation Advisory Procedures (CAAP), applicable sections of the *Airspace Act 2007* and *Airspace Regulations 2007*, and a massive body of documents in the Aeronautical Information Package (AIP) used by pilots for flight planning, flight procedures and conduct.

Glider pilots and clubs must comply with the GFA OPREGs approved by CASA, GFA Aerotowing Manual, GFA Winch Manual and GFA Training Manual (Instructors Handbook) approved by CASA, the GFA Manual of Standard Procedures Parts 1 to 4, operations Directives, technical Directives, and many guidance documents and procedures.

Much gliding activity is conducted in uncontrolled (Class G) airspace, some from club airfields or uncertified aerodromes. All glider pilots need to operate safely in a shared multi-user environment. Any glider pilots operating from certified aerodromes, in or near controlled airspace, in powered and power-assisted sailplanes, or flying glider towing aircraft face additional complexities and compliance requirements.

The weight of regulation is massive! The weight and complexity of regulation and compliance requirements drives a very high education and training load. The more complex and impenetrable it is, the higher the risk of non-compliance and degraded safety outcomes.

Answering the question of fitness for purpose of regulation depends on where this is viewed from, and what outcome or purpose one seeks.

From the lawyer's or regulator's perspective, aviation regulation may be seen as comprehensive, ICAO¹⁶ compliant, enforceable and well structured. Even seasoned aviation lawyers will admit that it is voluminous, intricate, and difficult to navigate. CASA managers will admit that it takes considerable resources to change and update, thus poses a huge administrative and cost burden to maintain. The complexity and volume of affected documents drives consultation difficulties and delays into all changes.

From a technical perspective, aviation regulation is rich in detail and compliance complexity, driving the need for voluminous guidance documents containing incredible detail in standards and methods of compliance, procedures, and management of exceptions.

From an aviation operator's or pilot's perspective, aviation regulation is unnecessarily legalistic and technocratic in style, impenetrably difficult to navigate, badly referenced, excessively voluminous, pedantically detailed, confusing and often incomprehensible, driving onerous overheads and compliance workloads, thus not fit for purpose. The risk of unintended non-compliance and cost of remediation is a constant concern.

From the ASAO co-regulator perspective, GFA sees aviation regulation as having serious shortcomings for use by gliding clubs and pilots, as being focussed on legal and technocratic outcomes rather than operational and safety outcomes, as driving high compliance costs and onerous administration overheads.

GFA works very hard to consult CASA officials (and those in other agencies) in developing gliding-specific regulation that is fit for purpose and as simple to use as possible. GFA works with some very good people in CASA, and also some difficult characters. Levels of understanding of ASAO concerns and gliding subject matter vary widely. Many CASA staff express frustration at their internal organisational process and administrative complexity, delays, "legal and bureaucratic capture" and lack of focus on operational practicability and safety outcomes.

GFA is aware of instances where low-level CASA officials, with a pedantic compliance mindset, and sometimes an incorrect over-interpretation of their own rules, have caused

¹⁶ ICAO is the international aviation regulatory body that approves international aviation standards and compliance requirements. The International Civil Aviation Organization is a specialized agency of the United Nations that manages "the principles and techniques of international air navigation and fosters the planning and development of international air transport to ensure safe and orderly growth". CASA often cites ICAO compliance as a driver for regulatory changes.

difficulties for gliding clubs, aerodrome operators and local councils¹⁷. Single issue zealots have strained relationships in some cases. Costs of compliance and modifications have been high where aerodrome changes have been required.

Shift from Compliance and Enforcement to Facilitation

This is a serious cultural issue at the heart of many issues affecting CASA interactions and consultations with ASAOs, clubs and pilots. The complex legislative basis of CASA regulation and large volume of technically intricate requirements and guidance drives a safety at all costs, *compliance and enforcement mindset* that permeates CASA's organisational culture. Increasing burdens are justified by safety, by regulatory integrity, by ICAO compliance, by existing legislation.

There is a small cadre of CASA staff working in sporting aviation, and some in other divisions with gliding experience and knowledge, who have a strong focus on general, sporting and gliding aviation. Many individuals have a strong focus on understanding operational implications, on consulting and facilitating improvements. To some extent these staff are captive to *compliance and enforcement mindsets* (particularly legal requirements) and bureaucratic constraints. Some staff do not consult well, apply unrealistic timescales, or display poor understanding of sporting aviation and gliding operations and regulation.

A small minority of CASA officials operating and auditing in the field, in remote and regional aerodromes, occasionally display authoritarian zealous behaviours underpinned by a *compliance and enforcement* mindset. Sometimes these extend to over-interpretation of standards and regulations, causing difficulties for gliding clubs and pilots with local councils and aerodrome operators.

The desired culture is one that would better *facilitate* achievement of meaningful strategic outcomes; tangible safety improvements, lower costs, better practicability, reduced administrative burden, smoother safer operations, more responsiveness to potential risks, better collaboration and shared accountability. In terms of safety culture, this is referred to as a *generative culture*. It is the opposite of a directive enforcement culture.

Changing DAS and CASA roles and functions to reflect affordable safety and fostering aviation activity would fundamentally impact on CASA's culture, to the benefit of all aviation and the communities they service.

Engagement Issues

General aviation and ASAOs such as GFA place high value on industry consultation. This was identified as a key issue in the Aviation Safety Regulatory Review (ASRR) in terms of enabling consultation and prioritisation of reforms. GFA understands that not all ASAOs or co-regulators should attend all consultative forums; this would be unnecessarily costly and cumbersome. In recent years CASA has reduced the number and membership of industry

¹⁷ Examples include:

Horsham (VIC), Benalla (VIC) prior to World Gliding Championships – initial incorrect advice to aerodrome operators and councils on compliance with aerodrome Manual of Standards regarding glider and vehicle ground movements, requirements for supplementary vehicle lighting. CASA has declined to assist GFA in negotiations with councils and aerodrome operators on reduced lighting requirements. Result, unnecessary additional vehicle lighting is now required at many aerodromes. Gawler (SA), overzealous attempts at alcohol testing in non-operational areas, affecting pilots and visitors involved in non-operational activities. Camden (NSW), disputed procedures involving alcohol testing of a pilot performing engine cleaning with clothing heavily doused in methylated spirits.

Temora (NSW) – protracted over-interpretation of advice to council aerodrome operator regarding Manual of Standards and runway markers, dual use parallel runway operations, changing width of cross strip as a result of approving nearby structures.

forums. GFA, amongst others, now has reduced opportunity to shape better priorities, policies, processes and practices.

Several industry consultation mechanisms no longer exist, making it more difficult to counter threats and mitigate risks¹⁸. These include the Regional Aviation Safety Forum (RASf), Sport Recreational Aviation Standards Subcommittee and the Airspace and Aerodrome Consultative Forum. The RASf was most important from a GFA perspective.

GFA does not have membership of CASA's Aviation Safety Advisory Panel, established in 2017, thus has less opportunity to influence priorities and policies. Events such as biennial Safeski conferences therefore have higher importance in communications and engagement.

CASA's entire industry engagement strategy and design requires review and reinvigoration. The current design has gaps and unintentionally stifles collaboration.

Role of CASA Board, Relationship with Director Aviation Safety and Aviation Industry

In Appendix 1, GFA recommends more interaction by the Director Aviation Safety (DAS) and CASA Board with ASAC and ASAOs, including the GFA, on alignment of strategic priorities with required changes to business models and strategic engagement processes.

The CASA Board, in setting strategic priorities and direction, must be mindful of the total architecture of industry consultation mechanisms and forums, and receptive to industry ASAO inputs on changes to engagement processes. The Tricker Model for Board governance, supported by the Australian Institute of Company Directors, emphasises the importance of Board external environmental focus, including mitigating strategic risks. To this end, GFA supports the development of new Key Performance Indicators addressing broader CASA roles in a revised Ministerial Statement of Expectations.

This issue is discussed in detail at Appendices 4 to 6 inclusive, in the context of legislation, CASA changes in focus, and past attempts at change.

Recommendations

GFA recommends that the Inquiry Committee **notes**:

1. GFA is concerned with the weight and extent of legislation and rules, its legalistic and technocratic focus, complexity, difficult navigation and referencing, pedantic detail, confusing and often incomprehensible style, driving onerous overheads and compliance workloads, thus not fit for purpose. There is a high risk of Part 149 co-regulation following this pattern.
2. GFA is concerned with the increasing risk of unintended regulatory non-compliance and cost of remediation.
3. GFA is concerned with overheads, costs and delays arising from the complexity or documentation and difficulties in generating and reviewing document changes.

¹⁸ Information on threats to aviation posed by airport operators at this link:
<https://australianaviation.com.au/2020/03/gliding-club-accuses-sydney-metro-airports-of-money-grab/>

4. GFA is concerned with compliance and enforcement mindsets evident in CASA, rather than required facilitative mindset and generative culture.
5. GFA is concerned with reduced industry forums and opportunities for collaborative engagement with CASA. CASA's engagement strategy and design requires review and reinvigoration, to achieve strategic and safety outcomes and alignment of priorities.

GFA recommends that the Inquiry Committee **recommends**:

1. High priority be placed upon changes in CASA roles encompassing fostering of aviation and reduction of compliance overheads and costs;
2. CASA priorities and strategies encompass culture changes to better reflect a generative safety culture, one that facilitates required changes rather than focussing solely on specification, law, compliance and enforcement;
3. Opportunities for consultative CASA engagement with ASAOs including GFA be reviewed and pursued urgently, as a catalyst for required changes. Top level changes to CASA's engagement strategy and design of consultation mechanisms are urgently required, to achieve strategic and safety outcomes.
4. Revised Key Performance Indicators be applied to CASA through an updated Ministerial Statement of Expectations, and through CASA Board oversight and strategic direction to DAS.

APPENDIX 4:

SOCIAL AND ECONOMIC IMPACTS OF CASA DECISIONS ON SMALL BUSINESSES, AGRICULTURAL OPERATIONS AND INDIVIDUALS ACROSS REGIONAL, RURAL AND REMOTE AUSTRALIA – GFA DETAILED SUBMISSION

The Senate Committee into General Aviation in Australia terms of reference include:

“The committee will consider the operation and effectiveness of the Civil Aviation Safety Authority (CASA) and other relevant aviation agencies, with particular reference to:

- b. the immediate and long-term social and economic impacts of CASA decisions on small businesses, agricultural operations and individuals across regional, rural and remote Australia”

Impacts of CASA Decisions on the Gliding Federation of Australia

GFA is an incorporated federated body based in Victoria. Regional Associations and Gliding Clubs are all incorporated bodies and small businesses. All these gliding businesses are heavily reliant upon unpaid volunteer effort, with very few or zero paid staff. They are highly sensitive to costs of compliance and regulation. Member participation and club viability is in turn highly sensitive to costs and the burden of necessary non-flying activity. Ageing members with a low tolerance for nonsense have a tendency to vote with their feet.

As discussed at Appendix 2, GFA faces very high costs of transition to Part 149 co-regulation. Despite high level agreements on the key philosophy and strategic intent of transition to ASAOs, it appears from the experience of other sporting aviation organisations, and GFA’s experience in getting CASA approval of document changes, that this will be slow and difficult.

At lower levels, CASA appears beset by excessively legalistic processes, bureaucratic and compliance mindsets driving more administrative burden, fee for service default focus, with regulatory perfection being the enemy of good. It takes considerable effort to cultivate good working relationships and educate staff to overcome these impediments. There are some very good and helpful people in CASA, who informally despair at its shortcomings.

GFA has to make difficult decisions on CASA-facing versus member-facing level of effort and costs, with a lean part-time paid workforce¹⁹. Costs of compliance audits, travel and accommodation for auditors, travel and accommodation for meetings with authorities and consultative forums, problem resolution, document changes, reporting systems and analysis, IT systems, staff effort to run those systems, communications with members, education of members, office support, employee overheads, accumulate with administrative burden from all CASA decisions affecting regulation. Each Regional Association and Club, being an incorporated body and small business, faces a microcosm of these costs to meet GFA requirements.

From the glider and general aviation pilot’s perspective, as well as GFA’s, there is a clear need for CASA and government agencies to focus on fostering aviation, not just safety and compliance. Many GFA members have expressed frustration at bureaucratic burdens, costs, compliance mindsets and glacial progress in changing CASA’s legislative focus.

¹⁹ GFA has a small workforce of part time employees; an Executive Officer, membership officer and airworthiness administration officer, the Executive Manager Operations (main point of contact with CASA) and an Airworthiness expert.

Failure to change the *Civil Aviation Act 1988* in line with the General Aviation Summit in July 2018 is also cited as frustrating efforts to change CASA's focus and behaviour towards small aviation enterprises. This adds to the urgency of revising the Ministerial Statement of Expectations for CASA, pending changes to the Act.

Contribution of Gliding to the General Aviation Industry, Civil and Military Aviation, and Remote and Regional Communities

In developing a case for revising ASAO funding from CASA, in 2018-19 GFA collaborated with RAAus to develop a (draft) SASAO Economic Contribution Assessment Report – Pathways to Improved Funding | Self Administering Sports Aviation Organisations. It made a case for improved ASAO Funding, and also highlighted the value of regulatory functions performed, direct and indirect economic contributions of ASAOs including GFA. Annex A to this Appendix provides some relevant data extracted from this Draft Report.

The GFA submits that whilst gliding is both an aviation recreation and sport, it is a legitimate airspace user and participant in Australia's general aviation industry, which generates significant economic activity, assists in the development and skills retention of many professional pilots in civil and military environments, facilitates technological developments, promotes sporting achievements, and adds to the fabric of Australian society in cities, regional areas and remote communities.

Gliding activity contributes to pilot skills development and retention, and the development of aeronautical knowledge and aptitude. This is recognised by Defence, through their establishment of the gliding component of the Australian Air Force Cadets (AAFC), managed by the RAAF. Many airlines recognise the value of gliding activity by their pilots²⁰. This value goes beyond 'stick and rudder' skills, and includes airmanship and situational awareness, meteorological knowledge, upset recovery²¹ and aerobatics, and technological knowledge and skills. Many lives have been saved in demanding situations by pilots with gliding skills and experience²².

Career progression of pilots and aviation support industry is also enhanced by gliding activity, particularly younger people seeking entry into aviation. Many distinguished aviation careers have started in gliding.

Gliding Clubs are established across Australia, some in urban fringes, many in regional and remote communities²³. Many successful gliding clubs and soaring centres are established in the bush, where they enjoy greater freedom to fly and more favourable cross-country soaring conditions.

Gliding Club members and visiting pilots make a significant economic contribution to regional communities. Major State, National and World Championship Competitions and Grand Prix events generate major economic activity, for examples at Benalla (VIC), Lake Keepit and nearby Tamworth (NSW), Narromine (NSW), Leeton and Temora (NSW), Gawler (SA), Beverley (WA) and Boonah (QLD). Camps, regattas and soaring safaris also generate economic activity for smaller regional communities.

²⁰ What can glider pilots teach the airline industry?

<https://www.aerosociety.com/news/what-can-glider-pilots-teach-the-airline-industry/>

²¹ Gliders Might Improve Pilots' Upset Flying Skills

<https://www.ainonline.com/aviation-news/2013-10-07/gliders-might-improve-pilots-upset-flying-skills>

²² The Sullenberger "Miracle on the Hudson" gliding experience is described at

<https://www.popularmechanics.com/flight/a6309/sully-sullenberger-glider-experience/>

²³ Information on gliding clubs is publicly accessible at <https://glidingaustralia.org/new-to-gliding/club-finder>

Gliding also contributes to business activity by Approved Maintenance Organisations (AMOs)²⁴ at regional airports.

Costs to Gliding and Aviation Businesses, Cascading Second Order Effects

The most common method of glider launching in Australia is by aerotow, that is towing by powered aircraft fitted with approved glider towing mechanisms. Most glider towing is performed in general aviation aircraft, managed by CASA, such as the Pawnee PA-25. Some clubs employ RAAus aircraft.

Whatever type is used, this is an expensive launching method, and is usually the highest operational cost outlay for gliding clubs. The greatest cost driver is usually periodic (annual) and flying time (100 hourly) maintenance, performed by AMOs and Licensed Aircraft Maintenance Engineers (LAMEs). Gliding clubs are therefore sensitive to high, increasing costs arising from the regulatory burdens placed on aircraft maintainers.

Most gliding clubs are operated and supported by volunteers. Very few clubs have salaried staff. Most gliding instruction and glider towing is done on an unpaid basis.

Many glider towing pilots are frustrated by the high recurring costs of flight reviews required every two years, flight medicals also required every two or four years (depending on pilot age), and for many GA pilots, Aviation Security Identification Cards (ASICs) also required every two years with a high cost and administrative overhead²⁵. A typical pilot will have to spend about \$300-\$400 for their flight review, about \$160 for their medical, and about \$260 for their ASIC. It adds up!

GFA appreciates the recent progress made by CASA in simplifying requirements and reducing costs of a Basic Class 2 Medical.

There is evidence that the costs of over-regulation and increasing overheads of compliance have affected gliding clubs, AMOs and regional communities. Local Councils are acutely aware of the costs of maintaining aerodromes and facilities to meet MOS Part 139 Aerodrome regulatory requirements, which impact upon rents and aerodrome charges to industry and aviation users. ASIC cards are required for glider pilots operating from regional and remote aerodromes servicing RPT flights. Additional costs are driven by increasing aerodrome access control security compliance requirements.

AMOs face costs of certification, recertification, regulatory maintenance administration and audits. Increased costs are a disincentive to general aviation and gliding club activity.

Gliding clubs and general aviation are also affected by local councils indifferent or hostile to aircraft activity, by urban encroachment, building of structures on approach and departure paths, towers and powerlines, and even trees that have not been lopped to meet clearance requirements. All these have potential to drive up costs and reduce the viability and safety

²⁴AMOs are listed at

http://www.admin.glidingaustralia.org/index.php?option=com_chronoconnectivity6&cont=manager&conn=amolistfromSF

²⁵ Aviation Security ID Cards (ASICs) are not driven by CASA, but by the Department of Home Affairs. Applications and renewals every two years are cumbersome and costly, with stringent requirements for submission of original documents and no recognition of existing security clearances (e.g. police, defence, security agencies). The number of remote and regional aerodromes requiring physical security and use of ASIC cards is increasing.

of gliding aviation operations. GFA and regional Associations face some significant challenges here across many layers of government and council bureaucracy.

Airspace changes, particularly expansion of controlled airspace (Class C and D) is an ongoing challenge, markedly affected by changes in RPT Airline and military aircraft activity²⁶. This requires a strong commitment by all airspace users, CASA's Office of Airspace Regulation (OAR) and Airservices Australia to effective participation in industry forums and consultative mechanisms such as the Regional Airspace Procedures Advisory Committee (RAPAC) [now the Aviation State Engagement Forum (AvSEF)].

GFA has been concerned about diminished consultation and CASA divergence from their own processes²⁷ in developing airspace changes affecting freedom to fly. Access to airspace and freedom to fly fundamentally affects the viability, livelihood and membership of clubs and associated businesses. CASA no longer supports the Airspace and Aerodrome Consultative Forum. Other forums have fallen by the wayside, such as the Regional Aviation Safety Forum and the Sport Recreational Aviation Standards Subcommittee, which provided GFA with a useful voice in avoiding problems and risks.

Recommendations

GFA recommends that the Inquiry Committee **notes**:

1. the significant economic impacts of CASA decisions on GFA, Regional Associations, Gliding Clubs and AMOs, all small businesses, many reliant on volunteer effort, therefore highly sensitive to increasing costs of regulation and compliance;
2. the significant economic contributions made through gliding activities to remote and regional communities;
3. the highly valued career development contributions that gliding makes to pilot skills development and retention, and the development of technical skills, aeronautical knowledge and aptitude in both military and civil aviation; and
4. the importance of CASA participation in industry forums with broad consultative mechanisms, complying with agreed processes for developing airspace and aviation regulatory changes.

GFA recommends that the Inquiry Committee **recommends**:

1. Amending the *Civil Aviation Act 1988* and the roles of CASA and DAS, to include consideration of the affordability of aviation and costs of regulatory compliance, plus fostering a healthy aviation industry in Australia that includes regional, general and sporting aviation; and
2. Establishing new consultative mechanisms with industry and general aviation to develop simpler, less legalistic, outcome focussed regulation, reducing administrative burden and costs, and reducing second order economic effects.

²⁶ Information on threats to aviation posed by airport operators at this link:

<https://australianaviation.com.au/2020/03/gliding-club-accuses-sydney-metro-airports-of-money-grab>

²⁷ CASA OAR is required to consult with airspace users, with a reasonable timescale for response, prior to RAPAC meetings and approval of changes. This has not always occurred.

ANNEX A TO APPENDIX 4

EXTRACTS OF DATA FROM DRAFT SASAO ECONOMIC CONTRIBUTION ASSESSMENT REPORT PATHWAYS TO IMPROVED FUNDING | SELF ADMINISTERING SPORTS AVIATION

Note: Data was gathered to assess the economic contributions of nine Self-Administering Sports Aviation Organisations (SASAOs):

- Australian Ballooning Federation (ABF);
- Australian Parachute Federation Ltd (APF);
- Australian Sport Rotorcraft Association (ASRA);
- Australian Warbirds Association Ltd (AWAL);
- Gliding Federation of Australia (GFA);
- Hang Gliding Federation of Australia (HGFA);
- Model Aircraft Association of Australia (MAAA);
- Recreational Aviation Australia Ltd (RAAus); and
- Sport Aircraft Association of Australia (SAAA).

Each SASAO receives a share of \$634,000 in annual funding from the Civil Aviation Safety Authority (CASA) to perform the Compliance, Standards, Services (in some instances licensing and registrations) and Safety promotion functions on behalf of CASA through Deeds of Agreement.

In summary, the economic footprint that SASAOs including GFA contributes to the Australian economy includes and is not limited to:

Economic savings to CASA through the delivery of the 4 primary functions required by the deed - \$2,135,301 for all SASAOs, \$480,443 for GFA element;

The capital investment made by the sector was estimated at \$977,479,497

The direct, indirect and induced economic contributions made by the flying activities of sector members after applying an appropriate economic multiplier - \$181,924,971 for all SASAOs, \$32,311,832 for GFA. (Note that upstream catalytic economic impacts such as the impact on hospitality and tourism were not taken into account in this analysis).

With financial resources limited to membership fees and other member revenue functions, SASAOs complete the deed functions that would otherwise need to be completed by CASA resources, leading to an economic saving to CASA of \$2,135,301. GFA organisational input was estimated at 6.75 Full-Time Equivalent per annum, from 30 FTE for all SASAOs, about 22.5%. The total employment cost for delivery of the services and engagement by SASAO is \$1,963,169.

The economic saving accruing to CASA is based on assuming the average CASA wages of \$136,615 per person for the year ended 30 June 2017 (830 staff with a total employee benefit cost of \$113,391,000). When applied to the equivalent staff resource level of SASAO (30), the annual employment cost for CASA to complete the services would be \$4,098,470., significantly higher cost than that delivered by SASAO.

With regard to economic multipliers, the report adopted work completed by the International Civil Aviation Organisation (ICAO) in 2005 which indicated a worldwide average economic output and job multiplier for the aviation industry of 2.7 times, considered to be both conservative and reflective of the Australian Aviation Industry.

The combined economic benefits attributed to SASAOs, and the economic savings through achievement of safety outcomes (assessing long term accident trends), provided a total economic contribution sporting aviation makes to the Australian economy of \$226,864,971 per annum. GFA contribution was estimated at about 20%, or \$45,372,994 pa.

APPENDIX 5:

CASA'S PROCESSES AND FUNCTIONS, IMPACTS ON EFFICIENT AND SUSTAINABLE AUSTRALIAN AVIATION INDUSTRY, VIABILITY OF GENERAL AVIATION AND TRAINING SECTORS, EFFICACY OF ENGAGEMENT WITH THE AVIATION SECTOR, PUBLIC CONSULTATION, ACCESSIBILITY TO REGIONAL AVIATION ACROSS AUSTRALIA – GFA DETAILED SUBMISSION

The Senate Committee into General Aviation in Australia terms of reference include:

“The committee will consider the operation and effectiveness of the Civil Aviation Safety Authority (CASA) and other relevant aviation agencies, with particular reference to:

- c. CASA's processes and functions, including:
 - i. its maintenance of an efficient and sustainable Australian aviation industry, including viable general aviation and training sectors;
 - ii. the efficacy of its engagement with the aviation sector, including via public consultation; and
 - iii. its ability to broaden accessibility to regional aviation across Australia, considering the associated benefits of an expanded aviation sector

Introduction

These aspects overlap those addressed under other terms of reference. This submission should therefore be read in conjunction with Appendices 1 to 4 and 6 inclusive.

Costs, Risks, Regulatory Burden, Consultation and Engagement – Impacts on Sustainable Gliding and Aviation Activity

Appendix 1 addresses GFA's co-regulatory roles and administrative burden, and CASA's reliance on GFA subject matter expertise in gliding matters.

Appendix 2 addresses concerns with CASA's strategy for transition to and implementation of Part 149 co-regulation by ASAOs. It also discusses concerns regarding the CASA funding and business model associated with co-regulatory functions.

Appendix 3 addresses multiple GFA concerns with the weight, complexity and poor fitness for purpose of legislation and regulation; high costs, delays and risks associated with these shortcomings; impacts upon behaviour, mindsets and culture; reducing opportunities for collaborative industry engagement; and consequent impacts upon strategic and safety outcomes.

Appendix 4 addresses aviation career and economic contributions versus high and increasing economic costs of regulation and compliance, plus second order effects, at several layers of activity. A case for legislative reform and aviation development focus is raised, along with high priority changes to industry consultative mechanisms.

Appendix 6 addresses relationships with other government agencies, strategic risks, and imperatives for strategic reform noting prior reviews and attempts to change legislation and CASA focus.

All of these detailed submissions highlight concerns that CASA's current focus is sub-optimal in driving desired outcomes for a more viable, cost-effective and safe aviation industry and sporting aviation sector.

GFA notes that many staff are by nature constructive and attempt to consult closely with GFA, particularly in the sporting aviation section. With the demise of some industry forums and consultation mechanisms, GFA has less opportunity to collaborate and exert required expertise and influence in the broader CASA organisation. Legalistic and technocratic approaches, overly complex regulations, plus compliance and enforcement mindsets have the unintended effect of stifling some collaboration and facilitative processes. GFA wishes to be a positive, collaborative co-regulator, supporting a generative safety culture and the growth of aviation activity in regional Australia.

GFA also notes that where broad consultation has occurred, implementation of outcomes agreed with the general aviation sector are either not implemented or are implemented at a glacial pace.

Expanding the General Aviation Sector

A prerequisite for meaningful cultural change and improvement is changing and reconsidering the dormant *Civil Aviation Amendment Bill 2019*²⁸, intended to amend section 9A the *Civil Aviation Act 1988* to require the Civil Aviation Safety Authority (CASA) to consider additional factors when making aviation safety standards under paragraph 9(1)(c) of the Act.

GFA notes that this has been raised in prior government reviews and consultations with general aviation. The July 2018 General Aviation Summit in particular developed a broad set of required actions, which were the impetus for the *Civil Aviation Amendment Bill 2019*. The Bill reached a Third Reading but was not passed by both houses and therefore was not sent to the Governor General for Assent. This would have been the vehicle for changing CASA's focus and DAS's accountability for fostering a more viable aviation industry.

The outcomes of the July 2018 General Aviation Summit are attached at Annex A, for completeness. GFA would welcome the opportunity to contribute to reviewing and refining the Minister's Statement of Expectations for CASA and DAS. GFA notes that despite wide agreement to these outcomes they have not yet been implemented.

The Statement of Expectations must be aligned to community and Government objectives for CASA:

1. to continue to focus on aviation safety as the highest priority
2. to consider the economic and cost impact on individuals, businesses and the community in the development and finalisation of new or amended regulatory changes
3. to take a pragmatic, practical and proportionate approach to regulation as it applies to different industry sectors having regard to risk; and

²⁸ Department of Parliamentary Services Bills Digest No 10, 2019-2020, dated 22 July 2019, provides the detail of changes to legislation and the roles of the Civil Aviation Safety Authority, arising from the July 2018 Aviation Summit hosted by the Australian General Aviation Alliance. The APH website shows that this Amendment Act is NOT PROCEEDING.
https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=r6305

4. to implement its regulatory philosophy, with the philosophy being reflected in relevant policies, procedures, manuals, and when CASA personnel are carrying out their day-to-day operations

It's doubtful that objectives 2, 3 and 4 are being met. Given the economic viability and developmental problems the whole aviation sector will experience post COVID-19, and their effects in regional Australia, the government's objectives are even more important.

We have been here before! GFA wishes to be part of consultations and development of solutions, that better foster a sustainable regional and general aviation sector.

Recommendations

GFA recommends that the Inquiry Committee **note** that:

1. GFA recognises that it needs to be a positive, collaborative co-regulator, alongside CASA, working through industry forums supporting a generative safety culture and the growth of aviation activity in regional Australia.
2. As highlighted in previous reviews, changes in CASA focus and functions must be underpinned by legislation changes similar to those tabled in the July 2018 Aviation Summit and the dormant *Civil Aviation Amendment Bill 2019*.

GFA recommends that the Inquiry Committee **recommend** that:

1. The *Civil Aviation Act 1988* and Ministerial Statement of Expectations be urgently revised to include new CASA and DAS roles and responsibilities encompassing fostering aviation activity, including sustainable regional, aviation and sporting aviation.

ANNEX A TO APPENDIX 5

GA SUMMIT 2018 RESOLUTIONS

RESOLUTIONS - GENERAL AVIATION SUMMIT 2018

The General Aviation Summit has agreed to pass two resolutions which (1) sets out the principal findings of the summit with regard to the regulation of general aviation in Australia and (2) commits the industry to providing appropriate information and to make recommendations for action on reform as follows.

The General Aviation Summit concluded:

General Aviation wants to maintain or improve Australia's aviation safety outcomes;

the General Aviation sector is of vital importance to Australia especially regional and rural Australia not only in economic terms but in social and community service provision terms;

the General Aviation sector, including the commercial elements of the sector, is overburdened with the complexity and cost flowing from the current Civil Aviation Act, Regulations and other aviation legislation;

the current regulatory regime is based on a prescriptive approach to rules and compliance. World best practice is based on Outcome Based regulation which Australia should implement immediately in accordance with DAS Directive 01/2015 and the Minister's CASA Statement of Expectations;

the cost and complexity burdens placed on the General Aviation sector are exacerbated by the actions of Airservices and airport operators, both privatised and local government owned, by further cost impositions, operational restrictions and inappropriate infrastructure development;

the Australian economy has the opportunity to benefit from pilot and engineering training, aircraft and component maintenance and construction services flowing from the world-wide expansion of air travel and aviation activity ñ especially in Asia. To achieve this, we must be able to respond effectively and be liberated from over regulation; and

the attitude must be to adopt best regulatory practices in parallel with embracing safety and economic benefits of new technologies in Australian aircraft and operations. This will allow Australia to achieve its potential as an aviation leader, aviation service provider and exporter.

In looking to the future, the Summit further resolved to:

provide a statement of value of the General Aviation sector in Australia;

provide a statement of opportunity for the General Aviation sector in Australia;

recommend the Civil Aviation Act and other Acts associated with aviation including aviation infrastructure, be reviewed and amended to ensure implementation of Outcome Based regulation during the first term of the next government;

in the meantime, to recommend a small number of amendments to the Civil Aviation Act to immediately refocus to a less prescriptive and holistic approach to regulation for bi-partisan passage through the parliament before the next election;

RESOLUTION: CHANGES TO THE CIVIL AVIATION ACT

Whereas the current regulatory stance adopted by CASA is out of step with contemporary regulatory practice, as adopted by The International Civil Aviation Organization through the promulgation of Annex 19, Safety Management Systems, and is contributing to the rapid decline of Australia's general aviation industry, and

Whereas the World is facing a growing shortage of skilled aviation personnel and Australia has the opportunity to contribute to the training of these personnel in a way that can improve safety, the Aviation Summit finds that elements of the current Civil Aviation Act are not fit for purpose.

Specifically, 9A, Performance of Functions, imposes upon CASA a limitation that impedes the development of performance-based regulation and the safety benefits that would otherwise be achieved. 9A (1) requires that, in exercising its powers and performing its functions, CASA must regard the safety of air navigation as the most important consideration and there is an urgent need to address this anomaly.

The Aviation Summit supports a review of the Civil Aviation Act, to include as a minimum, a repeal of 9A (1) and a replacement with the following language:

9A Performance of functions

In exercising its powers and performing its functions, CASA must seek to achieve the highest level of safety in air navigation as well as:

maintaining an efficient and sustainable Australian aviation industry, including a viable general aviation and training sector;

the need for more people to benefit from civil aviation.

The Summit delegates support the need to amend, as soon as possible, the Object of the Civil Aviation Act and other aviation related Acts, without reducing the primacy of safety, to include an amended Object to support a sustainable and viable aviation industry;

The main objective of the 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;

In addition to this, the objects must include;

a strong, efficient and sustainable aviation industry;

enabling more people to benefit from aviation; and

emphasis on substantially reducing the administrative and financial burden of regulatory compliance.

(Note: the final wording will be decided between both the Minister and Shadow Minister.

The summit delegates also support the inclusion of government's Red Tape Policy to be permanently inserted in Section 98.

recommend establishment of an Office of Aviation Industry in the Department of Infrastructure and Transport to engage and assist industry to further foster and develop aviation both domestically and internationally; and

recommend that there are a number of advances in aviation safety and amenity that can be made within the current regulations and responsibilities. The summit seeks to have an established programme to identify, prioritise and implement a programme of these changes with defined timeframes and covering CASA, ASA and Aerodrome Operators (see ANNEX 1)

APPENDIX 6: RELATED ISSUES – GFA DETAILED SUBMISSION

The Senate Committee into General Aviation in Australia terms of reference include:

“The committee will consider the operation and effectiveness of the Civil Aviation Safety Authority (CASA) and other relevant aviation agencies, with particular reference to:

d. Any related issues.”

Efficacy of Relationships with other Agencies – Airservices Australia

At a strategic level, GFA enjoys a good, constructive relationship with Airservices Australia. This is in part due to regular consultation at national and regional levels through industry forums and the RAPAC (now AvSEF) committee for consideration of proposed changes to airspace and radio requirements.

Two main sources of pressure in this relationship are:

- airspace encroachment, with demand for increasing volumes of controlled and restricted (Defence) airspace and use of surveillance technology; and
- occasional deviations from agreed consultative processes and timescales, particularly involving CASA Office of Airspace Regulation (OAR).

GFA has had useful collaboration with Airservices Australia on marking gliding sites on aviation charts, developing improved pilot education materials, and simplifying radio procedures.

Efficacy of Relationships with other Agencies – Australian Transport Safety Bureau

At a strategic level, GFA enjoys a good, constructive relationship with the Australian Transport Safety Bureau (ATSB). ATSB is normally charged with investigation of serious aviation occurrences²⁹, but rarely investigates gliding accidents.

GFA EMO normally liaises directly with ATSB in the event of fatal accidents or serious gliding or towing aircraft occurrences. When ATSB declines to investigate, GFA appoints internal accident investigators.

GFA EMO also liaises directly with state and territory Police and Coronial authorities, in support of inquests and investigations. GFA normally shares its accident investigation reports with CASA and ATSB, and Police and Coronial authorities³⁰ as applicable.

Some years ago, ATSB provided some course placements to GFA officers on its Human Factors for Accident Aviation training. GFA would welcome more course placements, in line with ATSB priorities, contributing to professional standards and safety outcomes.

²⁹ The term ‘occurrences’ encompasses accidents resulting in death or injury or airframe serious damage; plus serious incidents or close calls; plus incidents of lesser severity and impact.

³⁰ GFA has negotiated a Memorandum of Agreement with Police and Coronial Authorities in NSW and is now negotiating with QLD authorities. Negotiations are planned for other jurisdictions. Seamless integration of GFA investigations with these authorities is required to inspect and preserve evidence and improve safety outcomes.

GFA has a few Defence members who have received Australian Defence Force (ADF) accident investigation training or experience in Defence inquiries and investigations.

GFA and ATSB have constructively collaborated on pilot safety education publications and guides, including publication of safety insights arising from serious gliding occurrences.

GFA utilises a Soaring Operations Accident Reporting (SOAR) system for reporting of gliding occurrences, accidents and incidents. The occurrence analysis system uses phases of flight and occurrence type hierarchies aligned as closely as possible to ATSB's systems.

Providing SOAR occurrence summaries and safety educative material to all gliding clubs and pilots is a high priority. Occurrence data is also used to drive priorities for gliding training and operational improvements. GFA appreciates the positive contributions to safety made by many ATSB staff.

Efficacy of Relationships with other Agencies – Defence

At a strategic level, GFA enjoys a good, constructive relationship with Defence and RAAF through Director General Cadets – Air Force (DGCADETS-AF) on Australian Air Force Cadet (AAFC) gliding matters³¹. This relationship is supported by a joint GFA-AAFC Letter of Agreement and by participation in Defence Airworthiness Boards.

GFA EMO liaises directly with AAFC Clubs on accidents, operations and airworthiness issues of concern, and has visibility of RAAF AAFC reporting systems. GFA operations staff have regular informal meetings with DG Cadets – Air Force to improve communications on plans and developing issues.

This relationship requires continuing work to limit bureaucratic creep and ensure that both GFA and Defence needs are met, noting that RAAF has agreed all gliding operations come under GFA oversight and co-regulation. GFA and AAFC clubs recognise the additional duty of care and compliance processes required by AAFC for management of cadets and for airworthiness assurance.

Strategic Risks in Gliding

GFA, its clubs and members face existential and strategic risks, summarised below:

- Accident causing major loss of life
- Governance or financial failures or insolvency
- Loss of independence and autonomy
- Crippling membership decline, retention and renewal failure
- Crippling reduction in sporting participation and gliding activity
- Loss of freedom to fly, airspace limitations
- Loss of access to aerodromes, increasing encroachment and costs
- Increasing costs of governance, regulation, compliance, audit, certification
- Imposition of unreasonable or unsustainable systems of control and process overheads
- Increasing costs of operations, maintenance and support
- Serious reputation damage, scandals
- National social and economic and environmental crisis

³¹ A 2019 article on AAFC gliding at Bathurst NSW with some good photos is at:
<https://worldofaviation.com/2019/05/from-the-archives-reach-the-heights-gliding-with-the-aafc/>

The GFA Strategic Plan describes the priorities and activities applied to address these risks under GFA Board oversight. There are many self-evident links to the scope of this Inquiry and the GFA's submission details provided in previous Appendices, supporting the critical imperative for reform and progress.

Strategic Imperative Critical to Reform

Government and CASA focus needs to be expanded to fostering aviation, supporting the viability of aviation and regional activity. Fostering aviation is within the remit of the US Federal Aviation Authority (FAA) by legislation, but not for CASA. CASA's remit is aviation safety, but not its growth and contribution to industry, economy and the social fabric of Australia. Revising the *Civil Aviation Act 1988* and the Director Aviation Safety's role should be reconsidered. The terms "affordable safety" and "fostering aviation" should be prominent.

We have been here before!

GFA, like much of the general aviation industry, is most frustrated by the cycle of review and procrastination that has beset aviation. Prior attempts to change the legislated roles and responsibilities of CASA, and therefore their behaviour and focus, have foundered. In particular, the Committee must give high prominence in their thinking to the outcomes of the July 2018 General Aviation Summit³² and the Civil Aviation Amendment Bill 2019³³ that sought to change the *Civil Aviation Act 1988*. GFA wishes to harness this opportunity to remedy these issues. Resolute progress must be made on these issues if any improvement in general aviation and gliding in Australia is to be realised.

Recommendations

GFA recommends that the Inquiry Committee **recommends**:

1. Revision of the *Civil Aviation Act 1988* and the Director Aviation Safety's roles regarding affordability of safety, and fostering aviation in Australia including regional, general and sporting aviation;
2. Improved CASA Office of Airspace Regulation process compliance and interaction with Airservices Australia and ASAOs, including through AvSEF (RAPAC) Committees, to ensure freedom to fly for all airspace users and better safety outcomes; and
3. Provision of ATSB Human Factors and Accident Investigation training opportunities to ASAOs, to better enable their investigation and support capabilities and improve safety outcomes.

³² See Annex A to Appendix 5 of this submission

³³ Department of Parliamentary Services Bills Digest No 10, 2019-2020, dated 22 July 2019, provides the detail of changes to legislation and the roles of the Civil Aviation Safety Authority, arising from the July 2018 Aviation Summit hosted by the Australian General Aviation Alliance. The APH website shows that this Amendment Act is NOT PROCEEDING. The Bill was read a third time in 2019 but was not passed to the Governor General for Assent. Details are found at https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=r6305
The draft Bill is at https://parlinfo.aph.gov.au/parlInfo/download/legislation/bills/r6305_first-reps/toc_pdf/19062b01.pdf;fileType=application%2Fpdf#search=%22legislation/bills/r6305_first-reps/0000%22

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