

Question on notice no. 126

Portfolio question number: 126

2018-19 Additional estimates

Rural and Regional Affairs and Transport Committee, Infrastructure, Regional Development and Cities Portfolio

Senator Amanda Stoker: asked the Civil Aviation Safety Authority on 18 February 2019—

(1. How does CASA respond to Angel Flight's claim that CASA has not consulted on the new requirements for community service flights (CSFs) with them? What response did CASA get from Angel Flight during its consultation process in January? How does CASA see that the new conditions it has introduced will affect Angel Flight operations and the thousands of rural and regional patients who rely on Angel Flight services every year? How does CASA respond to Angel Flight's claim that the new requirements will force up to 80% of its pilots to withdraw from volunteering for them and affect their viability? How do you respond to claims the new requirements are devoid of a safety case and devoid of a risk assessment to justify them? How will the new requirements reduce the risk of fatal accidents for CSFs in future? What changes has the US regulator, the FAA (Federal Aviation Administration) , introduced in response to similar issues the US has had with CSF safety? How has Angel Flight responded to the FAA's changes, if any? What is the reasoning behind CASA's decision to ban helicopters from flying for Angel Flight (despite there being no prior accidents involving helicopters) ? How will this affect people in flooded rural communities who may need help getting out to medical appointments when airfields are flooded? When making regulatory changes, does CASA have regard to the impact of those changes upon the willingness and availability of individuals to provide volunteer flight services to isolated rural and regional Australians, and the consequences for their access to health care? If the answer to question 10 is no, why not?

Answer —

1. Angel Flight was alerted to the general content of proposed minimum safety standards for community service flights on 28 November 2018, prior to the proposed standards being released for public consultation. The consultation process was conducted over six weeks, from 18 December 2018 to 31 January 2019. Over 220 responses were received, including 115 from people who said they were pilots who had flown community service flights. Both community service flights (CSFs) providers made submissions as part of this process.

2. At a meeting between the Civil Aviation Safety Authority (CASA) and Angel Flight on 18 January 2019, Angel Flight verbally indicated that they opposed all of the proposed minimum safety standards. At the meeting CASA requested that Angel Flight formally respond to the consultation process indicating whether any of the

proposed changes would be acceptable in part or in full. A formal response to the consultation was received from Angel Flight on 24 January 2019, which included permission for CASA to publish the response. The response is available at www.consultation.casa.gov.au.

3&4 CASA considers that the new minimum standards will improve the safety of community service flights without having an adverse impact on the majority of the flights organised by Angel Flight. Information provided by Angel Flight about the demographics of the volunteer pilots who conduct flights they organise to the Australian Transport Safety Bureau (ATSB) in 2013 indicated that most would significantly exceed the new minimum experience requirements:

- average Pilot-in-Command hours were about 2400 – the new minimum standard is 250
- 64 per cent of pilots held an instrument rating – now required for flights at night
- 39 per cent held a commercial pilot licence or higher – exempt from the total hour requirement. The maintenance requirement may require the operator of an aircraft maintained in the private category to conduct an additional periodic inspection slightly earlier than normally required for private category aircraft if they fly more than 100 hours before 12 months has elapsed since the last inspection. The 100 hours is double the private aircraft annual average utilisation of 50 hours per year and is only exceeded by a relatively small proportion of the aircraft fleet that is only used for private purposes.

5. CASA statistical analysis and rationale for the key provisions of the instrument are included in responses to Committee Question Numbers 127 and 128.

6. The new minimum safety standards are intended to reduce the likelihood of further fatal accidents involving community service flights. CASA reviews the findings of investigations conducted by the ATSB and also considers what pro-active steps can be taken based on available information and consistent with a responsible application of the precautionary principle.

Most community service flights are conducted by a single pilot in a small aircraft, flying long distances from regional and remote towns to the cities, carrying people with serious medical conditions. This places significant responsibility and sometimes considerable pressure on the pilot.

The new standards require minimum experience levels for pilots and a requirement to have recently flown an aircraft of a similar type. Aircraft that fly more than double the average hours of a private aircraft in a year are required to have a maintenance inspection.

Under the new standards, community service flights can no longer be conducted under the night visual flight rules. Night flights must be conducted under the instrument flight rules. The fatal accident in Victoria involving a flight organised by

Angel Flight occurred after sunset, within a few minutes of last light and in poor weather.

7. In 2007 and 2008 the USA had 4 fatal charitable medical flight fatal accidents. In 2010, after investigation of these fatal accidents the National Transportation Safety Board released a number of safety recommendations. In 2013 the Federal Aviation Administration (FAA) introduced a Policy Clarification on Charitable Medical Flights in 2013. Around this time the charitable medical flight organisations also established additional minimum requirements.

The FAA Notice of Policy specifies the kinds of conditions that can and will be imposed in any given case on the exemptions under which charitable medical flights are conducted, and the exemptions themselves specify the particular conditions applying in each instance.

The exemptions given by the FAA allow private pilots conducting charitable medical flights to be reimbursed for their fuel and related costs without turning their activities into a commercial operation (an operation for hire and reward). Australian private pilots conducting community service flights are similarly treated.

8. Most organisations providing community service flights in the USA have voluntarily imposed minimum safety standards. A review of US Angel Flight organisations indicates that six out of seven organisations have minimum requirements that meet or exceed the new standard introduced by CASA.

9. Based on the information available to CASA, helicopters have rarely been used for CSFs in Australia. During public consultation of the proposed standards, only one respondent indicated that they had used a helicopter for a community service flight and that respondent also owned and used an aeroplane. Due to very limited use, they were not provided for in the instrument rather than intentionally being banned. However, after further consideration, an amendment is being prepared that would allow the use of helicopters.

10. CASA takes such matters into account as part of its public consultation processes, including that conducted for CSF. Feedback was received during consultation from 115 people who said they were a pilot who had flown a community service flight. A number of changes were made to the original proposal based on feedback received.

CASA has also developed a concise fact sheet for pilots considering volunteering aimed at making it easier to understand the new requirements and encourage participation of pilots.

11. N/A