

**Question on notice no. 128**

**Portfolio question number: 128**

**2018-19 Additional estimates**

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

**Senator Rex Patrick:** asked the Civil Aviation Safety Authority on 22 February 2019

---

Senator PATRICK: You're going to table some statistics so that they can be reviewed by people-I'm sure Angel Flight will have their interest in it, we'll have our interest in it and so forth-that grounds your claim here in this committee that they are less safe. I would like, as you're doing that, where there is some problem that has occurred in your analysis, if you would perhaps annotate next to it and say, 'Our new regulation would have prevented that from occurring.' Mr Carmody: As I've said, in the broad-and I understand that what you've requested- Senator PATRICK: So you're happy to do that? Mr Carmody: this is about raising the threshold. I would prefer to ensure that the Australian Transport Safety Bureau's accident investigation report, which would be much more thorough than the work we do in this space, is out at the same time. Senator PATRICK: But you've said you have done statistics. Mr Carmody: We've done our statistics, but the issue of maintenance is less of a statistical issue, if I may. Private aircraft fly approximately 50 hours a year-that's all. So there is a threshold that says every 12 months you'll have your aircraft- Senator PATRICK: Hang on, that average includes those like me, who don't fly very often, and those who are quite experienced. Mr Carmody: Quite, but the BITRE standard says that private aircraft fly an average of 50 hours a year. It's 50, isn't it? Mr Monahan: Yes. Mr Carmody: When we consider these community service flight activities, we categorise them as private activities, but they're on the cusp of commercial activities in the sense that the reality is that people are receiving funding payment for them. So, in a technical sense, they're on the cusp. We put them in the private category because we know that, and we also know that the aircraft aren't operated that much. When you start to move into layers above these private activities, there is more complexity and there are more requirements. There is more maintenance and more training as you move up from the private to the commercial, all the way up to regular public transport; we add more and more layers. With the case of something like the 100-hour maintenance issue, we did propose a much more stringent maintenance regime. We listened to what was said in the feedback and we reduced that maintenance regime significantly in the final instrument. Senator PATRICK: That's the equivalent of saying, 'We could have been even worse, but we're not.' Mr Carmody: I suppose what I'm saying- Senator PATRICK: I want to know: how does it make it safer? Mr Carmody: What I'm saying is we consulted and we listened to people who said those maintenance requirements would be too onerous. It makes it safer because it catches the out-riders. The people who are caught above 100 hours are the ones I want to catch. The people who are flying their aircraft for 300 hours are the ones I want to catch because they're using their aircraft a lot more than the average. They are the ones-and there won't be very many of them- Senator PATRICK: But they're going to be more experienced. Mr

Carmody: This is not about experience; your question is about maintenance. It's how often the aircraft is used. So the 100 hours and the 12 months is pretty much standard. Senator PATRICK: It's the same pilot, the same aircraft- ACTING CHAIR: I'm not sure how the aircraft becomes less safe if I jump in as a community service passenger versus someone who has just met Senator Patrick. Mr Carmody: What I'm saying is it's statistically less safe because there are more accidents and incidents in that sector brokered by people than there are in private flying. Senator PATRICK: You have to ground that properly with evidence. Mr Carmody: Certainly. Senator PATRICK: Can I just tell you the strategy that my party has done in terms of lodging a disallowance. We have lodged a disallowance in the House. It's really just to send a signal so that people can be prepared and present their case. I will do the same in the Senate when it returns on 2 April. I don't want to disallow something, but you've got to make your case. You are the safety authority. You are introducing a regulation that you say is centred on safety. I can't quite see it as it stands. You have now basically said it comes down to the statistics. You are concerned that Angel Flight have more incidents than private pilots. Mr Carmody: Than private flying. Senator PATRICK: I want to see those statistics and see how these regulations would have altered those statistics to get them back to the place we are with normal pilots' licences. ... Senator PATRICK: let's look at this again in six weeks time with your evidence on the table and with the evidence of anyone else who wants to make a contribution. Mr Carmody: That's fine. I understand everything you've said...

**Answer —**

The statistical basis underpinning the Civil Aviation Safety Authority's (CASA) decision is included in the response to Committee Question Number 127. The intention of the instrument placing conditions on the licences of pilots undertaking Community Service Flights (CSF) that the new minimum standards will improve the safety of those flights without having an adverse impact on the majority of their operations. It does this by including certain measures which are known to improve safety outcomes. These include:

*Aeronautical and recency experience requirements*

- A number of provisions specify minimum experience including at least:
  - o 400 hours of flight time
  - o 250 hours as Pilot-in-Command
  - o 10 hours of flight under Visual Flight Rules
  - o 20 hours of flight under Instrument Flight Rules
  - o 25 hours as Pilot-in-Command of a multi-engine aeroplane

These measures are in keeping with international best practice and supported by information used by similar national aviation authorities. From 400 hours total time,

the mishap rates for private pilots begin a steady decrease to the lowest rate at approximately 2000 hours of total time. Recency and experience combined provide a layered defence to enable pilots to manage more complex situations. The requirements ensure that no pilot conducts a CSF flight without a minimum of experience in that type of aircraft or under those conditions.

- The provision for conducting a landing within 30 days on type reflects the fact that landing related mishaps are the second largest category of mishaps globally. This provision ensures that a pilot has recency in this critical phase of flight prior to engaging in what CASA considers to be more demanding and complex CSF operations.

#### *Operational requirements*

- Night visual flight rules (NVFR) were a factor in the first fatal accident involving an Angel Flight pilot. The ban on NVFRs reflects the risks involved in this activity. Such flights must occur under instrument flight rules.

#### *Notification requirements*

- At present, CSF are indistinguishable from private flights. The notification requirements will provide important data to allow CASA to conduct data-driven evaluations and decision making. It will also assist pilots in making accurate reporting of their flight activity.

#### *Maintenance*

- These provision for maintenance at 100 hours or 12 months is an internationally recognised preventative measure against the few aircraft that may fly well past 100 hours in 12 months. These maintenance requirements 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 100 hours before 12 months has elapsed since the last inspection. The 100 hour figure is double the annual average utilisation of 50 hours per year for private aircraft and is only required by a relatively small proportion of the private fleet.