Minutes of the 39th Joint Meeting of the Civil Aviation Authority and the Aviation Community Advisory Group

Date:	Tuesday 12th March 2019
Venue:	Level 15, Asteron Centre, 55 Featherston Street, Wellington
Attended:	<u>ACAG:</u> Paul Drake, Qwilton Biel, Bruce Robertson, Steve Kelly, Dave Reynolds, Lachlan Thurston, Ian Andrews, Jonathan Shorer, John Nicholson, Andrew Crawford
	<u>CAA:</u> Graeme Harris, Brigid Borlase, Mark von Motschelnitz, Kate McNabb, Steve Moore, Joe Dewar, Stuart Worden, Shaun Johnson
	<u>Ministry of Transport:</u> Tom Forster, Melanee Beatson, Marion Hiriart

1. Welcome

The meeting opened at 1.05pm.

2. Apologies

John Cook, Mike Haines, Rob George, John Kay, Karl Simpson

Disappointment was expressed from ACAG that Kirstie Hewlett was unable to make it. She has only made one ACAG meeting since her appointment

3. Minutes of Previous Meetings

38th Joint Meeting of CAA and ACAG held Tuesday 30th October 2018.

All in agreeance. Couple of typos noted, and amended.

Actions from last meeting: See Appendix A

All in agreeance.

Action Item 1 – still on-going action in this space.

Action Item 2 – a verbal update was given by Mark von Motschelnitz. A written copy of this information will be provided alongside these minutes.

ACAG is interested to know how this drone campaign will be measured and the benefits assessed in future. Mark advised that he had no feedback on that at this stage but that he would ensure that messaging was passed on to the CAA Comms team.

It was also noted by ACAG that there still appears to be no airport notices notifying tourists how to use their drones safely. A targeted area could be to use Customs to pick out those that have drones within their luggage and to hand out multi-lingual brochures to those passengers. MoT mentioned that there could be an opportunity to discuss an option like this at the border sector governance group senior officials.

Airways mentioned that the AirShare website have just over 12,500 registered users, with 1000 total flights logged, 50% inside controlled airspace and 50% outside controlled airspace.. The AirShare website has just had a refresh to make it more user friendly. The data provided at this

stage is only available by geographic area – Whenuopai has the most requests for users within controlled airspace, followed by Christchurch, Auckland and then Wellington.

Action – Kate to circulate the drone campaign updates out to ACAG.

Action – Mark to discuss with CAA Comms team the use of posters or information becoming available in arrivals at the airport.

4. Directors Update

We are in the very early stages of preparing for the next CAA Funding review, which when completed will become effective 1 July 2020. We will engage on this in due course. CAA are well aware of the issue that Agriculture has and that will be taken into consideration.

The next funding review will largely be a pricing review, but part of the process will be to engage early to learn the pressure points within industry.

Typically, in other projects where there is significant policy change a post implementation review would be carried out. ACAG questioned MoT whether there was an intention to carry out a post implementation review of the last CAA funding review considering the significant changes? MoT responded that it was not on their radar and there was no intention to carry out a post implementation review.

Graeme said any issues that arose from the last funding review would then be considered in this upcoming funding review, specifically the Ag issue on larger aircraft affected by the tonnage mechanism. Any additional information or data that could be provided in support of any issued would be welcomed.

There was discussion around the objectives of the funding reviews. ACAG believed the objective to be that the charges are placed where the risks lie. CAA confirmed that yes this is indeed one of the objectives but not the sole factor.

Action – ACAG requested MoT to put some thought into the process in which the funding review looks into allocating costs to where the risks lie for the future funding reviews.

5. Helicopter Safety Strategy

Late 2018 the Director tasked the Deputy Director General Aviation with developing a strategy to improve the safety performance within the Helicopter sector. This was a result of information relating to pilot fatality rates compared with other occupations in NZ.

A handout was given out to ACAG members with some basic summary data tables that showed some analysis that was undertaken in 2018. The objective was to consider the safety performance of commercial aviation, as a workplace, against other NZ sectors.

This type of analysis had not been done prior to this, and has been helped along by the fact that Government agencies are starting to work together more, link up and share data on common issues.

This took CAA into a whole new world of analysis: Aviation calculations are typically based on the ratio of accidents to activity = the accident rate.

Worksafe look at things a different way and calculate ratio of harm (fatality or serious injury) to the workplace sites.

The task required taking our data and applying it to Worksafe's method of analysis.

The main points from these data tables are as follows:

- Table 1 – shows that commercial helicopter flights make up 68% of the total fatalities in the helicopter sector between 2011-2018

- 68% is out of proportion to the amount of activity

- Worksafe maintain two types of information – Workplace fatalities (includes bystanders i.e. skiers on a commercial ski field) and worker fatalities

- Table 2 reflects workplace fatalities for commercial helicopter operations which includes passengers

- Noted that NZTA data is not included in these tables, and those figures would be predicted to be near the top of the table

- Worksafe use a data system called LEED (Linked Employee Employer Data). This works well for most sectors, unfortunately in aviation it doesn't accurately capture a sector like helicopters.

- Method used to capture the size of the helicopter sector was to apply approx. 2.3 workers per commercial machine based on data per quarter around the number of helicopters reporting commercial hours

- Table 5 shows the method as per above applied to all sectors that helicopter commercial operations comes out at the top of the table

- Data could be made more robust by a survey of operators

There is a need to refine these figures but would be useful as an on-going metric.

Moving forward, any strategy will be developed in conjunction with industry, and will be important to include any comparisons with international helicopter operations e.g. currently the NZ fatality rate is roughly double that of the US.

Currently heading towards an MOU with NZALPA and Aviation NZ. Also looking at ways to include other stakeholders. A draft MOU has been sent to both Aviation NZ and NZALPA and CAA is currently awaiting feedback. The intention will be to develop the strategy in unison, and act as a taskforce to drive it, manage it, develop action plans, provide leadership and engage with the sector.

CAA have been developing an action plan and will most likely be put in place before a signed MOU.

ACAG queried whether MOT would have oversight of the MOU. CAA responded that at this stage no, but they will be engaged at some point in the process.

6. Update from Ministry of Transport – Tom Forster

2019/20 Transport Rules Programme

Currently meeting with all Transport agencies. CAA has put forward a few items to include in the rules programme. Draft paper to Minister by next week for initial comments and a Cabinet paper will be drafted. The new rules programme will be in place by 1 July 2019. A number of the CAA rules will be rolled over from the previous rules programme, with the addition of a couple of extras.

CAA Act Review

Quite a lot of work has taken place over the last few months. A bill has been drafted and will be considered by Cabinet in the first week of April. There will be a commentary document (Exposure draft) which outlines the changes that accompanies the Bill. The intention is to start consultation in mid-April for approximately 6 weeks. Keen to engage with as many stakeholders as possible. Will start engagement with stakeholders in May to give people time to read the documents. The Ministry is wanting to go to stakeholders individually, not seek an ACAG view.

UAVs – Melanee Beatson and Marion Hiritat

MoT provided an update on the drone policy and regulatory work it is doing, working closely with CAA, to address current and emerging issues in the short- to medium-term.

The high level objectives of this work are to:

- Maintain appropriate standards of safety and security

- Enable innovation and development in the drone sector, while supporting the interests of the wider aviation sector

- Lay the early groundwork for future integration of drones into the transport system
- Foster social licence, including through managing public concerns about drone use (safety and security, as well as privacy and nuisance).

The draft problem definition focuses on compliance, enforcement, proportionality of the rules and the sustainability of the system.

MoT provided an overview of how it was framing the different types of intervention and the impact they would have on different types of users (from responsible operators to determined disruptors). Separate work is underway on responding to deliberate attempts to disrupt, which had become even more of a focus following the events at Gatwick and Heathrow Airports.

In terms of safety objectives, the current regulatory work would likely have the most impact on drone operators who either did not know the rules or chose to ignore them. MoT set out the suite of potential interventions that it was exploring as part of this work programme, including rules updates, registration, e-identification, geo-fencing, pilot competency requirements, as well as non-regulatory interventions such as education and communications. Separate policy work is underway looking at UTMs with a longer term perspective.

MoT and CAA is undertaking early engagement on this work with other agencies (including objectives, problem definition and possible options), after which they intend to engage with sector, including the entities represented on ACAG, prior to public engagement later in the year. International engagement is continuing.

ACAG raised some concerns around the burden interventions could place on responsible users. Other concerns were around electronic conspicuity and how it would apply to drones; and the importance of putting safety at the forefront. MOT were asked if their current policy development was supported by Risk analysis.

7. Policy Project Update – Brigid

As per Project update sheet sent to ACAG members. ACAG was asked for comments/queries.

Rules programme

Full list of rules projects proposed for 2019/20 year listed in Appendix A.

PPL Medical - A rough timeline for this project is - NPRM should be aiming to be released August 2019. Final rules by May/June 2020.

ACAG questioned whether they would get to see the NPRM before it is finalized.

Action – Brigid to have a look at the PPL project and provide update on changes to ACAG.

Now that ACAG is more familiar with the rules programme, is there an opportunity to provide feedback earlier on in the process before an NPRM is released. CAA responded that the usual process is that an issue would come through the Issue Assessment panel, then moves onto a policy project where a set of proposals/options for discussion are released for consultation, which is all prior to the an NPRM.

ACAG queried where GADSS currently sits in the process. CAA responded that it is currently an issue assessment.

Action – CAA to investigate where GADSS is in the rules programme

UAVs - ACAG queried whether the UAV work would make it into the 2019/20 rules programme. CAA has a placeholder in the rules programme for this for the FY 2019/20 year, however will be reliant on MOT and the progress that is made.

Real time runway surface condition reporting review – this project is at a very early stage and CAA are yet to engage with stakeholders.

ADS-B - Discussion document is currently out in sector and is closing on 5th April. CAA are providing a variety of options for people to provide feedback, and have had approx. 60 responses so far to the survey, and as many to attend the roadshows around the country.

Indications from the surveys at this stage is that the most pressing concern is around cost of equipage. However, most people are in support.

CAA are being as open and flexible as we can so many people are able to have their say.

The analysis of submissions will occur as soon as possible after the consultation close-off date.

AC43-14 - Lots of feedback has been received. Some of this feedback was related to a few omissions around GPS antennas which was left out as a genuine mistake, and will be remedied.

The feedback is coming from the corners of industry where hoped and expected. Are seeing a lot of 'additions to', how it can be made better, so this will be taken on board.

Helicopter Flight Recorders - Came out of a TAIC recommendation initially.

A lot of work has been done internally over the last few months around identifying the benefits and problems.

The next steps are to go out to the sector to gain an understanding of how they perceive the benefits and problems. Will be meeting with the Helicopter Industry Association next week to develop an engagement strategy.

NZALPA have very strong views about imaging recorders, so will speak with Stuart further offline.

Definition of a crewmember - Looking to get a paper back to the Issue Panel for the June meeting.

The three associated projects are charity flights, cost sharing flights and trial flights, and updates to these projects will go to the Issue Panel in April.

The analysis of the summary of submissions will go on the website this week.

8. Exemption 11-EXE-7

ACAG's view is that this exemption serves no purpose, and no one is using it so why don't we just get rid of it. There is confusion around the exemption itself and can be interpreted in different ways. If it is going to remain, ACAG suggests putting in place some clarification on how it is intended to be used.

CAA's response is that we are unsure who is using it, or not using it for that matter. It was intended to be issued as an exemption for a sole operator at a specific aerodrome, however was released as a general exemption.

ACAG pointed out that (using this exemption as an example) there is clearly a flaw in the system for general exemptions if CAA have no oversight of who might be using one at any given time, and that perhaps this process needs to be considered for change.

There is concern amongst ACAG that this exemption is driving the thinking going into the NSS PBN project and in turn being built into the rules. CAA confirmed that this is not the case, and that PBN is being looked at from a blank slate.

On a related note ACAG feel that they are at a bit of a standstill at the NSS working group meetings in regards to GPS for aircraft that are not capable due to fuel requirements. A lot of talking at each other and not a lot of listening. Hoping to find middle ground and get some action at Approach 19.

ACAG and operators feel that there has been a position taken in certain areas that they have strong disagreement with. ACAG feels that the PBN regulatory end state document blatantly ignores advice and feedback from operators in the NSS working group and is pre-empting the policy project.

Action – ACAG to provide feedback on the PBN end state document to Graeme

9. Update on GA work

EASA Annual Safety Conference 2018: A vision for the future of general aviation

Brigid Borlase attended this meeting for an overview of European approaches to rethinking regulation of GA. 300 odd people in attendance across 40 states. (Note: the meeting focused on private aviation, excluding any hire and reward operations, including what we would describe as aerial work.)

The questions discussed fell under these main themes:

- Regulatory oversight: Is the level of regulatory oversight appropriate? Is the GA regulatory framework fit for purpose now, and how future-proof is it?
- Risks of GA flight: Is the GA safety profile acceptable to the regulators, the public, the sector? Or put another way – what is the risk appetite for GA? Who should own the risks for GA operations?
- New technologies: How best to introduce new technologies/interventions to improve GA safety? How do regulators and the sector address new business models (e.g., cost sharing)? How do we manage new technologies with net safety benefit, and increased risk in some scenarios?
- Education and information: what's the best way to engage with GA on safety promotion and education, especially where that will be a more effective intervention that more regulation? How do regulators and industry facilitate training that improves safety, for example reducing barriers to IFR training?

The meeting reviewed the 2014 EASA commitments to GA, and added a more detailed set of 2018 commitments. The full conference proceedings are available here You can find the full EASA GA roadmap here, and their 2018 progress report here

Next steps

CAA will consider a policy project to look at two key themes: risk ownership and risk appetite, within the wider context of the current GA rules. The meeting noted that the rules were developed in the early 1990s, reviewed in the early 2000s, but have not been thoroughly examined or amended since. The issue of fitness for purpose will be considered in any project on this issue.

Graeme mentioned that he had hoped that the conference covered off on commercial general aviation. We haven't really looked back at our regulatory framework since it was changed in 2002. Given there is a new tool and governing factor for commercial non-passenger carrying operations what does that mean to our regulatory framework for those types of activities.

There is a significant policy project buried in that which we will try to find resource to do in the next year.

ACAG agreed with the concept but warned that it may strike resistance within industry.

10. General Business

Jonathan asked after the status of his petition that he submitted in November.

Action – Kate to update Jonathan of the status of his petition

11. Next Meeting – Tuesday 9th July 2019

Meeting closed 3.50pm

Appendix A

Table 1. Proposed Rules Programme 2019/20

No.	Project name	Rationale	Brief summary of the problem or opportunity
1	Mandate Automatic Dependent Surveillance - Broadcast (ADS-B) equipment for aircraft flying below 24,500 feet	Improving safety Future focus Enabling new technology	This is the second of a two-phase process to mandate ADS-B for aircraft that enter controlled airspace, required to implement the National Airspace and Air Navigation Plan approved by Government in 2014. Aircraft using ADS-B constantly broadcast their position to other aircraft and air traffic controllers. ADS-B is scheduled to replace the secondary surveillance radar system, which reaches the end of its life in 2021. A mandate for use of ADS-B for aircraft that operate above FL 245 will come into force on 31 December 2018. This project proposes to extend the mandate for use of ADS-B in controlled airspace to aircraft that operate below FL 245 (which includes most smaller commercial and non-commercial aircraft). The extended requirement is proposed to come into force in 2021.
2	Medical certification standards for the Private Pilot Licence	Maintenance Proportionality	The CAA has reviewed the medical certification standards for the Private Pilot Licence. This project will make changes to medical certification standards for the licence that do not materially reduce safety. This includes alternative medical certification standards. Private pilots will be required to meet the commercial driver licence with passenger endorsement medical standards as outline in the NZTA's *Medical aspects of fitness to drive: A guide for health practitioners.*
3	Update Aircraft Maintenance Engineers Licence requirements to reflect new technology and best practice	Improving safety Enabling new technology Maintenance	This project proposes changes to requirements for maintenance engineer licensing to better accommodate modern aircraft technology and reliability, and reflect best practice.
4	Real-time runway surface condition reporting	Proportionality Improving safety	This project proposes amendments to rule 139.103 that requires all aerodromes to provide real-time runway surface condition reporting. 26 affected aerodromes are currently covered by an exemption to the rule requirement, which expires on 5th November 2020. For many certificated aerodromes, the cost of providing real time runway condition reporting will not outweigh the safety benefits at the present time for the following reasons: · many aerodromes are not used by aircraft that actively use real time runway surface condition reporting systems · the majority of New Zealand aerodromes do not experience the conditions that the systems currently in use are designed to address, in particular, snow, ice, and associated excess surface water. The rule amendments will require aerodromes, where they meet specific applicability criteria, to provide real time runway surface condition reporting using standardised reporting methods.

No.	Project name	Rationale	Brief summary of the problem or opportunity
5	Updates to Unmanned Aircraft Vehicle (i.e. Drone) rules (Policy work led by MOT)	Improving safety Future focus Enabling new technology	This project is considering and developing proposals to ensure that the regulatory framework for unmanned aircraft (i.e. drones) remains fit for purpose and future focussed to support future integration into the aviation system. Issues being considered include: updates to Part 101 to improve clarity and reduce the regulatory burden where appropriate, sub-categorisation of UAV to support a more risk-based regulatory approach, pilot competency, registration of UAV, e-identification to enable identification of operators during flight and geo-awareness capability to allow for geo-fencing of designated zones.
6	Omnibus Rule Amendments 2017/18	Maintenance	This project considers a range of proposed amendments covering issues related to abbreviations, definitions, terminology, referencing and formatting.
7	Assorted Rules Amendments Project	Maintenance Improving safety Enabling new technology	The issues currently captured in this project are Night Vision Imaging Systems (NVIS), Call Signs, Performance Based Communication and Surveillance, Balloon Height requirements, Part 145 (Maintenance Organisations) rating requirements and Part 171 documentation review and authorisation procedures. Issues may be added to or removed from this project depending on the outcome of any further analysis and the impact of any changes on industry.

1. **Table 2. Policy Projects 2019/20**

No.	Project name	Rationale	Brief summary of the problem or opportunity
1	Implementing Transport Accident Investigation Commission recommendations to capture flight data in helicopters	Improving safety Future focussed Enabling new technology	The Director of Civil Aviation has agreed to implement recommendations made by the Transport Accident Investigation Commission (TAIC) to require operators to fit certain classes of helicopters with cockpit video recorders and/or other forms of data capture. This followed the TAIC investigation of a mast bump and in-flight breakup of a Robinson R44, ZK-IPY, near Queenstown, which occurred on 19 February 2015. TAIC's final report (AO-2015-002) noted that cockpit video and/or other forms of data capture could collect information to inform measures that could prevent mast bumps in the future. This project will consider the costs and benefits of implementing TAIC's recommendation.
2	Updates to support implementation of Performance Based Navigation	Improving safety Enabling new technology Future focus	This project is considering and developing proposals to ensure that the regulatory framework can support Performance Based Navigation implementation by 2023, as a result of the New Southern Sky programme to meet International Civil Aviation Organization requirements.

		Improving environmental	
3	Assorted Rules Amendments 2019/20: Phase One	Maintenance Improving safety Enabling new technology	This project addresses 5 issues that have some regulatory impact but are not large enough in their own right to warrant separate rule projects. Refer to the table below for a list of possible issues for inclusion. Issues may be added to or removed from this project depending on the outcome of any further analysis and the impact of any changes on industry.
4	Assorted Rules Amendments 2019/20: Phase Two	Maintenance Improving safety	This project will address around 5 issues that have some regulatory impact but are not large enough in their own right to warrant separate rule projects. Refer to page 3 for a draft list of possible issues for inclusion. Issues may be added to or removed from this project depending on the outcome of any further analysis and the impact of any changes on industry.