

Terms of Reference for the Aviation Community Advisory Group

Purpose

1. This document outlines the different roles and functions of the Aviation Community Advisory Group (ACAG) and the scope of ACAG's activities.

Background

2. ACAG was established in 2005 in response to the Scholtens Report of 2002 which addressed the efficiency and effectiveness of the rule making process. A specific recommendation from that report was that the *'aviation community establish an aviation community advisory group (ACAG) or forum to meet regularly with CAA in accordance with the [rule making] process.'* Accordingly, ACAG was originally created by the CAA as a forum to facilitate and promote the participation of industry representatives in the rule development process.
3. The Ministry of Transport is the steward of the transport regulatory system, and they work with each transport agency to develop and administer the regulatory framework for the transport sector.
4. The Regulatory Safety and Security Strategy 2022 – 2027 sets out the approach the CAA takes to perform its role. The CAA has an active regulatory stewardship role, contributing to a whole of system, life-cycle view of safety and security regulation. The aviation regulatory system requires ongoing updates and attention, and the CAA continually monitors and upgrades the system to ensure it is fit for purpose.
5. Active regulatory stewardship has shifted the emphasis of rulemaking and now requires detailed policy development prior to progressing Rule changes. The CAA has therefore moved to a policy-driven, risk-based approach to dealing with the issues arising within the aviation system. This involves a greater focus on the front end of the process including issue identification, problem definition and assessment of the full range of intervention options, from non-regulatory approaches to regulatory approaches.

6. The role, function and scope of ACAG, as described in this document, will support the CAA as an active regulatory steward. ACAG members need to be cognisant of the complexity of the issues faced by the CAA, and the inevitable trade-offs the CAA needs to confront in balancing safety, security and innovation.

Overview of ACAG's role and functions

7. ACAG is a representative sector body which has been formed to provide technical and strategic advice to the CAA. ACAG members represent the views of the aviation community or sectors that they are representing, rather than their personal interests or the specific interests of their organisation.
8. ACAG are responsible for facilitating the development of aviation community views on issues and reporting back to the aviation community on items discussed at ACAG.
9. ACAG will provide technical and strategic advice to the CAA during formal ACAG meetings, intersessionally through co-ordination between the CAA and the Chairperson of ACAG, and through the issue assessment review process.
10. The CAA will take on board all views put forward by ACAG members and other relevant sector representatives, but those views are not binding.
11. ACAG will meet with CAA officials no less than twice per year. Working arrangements and methods of engagement and consultation between CAA and ACAG are set out in this TOR.

Technical advice and guidance

12. Members of ACAG have a valuable role to play in providing technical advice and guidance to the CAA.
13. ACAG will be provided an opportunity to nominate a member (or members) to assist with the scoping of policy investigation projects, in accordance with the working arrangements detailed below. The scoping of policy projects occurs before the policy investigation begins and is intended to set the direction and objectives of the policy investigation.
14. Members may also be asked to provide ongoing technical advice to support policy investigations and the rule development process. This will occur on a case by case basis.
15. To support this function ACAG may also identify relevant sector participants who can provide technical advice on the scope of policy investigation and, if requested to do so, provide technical advice during the policy investigation and rule development process.

16. ACAG will also assist the Issue Review Panel by reviewing and providing comment on draft issue assessment papers.¹ The CAA will share draft issue assessment papers with ACAG. Comments will be presented to the Issue Review Panel, and one ACAG representative will attend Issue Review Panel meetings.

Strategic advice and guidance

17. New Zealand's aviation system is constantly evolving as new and novel technologies and operations are introduced. In some cases, our regulatory system will need to adapt to ensure the safe operation of these technologies.
18. ACAG have a strategic role in supporting the CAA to understand emerging issues in the sector and the potential impacts on the wider regulatory system. This will enable the CAA to take a more proactive approach on issues of strategic importance.
19. As well as advising on issues arising in the sector, ACAG will consider strategic issues like funding, system level changes, the international environment and the wider regulatory system.
20. ACAG will provide advice in relation to the priority of issues. The CAA will periodically provide ACAG with the full list of issue assessments. ACAG will review this list and provide a representative sector view of the prioritisation of the issues concerned, with reasons for the priority.

Behaviours and values

21. The CAA recognises that taking a collaborative approach with the aviation sector will put it in the best position to address problems and opportunities within the aviation system to ensure aviation safety and security. ACAG will play a key role in this collaborative approach. To support this, the CAA will:
 - behave in a way that promotes respect, mutual trust and partnership,
 - ensure obligations, roles and responsibilities of ACAG members are clear, consistent and appropriate, and
 - share information in a transparent and structured way with the objective of reaching a common understanding and consensus where possible, provided the public interest is not compromised.

¹ The Issue Assessment process is a formalised way to address issues in the aviation regulatory system. The CAA will review each issue to determine the underlying problem, assess options to resolve the problem and make recommendations to the Issue Review Panel.

22. The CAA values are: Collaboration, Transparency, Integrity, Respect and Professionalism. These values drive the behaviour of CAA staff and form the basis of their interactions with each other as well as their interactions with external stakeholders. CAA representatives will behave in accordance with these values and the CAA Code of Conduct in their interactions with ACAG and its members.
23. In their role as a member of ACAG, members are expected to behave in accordance with the CAA's values when engaging with staff from the CAA, any other government agency, and each other.
24. The CAA Code of Conduct will be provided to all ACAG members. ACAG members are expected to abide by the CAA code of conduct in their role as ACAG member.

ACAG membership and composition

25. The ACAG membership will be broadly representative of the aviation community as much as possible to ensure that the CAA has access to the appropriate advice.
26. The ACAG membership will reflect the CAA's commitment to diversity and inclusion, in line with the CAA's diversity and inclusion policy. It will seek to reflect a diverse range of individuals and experiences, and remove barriers to ensure that members can fully participate.

ACAG Membership Requirements

27. The following requirements relate to membership and participation in ACAG:
 - Wide membership - membership should reflect, as far as practicable, a broad representation of the New Zealand aviation community.
 - Stable membership - having regard to the benefits of continuity and an orderly turnover of members.
 - Appropriate participation - ACAG members are to participate in a way that is consistent with the Terms of Reference and the advisory role of ACAG.
 - Appropriate representation - ACAG members are expected to facilitate the development and sharing of aviation community views with the CAA, rather than represent their own particular interests or the particular interests of their organisation. However, the CAA recognises that the views of different aviation sectors are not always aligned.
 - Appropriate experience – ACAG members are expected to have knowledge and experience of the aviation industry in New Zealand.
 - Active membership – ACAG members are expected to make reasonable endeavours to attend ACAG meetings and to participate in ACAG business.

Composition of ACAG

28. The ACAG comprises of one member nominated by each of the following organisations:

- Air New Zealand
- Airways Corporation of New Zealand
- Aviation New Zealand
- New Zealand Air Line Pilots Association
- New Zealand Airports Association
- New Zealand Aviation Federation
- Flying New Zealand
- Aircraft Owners and Pilots Association
- Aircraft Engineering Association of New Zealand
- Three elected members

29. From time to time, an issue may arise where there is a need to include representative from a specific industry group not fully represented by the ACAG membership. This will be arranged between ACAG and the CAA at the time.

Nomination of ACAG Members

30. The CAA will write to the CEO (or equivalent) of each organisation requesting the nomination of a primary member to ACAG and an alternate who shall deputise for the primary member.

31. The organisation will inform the CAA if the primary or deputy member has changed.

Election of ACAG Members

32. Three additional ACAG members will be elected in accordance with the process in Annex 1.

33. The process set out in Annex 1 will be reviewed periodically with the intention of moving towards a more independent election process utilising electronic voting capabilities.

Chairperson and Deputy Chairperson

34. One member of ACAG will be elected as Chairperson, and one other member will be elected as Deputy Chairperson. The election of the Chairperson and Deputy Chairperson will be facilitated in a fair and equitable way. The CAA will provide support for these elections if requested.

35. The Chairperson is responsible for facilitating, as far as possible, an ACAG view.

Publication of ACAG members

36. A current list of ACAG members will be maintained and published on the CAA webpage and from time to time in the Vector.

ACAG working arrangements

37. Meetings may be in person or held virtually. Reasonable notice will be provided in advance of any meeting.
38. The CAA will chair joint meetings with ACAG. ACAG may conduct meetings at other times under the direction of their Chairperson.
39. From time to time, attendees from other agencies or the Ministry of Transport will attend ACAG meetings.
40. To assist with ongoing and timely action, the CAA will provide ACAG with regular progress updates and key documents. This includes:
 - Providing ACAG with an updated issue assessment list
 - Providing regular feedback on progress with issue assessments, policy and rules development
 - Organisation and minutes for ACAG meetings
 - Coordination of experts and working groups on specific issue assessments if required.
41. Working arrangements to be adopted to support the scoping of policy projects:
 - The CAA policy team will inform ACAG via the ACAG Chair (with a copy to members) when a policy project has been initiated.
 - Within 10 working days of being notified by CAA of the project initiation, ACAG will confirm with CAA if it would like to provide a technical expert to assist in scoping the project.
 - ACAG may nominate one technical expert from within its membership or from the wider aviation sector. In circumstances where there may be multiple stakeholder interests, the CAA will consider nomination of more than one technical expert on a case by case basis.
 - Following the scoping of the project, the CAA may request that the member or technical expert continue to provide technical advice during the policy investigation and rule development process. This will be on a case by case basis by invitation.

Engagement and consultation

42. Engagement between CAA and ACAG will be based on the working arrangements in this TOR and will be underpinned by the CAA values and Code of Conduct. All engagement will reflect a genuine commitment to listen and consider each other's views.
43. Consultation with or between parties will follow best practice²:
- provision of sufficient time to consider and respond
 - provision of sufficient information for ACAG to be adequately informed so as to be able to make a fully full and useful response
 - listening to what others have to say and considering their responses
 - a genuine process where the proposal is not already fully decided upon
 - keeping an open mind and being ready to amend or revise plans
 - does not require parties consulted to arrive at an agreement or to agree an outcome (it is not a negotiation)

Meeting Records & Reports

44. The CAA provides the documentation, including agendas and supporting papers, required for the meetings that it undertakes with the ACAG, no later than five working days in advance of the date of that meeting.
45. The CAA aims to provide a summary record of each meeting, in the form of a draft copy, to the ACAG members no later than ten working days after the meeting.
46. The ACAG aims to provide their feedback to the CAA on the draft record, via the ACAG Chairperson, within ten working days of receiving the draft copy.
47. The record of the joint ACAG and CAA meeting may be published on the CAA website.
48. Parties acknowledge that from time to time these timeframes might not be met due to extenuating circumstances. Where one party cannot meet these timeframes, they will provide an explanation to the other party.

² Public Consultation and Decision-making in Local Government, Controller and Auditor-General, December 1998.

Participation costs

49. The CAA will reimburse reasonable travel expenses incurred by ACAG members if they are required to travel to attend ACAG meetings in person. All travel must be booked in accordance with the CAA Travel Policy. The CAA will not reimburse costs outside of those allowed for in the CAA Travel Policy.
50. The CAA will endeavour to organise ACAG meetings to ensure that overnight accommodation is not required. Where overnight accommodation is required, these must be booked in line with the CAA Travel Policy and will be reimbursed in line with the CAA Travel Policy.
51. A copy of the CAA Travel Policy will be provided to all ACAG members.

Conflicts of interest

52. The CAA acknowledges that members of ACAG will have conflicts of interest in relation to matters being discussed, and that is natural and expected.
53. ACAG members must inform the CAA if they have a vested interest in a particular issue being discussed, such as the opportunity for personal financial or other gain. This can be disclosed to the secretariat on a confidential basis as and when the issue arises.

Information sharing

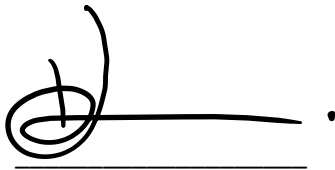
54. ACAG members will generally have the discretion to request and collate input from members of their respective organisations and sub-sectors to enable and enhance the purposes of ACAG, and in doing so may share ACAG documents and materials, subject to the following qualifications.
55. From time to time, the CAA may request that ACAG keep information confidential. In these cases, the CAA will clearly state their expectations and mark documents accordingly with “Confidential” or another header or watermark.
56. The Privacy Act 2020 and the Official Information Act 1982 applies to information shared or exchanged with ACAG.

Review of this terms of reference

57. This Terms of Reference shall be reviewed at least every three years to ensure that the membership continues to adequately reflect the composition of the aviation community, and the roles and functions of ACAG remain relevant.

Document Control

58. This document is controlled by the CAA and may be amended from time to time by agreement with the ACAG. This document is published on the CAA web site www.aviation.govt.nz.



Keith Manch

Director

Civil Aviation Authority



Qwilton Biel

Chairperson (acting)

Aviation Community Advisory Group

Annex 1: Election of ACAG members

Term of office

The term of office for the three elected members of ACAG will be three years.

Advertising, notification of elections and call for nominations

The CAA and ACAG will widely publicise the nomination and election process to ensure, as far as possible, that all interested people within the aviation sector can participate.

The CAA will support the process using its website, a Vector article and a general mailout.

ACAG will support the process utilising the representative bodies and existing communications channels.

Administration of nominations

To ensure the widest possible involvement from the aviation sector, a reasonable period of time will be provided for people to make nominations. Nominations will be open for at least 30 calendar days.

Nominations will close 14 days prior to any election forum.

The Secretary of the New Zealand Aviation Federation will be responsible for administering the nominations.

Candidate eligibility

Anyone within the aviation sector can nominate a candidate.

Anyone within the aviation sector is eligible for nomination as a candidate.

While there is no firm definition of ‘anyone in the aviation sector’, the CAA and ACAG understand this to include people who have a direct or active role in the aviation sector, which makes them well placed to provide an advisory role to the CAA. Examples include, but are not limited to, people who:

- hold an aviation document, or
- are members of an aviation representative body, or
- undertake work for an aviation document holder (such as employees, contractors of an aviation operator), or
- operate aircraft (manned and unmanned)
- are involved in the maintenance, design or manufacture aircraft or aeronautical products.

In accepting nomination, each candidate must accept that if elected they will represent the New Zealand aviation community to the best of their ability, in compliance with these terms of reference.

Election forum

If there are three or less candidates, there will be no election forum. In this instance, the three (or less) candidates will be confirmed as members of ACAG.

If there are more than three candidates, there will be an election forum so a ballot can be held.

The CAA and ACAG will jointly agree an appropriate election forum venue. Examples of an appropriate venue include the NZ Aviation Federation Annual General Meeting or the Aviation NZ Annual Conference.

The ACAG Chair will ensure the availability of voting papers and ballot box, and the appointment of people to collect and count the votes.

The ACAG Chair will announce the new members of ACAG at the election forum.

The CAA will announce the new members using its website, a Vector article and a general mailout.

ACAG will announce the new members utilising the representative bodies and existing communications channels.