

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

<b>Date:</b>	Wednesday 26 June 2024
<b>Venue:</b>	Asteron Centre, Wellington
<b>Attending:</b>	<b><u>ACAG:</u></b> Qwilton Biel, Steve Kelly, Mark Blanchard, Simon Wallace, Bob Henderson, Don McCracken, Reuben Hansen, Steve Riden, Michael Robinson, Dylan Robinson  <b><u>CAA:</u></b> Keith Manch, John Kay, David Harrison, June Ralphs, Stu Worden, Jane Turner, Sophie Kelsall, Jo Nicholas  <b><u>MoT:</u></b> Gary Tonkin

**1. Welcome**

John Kay opened the ACAG meeting by leading a round table to welcome and introduce all attendees at the meeting.

**2. Apologies**

Mike Hill (CAA,) David Oliver (CAA,) Billie Moore (Airports,) Peter Merwood (Flying NZ,) Chris Jackson (Elected Member), Chris Hoffman (AOPA)

**3. Minutes of previous meeting**

The minutes from the previous meeting were agreed as accurate and complete, and actions resolved. ACAG made one amendment to page 6 in reference to “drone licensing” this refers to the wider sector not solely the agricultural sector. Amendments to previous meeting minutes have been made accordingly.


**4. Ministry of Transport and CAA update**

The following updates were provided and discussed.

9(2)(f)(iv)

[Redacted]

9(2)(f)(iv)



B. Act Implementation

The group received an update from MOT on the new airport registration regime, Regulatory Airport Spatial Undertakings (RASUs). The Ministry is currently developing internal operational policies and sector guidance. Consultation with airports on the RASU policy and guidance is in progress, after which time there will be engagement with airlines. Sector engagement on the airport registration policy and guidance is also expected to be undertaken in August of this year.

The Ministry continues to undertake work to establish the function under the Act for independent review of Director's decisions. This will include developing regulations that define the scope of reviewable decisions, supporting the Minister to appoint one or more independent reviewers, and developing internal operational policies and sector guidance. The Ministry is currently seeking approval to release a consultation document on options for the scope of reviewable decisions.

CAA then gave an update on Drug and Alcohol Management plans (DAMPs.) Throughout April and May of this year, formal consultation was held for the new Rules, an advisory circular, and a transport instrument. CAA received 14 responses to the NPRM and have subsequently made adjustments from the feedback. The aim is for the Rules to be signed by the Minister at the end of July. In the meantime, CAA will work with certification teams on the approval processes and will have updated guidance to circulate with the sector ready for the Rule publication.

## IN CONFIDENCE

ACAG commended CAA on early engagement on DAMPs and the Rules re-make and noted that their feedback is based on uncertainty, not resistance to changes. CAA confirmed that DAMP rules are designed to be as enabling and non-prescriptive as possible. The guidance and instruments are flexible and adaptive.

The group received an overview on the Rules re-alignment. Due to the iterative process of rule drafting, CAA will publish clean copies of all rules with explanatory summaries later this year, expected to be in September. Any feedback on inaccuracies is welcome. The aim is to have the rules with the Minister for signing before Christmas. The CAA will continue to provide ACAG with information on any adjustments being made.

### C. Policy projects

CAA gave an update on the progress of policy projects and rules work. In general, most policy projects are moving slowly; this is due to a spike in Ministerial servicing work including Briefing and general ad hoc advice to the Minister. Upset Prevention Recovery Training (UPRT) is undergoing internal review with MoT and once approved, the Minister will be asked to approve its addition to the rules programme.

### D. Update on Assorted Issues rule project

The initial NPRM published for Assorted Issues received a high number of submissions. However, an error was spotted in the pre-amble on the criteria. The CAA have rectified the mistake and seek to consult again from July 1<sup>st</sup> – August 9<sup>th</sup>.

The group discussed an amendment to crew member provisions from the previous NPRM. The Assorted Issues NPRM includes a draft proposal for addressing the crew member definition issue. The proposal is for the rule to contain an enabling provision that allows the Director to issue a Notice setting out in detail what is and is not considered a crew member. The Notice would be developed with input from the sector and would be subject to a full consultation process. This approach allows for changes to be made more quickly than would be possible if the definitions were to be prescribed in the rules themselves. ACAG expressed the opinion that there are some cost sharing concerns with the sector. CAA encouraged ACAG to wait for the second NPRM to be published as some of the proposals have been modified.

## 5. **Matters raised for discussion by ACAG**

### A. Certification timeframes

ACAG expressed concern that delays to certification timeframes have a negative impact on the industry and asked whether the allocation of resources is appropriately designed to support industry, rather than other functions.

The group discussed the causes for the backlog, including an increase in demand and the complexity of requests, which on average takes much longer and more resource to process.

## IN CONFIDENCE

CAA are trialling new approaches and provided an example of a trial that reduced renewal application times by a third.

The group acknowledged that raising the capability to meet the demand is not the only resource issue. The right people and skills are required to undertake applications with more complex components such as cyber security risks etc. These skills are in high demand across many sectors. There is no silver bullet to solve this issue, but focusing on efficiencies CAA can make within existing resource will continue to be a primary focus.

### B. EMPIC Medical Module

The group discussed some of the sensitivities surrounding how the medical industry will interact with the new EMPIC medical module. The CAA confirmed that the medical module will be implemented at the beginning of July 2024. CAA's current information management system, ASMS, is redundant and no longer supported. EMPIC is the best provider to meet the Authority's regulatory requirements and move the CAA off ASMS. ACAG acknowledged this isn't an ideal end state solution but is more efficient than current paper-based process.

ACTION: Mike Hill to engage with Simon Wallace on any further EMPIC communications.  
Action completed – MH met with Simon Wallace on 10 July at CAA

### C. Availability of height monitoring for domestic RVSM aircraft

The Pacific Approvals Registry and Monitoring Organisation (PARMO) informed the CAA of a list of aircraft that are not compliant in providing reporting. There is currently no formal RVSM system and in New Zealand.

CAA and Airways are in ongoing discussions regarding the practicalities of how this service can be provided. ACAG agreed there is a need to formalise this approach and suggested Airways provide this service and report to PARMO. DCE Safety indicated that the provision of this service would be discussed with Airways. It was also noted that in Australia, any aircraft with ADSB is automatically monitored with data sent to PARMO monthly.

### D. Any other matters raised

ACAG requested an update on the Heron report and timelines for changes. There are growing concerns within the sector that such changes may compromise the quality of safety reporting. CAA noted there has been 6-7% increase to reporting recently. CAA will continue to provide transparency on how reporting data is being used; the sector can access this information through the website.

The group then discussed DL9 certification status. CAA confirmed there are no changes to the status of DL9 certifications. There is ongoing discussion between medical professions and NZTA. Longer term, ICAO are exploring medical status and compliance. CAA will continue to track and relay any ongoing updates.

## 6. Regulatory Capability Review summary

Keith Manch (CAA) gave the group an overview of the previously shared Regulatory Capability Review (RCR.) The review, lead and developed internally by tier 3 managers, acts as a regulatory maturity tool to show a point-in-time assessment of how CAA deliver safety and security responsibilities. The report and supporting evidence were independently reviewed by a senior public servant who agreed it was an honest current point-in-time reflection of the CAAs maturity.

Keith explained that the need for a review has arisen from the ongoing impact of the Organisational Design Review (ODR) and limitations COVID imposed on its implementation and the need to synchronise and streamline the operational processes of CAA and AvSec under the new Act.

The Review highlighted some key opportunity areas to address:

- Despite having a strong, well established regulatory capability training teams, there is a need to accelerate training to enable people to work more efficiently.
- Work has been done to develop good operational guidance, policy and procedures, however there is still the need for these to be embed these throughout the organisation.
- A need to move our existing regulatory models away from a transactional rules-based approach to an effective package of regulatory tools that enable teams to encompass the right tool at the right time.

Keith then invited ACAG to share their views. ACAG agreed that the review was truthful and an accurate reflection of the current state of CAA but queried the reliability of outcomes whereby CAA and AvSec were reviewed together. CAA confirmed that there are more similarities than difference. Training, for example, was highlighted as an opportunity to be streamlined as CAA and AvSec both deliver training. The group then discussed the role of AvSec as a regulator. CAA confirmed its view that AvSec is a regulator as AvSec performs regulatory activities. Under the new Act AvSec will no longer be a regulated participant. The group agreed that nothing was lost in the RCR by reviewing CAA and AvSec's regulatory functions together.

The group further discussed the role of the Ministry of Regulation in terms of CAA and potential for wider impacts and system wide changes. Further discussion was had on the move to an intelligence led, risk-based approach especially for renewals and certification. It was broadly agreed that relying on intelligence will help to reduce these processes over time.

Action: E-mail Qwilton a full set of the RCE slides for ACAG to provide feedback. (Action completed)

## **7. Regulatory Decision-Making Policy and Investigation Change Programme**

The CAA gave an overview of Regulatory Decision-Making Policy (RDP.) Highlighting its aim: to build confidence, to engineer a degree of predictability to the sector and to provide transparency on how we will operate. The RDP has undergone internal feedback and is now seeking feedback from ACAG. CAA requested ACAG only share internally within their own leadership teams, but not to share with the wider sector until a final version has been developed. Feedback from ACAG due by 10 July; a final version to be published by mid-August.

ACAG advised that section 4.3 should be one of the first sections. They also noted a missed opportunity to highlight some of the learnings/ outcomes of investigations to help the sector see and understand positive outcomes, and ultimately for safety education.

The group then moved onto discuss the Investigation Change Programme. Keith confirmed that CAA are in the process of making internal changes to investigation processes and procedures.

The group discussed some of the potential negative impacts of the change. ACAG flagged that there is a perception within the sector that the CAA has moved to a more punitive prosecution stance. The aviation community is not confident that a protected environment for safety learning will be fostered and there is a growing concern of unintended consequences. CAA noted and acknowledged the points made confirming that the aim is to develop a package of regulatory improvements such as, to improve the triage process and to have a framework to deal with the lower risk safety concerns in a softer, more suitable way. The investigation process should start with eliciting the facts first before determining any next steps.

## **8. Next Meeting**

Next meeting to be late October or early November 2024