

Minutes of the 38th Joint Meeting of the Civil Aviation Authority and the Aviation Community Advisory Group

Date:	Tuesday 30 th October 2018
Venue:	Level 15, Asteron Centre, 55 Featherston Street, Wellington
Attended:	<u>ACAG:</u> Paul Drake, Bruce Robertson, Steve Kelly, Dave Reynolds, John Cook, Lachlan Thurston, Ian Andrews, Jonathan Shorer, Rob George, Mike Haines, John Nicholson <u>CAA:</u> Graeme Harris, John Kay, Brigid Borlase, Mark von Motschelnitz, Kate McNabb, Janine Hearn, Nick McGirr <u>Ministry of Transport:</u> Karl Simpson

1. Welcome

The meeting opened at 1.00pm.

John welcomed all members of ACAG and introduced Janine Hearn, General Manager Organisational Development, and Nick McGirr, Manager Business Improvement and Programme Manager for Regulatory Craft Programme.

2. Apologies

Qwilton Biel

3. Minutes of Previous Meetings

37th Joint Meeting of CAA and ACAG held Tuesday 24th July 2018.

All in agreeance.

Actions from last meeting: See Appendix A

All in agreeance, no further comments.

Other Matters Arising:

Concept of operations – clarified that it is being addressed

Connection from en-route to the approach for GA – still has not be satisfactorily resolved as yet but slow progress is being made

4. Directors Update

Colour Vision GD

Looking to replicate the FAA requirements, which in essence involves competency trial flights, one for daytime and one for night-time.

Air Navigation Conference (ANC) and Director General Conference (DGCA)

Good exposure at both of these conferences.

The main focuses of the ANC were the Global Navigation Plan and the Global Aviation Safety Plan, which then flow through to the Regional Plans. Some interesting discussion on

introducing new concept of basic building blocks to simplify the Global Nav plan (particularly the Aviation System Block Upgrade structure) for some countries.

The Air Navigation Conference essentially sets the international priorities and work programme for ICAO for the triennium starting next year. All the work goes to the Council who then make decisions and budget all the resources for the following three years, which will then be signed off at the Assembly next year.

There was also a focus on Cyber resilience/security for exchange of aviation information.

GA was mentioned in a couple of areas. AOPA put up two papers, one on Class 2 medical standards which had committee support. The other one was around new technology and trying to ensure it doesn't result in extra costs for GA, which was partly accepted by the committee.

ICAO appears to have far too much high priority work in the coming years than they have resource or budget for.

Brigid is heading off to Europe next week to meet with EASA. Around the world there seems to be a relaxing of regulatory standards around recreational General Aviation, in particular non-passenger carrying aviation. Happening on a largely unstructured and adhoc basis. One of the reasons for Brigid's visit to Europe will be to investigate the possibility of kicking off a policy project around what are the appropriate regulatory requirements for recreational GA and non-passenger carrying commercial general aviation. The current standards were set in the 1990s and the environment has changed dramatically since then e.g. health & safety legislation.

Generally, NZCAA like most other countries, has a very light-handed regulatory involvement in general recreational activity, but unfortunately is also where we are getting a lot of harm caused.

Nothing has started in this space yet, just initial thinking. Long way away from making any sort of recommendations at this stage. Think it is important to look at it from a Policy viewpoint rather than making adhoc decisions, and to not pre-empt any outcomes.

One suggestion from ACAG was to get rid of the words Microlight, Ultralight, Light sport etc. and replace it with 'Small Aeroplanes'.

Bruce Robertson expressed interest in being involved in a future working group on this topic when the time comes.

Unmanned Aircraft

EASA are leading the way and we should follow, however this will up to MoT. We are looking to update Part 101 (and possibly 102) as an interim step, and are hoping this will move quite quickly.

Hong Kong have put some new rules in place e.g. if your drone is in a confined space such as a building then the rules don't apply, and separated out model aircraft.

Canada put up a paper at ANC highlighting that 'Unmanned' was unsuitable terminology and that it should be changed. The paper was supported and the action is on the Council to come up with a better title.

ACAG was curious of CAA's thoughts on the way UAVs are being handled by MoT and MBIE. MBIE look at it from an innovation angle and want NZ to be up with the front-runners in the world. The CAA view is that the regulations need to have safety as a primary focus, but need to be able to be delivered in such a way that people are still able to be innovative and creative in the way they use them to create those types of technologies. The challenge is to strike the right balance between being enabling, having enough flexibility to allow people to be innovative, without corrupting the safety performance.

The general aviation sector are frustrated at the process they have to go through when applications coming through for restricted airspace. These applications are accompanied with a safety case that basically states that if you stay out of the airspace you'll be safe. The GA sector refuse to accept that, and are interested in CAA's views.

CAA always comes back to the safety case of the proposal that they are presented with, as well as whether it is in the public's interest.

No standard making body is able to keep up with the fast changing pace of advancing technologies, including unmanned aircraft. ICAO will need to look to move to risk based performance standards.

RNP/RNAV/PBN

A new concept of operations is being brought out and it states that by 2023 NZ will have all RNP procedures. ACAG queried why this would be the case when PBN is both RNP and RNAV and would exclude anyone that isn't RNP certified (including VFR aircraft) from entering RNP airspace. There is a lot of work flowing out from ICAO in this space, and it appears that they are doing away with the RNAV terminology. By the end of November CAA should have an answer to this query.

Action – Graeme to inform Ian Andrews of the outcome of the RNAV/RNP decision.

5. Update from Ministry of Transport – Karl Simpson

CAA Act Review

Continuing at pace. Getting close to getting a version of a document up to Cabinet. Will still take some time to get an exposure draft out, more likely early February next year.

First half of next year will be focused on the Exposure Draft and second half of the year focussed on the Parliamentary process. The current Bill is 28 years old, so the concept is to set up this next Bill for the next 30 years or so.

Will also be producing an explanatory document alongside the exposure draft to show the significant changes to the old Act. The new Bill is a complete redraft so will be in a different order.

There is still quite a bit of work to be done. Looking at introduction to the House by middle of 2019.

UAVs

ACAG heard from Richard Cross on vision paper and earlier discussion took place on the updates to Part 101 and 102 to keep up to date with international best practice and learn as quickly as possible what is going on internationally, particularly with EASA.

The bad press that drones have is largely around beyond visual line of sight, which is in breach of the rules. BVLOS is illegal. So why do we allow drones to be purchased by the public that are capable of flying to illegal capacities of that distance out of sight? CAA are working on an education campaign to raise awareness on safe use of drones. Sellers also give out information when they are purchased and there are various websites that can be accessed. ACAG believe that CAA need to be pushing the message harder. All of the concerns mentioned are another reason why CAA believe that following the EASA model is the best way to move forward.

Action: JK to chase up with Mike Richards as to the status of the Drones education campaign

Regulatory Stewardship – This is partly about reviewing legislation that has been in place for a long time and ensuring the assumptions are right that led to that particular regulatory design, and then addressing the regulation to the risks as they exist today.

The work being done on the Bill with CAA is a good example of a Regulatory Stewardship approach.

Transport Funding Principles – on MoT website. Is a document that builds on the Auditor General and Treasury guidelines about charging for services in the public sector, and tries to put a Transport lens on it. They don't override the provisions in the Civil Aviation Act but they provide the guidance within that when making choices about what should be funded.

Another good example of working together with all transport agencies.

Action – Kate to send a link to Transport Funding Principles on MoT website

6. Policy Project Update – Brigid

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

Real Time Runway Reporting

NZ Airports Association received a response letter from Chris Ford regarding their concerns about real time runway reporting and the fact the rule is not fit for purpose. The response was summarised to say the issue was going back to Policy group. Have not heard anything further since, and the issue is time pressing. CAA confirmed that this issue has come back to the Policy group and it will be progressed. CAA is conscious of the expiry of the exemption.

Assorted Issues - Part 171 authorisation requirements

The question was asked as to why it wasn't an Omnibus change. CAA responded that it sits just outside the omnibus criteria. Airways has 171 recertification in March so hoping it will be taken into consideration when the review takes place.

Colour Vision General Directions

ACAG wanted to know the timing for this. CAA responded that the draft GD will go out next week for consultation and submissions will close before Christmas. Looking at early next year for implementation.

7. Regulatory Operating Model – Janine Hearn

Thank you to ACAG for feedback that was provided on the proposed amendments to the existing ROM at the last session.

The ROM is a high-level document, which is one of a suite of documents that make transparent the CAA's regulatory approach, the regulatory actions that we take, and the criteria we apply in choosing which actions to take. It will later be supported by further documentation that will provide more detail. It will be a public-facing document, as the goal is to maximise transparency for sector participants and the public.

Amendments to the current ROM are in draft and the CAA is seeking ACAG comment on the proposed changes. .

A comment from ACAG that was made last time was about being transparent about our regulatory response and the safety outcomes those responses are producing. This feedback is noted and it is one of the reasons the ROM exists.

The intention from this meeting was to gain feedback from ACAG on the draft ROM in its current form. Some minor changes have been made since last meeting to simplify it. In its current form does it provide sufficient clarity and transparency about the way the CAA undertakes the regulatory function, if there are there gaps, and what more may be needed?

The ROM has actually been around for about 5 years, but we are taking the opportunity to update and refresh it, tied in with the introduction of SMS, and the regulatory craft programme.

CAA don't believe that the changes to the Act should impact the ROM as it is a high level document in itself, however will revisit it if required when the Act review is completed.

Comments from ACAG included:

- Lot of words. It is quite full on if we want industry to actually read it. Who is the audience? It is written like a policy document. Would be worth producing a 1-2 page document which gets straight to the point.

The document is intended to be an internal and external facing document. It may be trying to achieve too much, and we possibly need to consider what would be more appropriate as an external facing document only.

- ACAG noted that one of the principals was to apply Just Culture, however there is currently a view in the sector that the CAA does not apply just culture.

CAA is recommending the inclusion of just culture into the primary legislation. Whether or not that occurs, is not within our control. Irrespective of that decision, the CAA is proposing to explicitly include just culture principles into the ROM. It may occasionally place CAA in the hot seat if not supported by the primary legislation. However, in any particular case the particular circumstances will be considered and discretion will be exercised.

There is concern from ACAG that the industry don't see the just culture from CAA in terms of the regulatory approach and actions taken by CAA. Believe it would make more sense to change the legislation in the Act before updating the ROM to include just culture.

The CAA noted that it already applies just culture principles to reporting and is wanting to extend those principles to everything.

- ACAG mentioned that language is extremely important. CAA want to be aspirational which is fantastic, but may need to say the same message a few times before people start to believe. ACAG believe that most of industry would have no idea a current ROM even exists, and if this version as is goes out to industry it will be picked to pieces because they believe that CAA do not operate in the manner set out in the ROM.
- Industry are not going to believe anything not embodied in legislation until they physically see the change in CAA staff at their next 'encounter'. Only when positive changes in the way each industry member is dealt with occur will people start to change their opinions. Industry are only going to remember their last audit/encounter and the experience they may have had. The bad stuff that comes out of the CAA is going to overshadow all of the good CAA is trying to do.

CAA knows that it needs to make a considerable investment in 'Just Culture' training – both for CAA staff and the sector. There needs to be a common understanding of what Just Culture is CAA would like support from ACAG and industry to reach that understanding. ACAG suggests using that tagline 'What does good look like to you' to bring in industry.

ACAG suggested that CAA carry out a gap analysis, and form a focus group to help work through the process. CAA agree this is a good idea, but some initial work with industry needs to be carried out first.

Important that ACAG is not mentioned as supporting or endorsing the ROM. However, ACAG is happy to provide input and advice on an on-going basis, perhaps in the form of a working group or such.

Not related to Just Culture, letters are currently being sent out by CAA about ADS-B signals providing bad data. Airways advised CAA to let the operators know, but it is a standard letter that is extremely blunt telling operators they cannot fly their aircraft. This is an example of the way in which language can influence perceptions.

8. NSS – Brigid Borlase

Working group meeting was held yesterday. Key projects are:

- Review/update of PBN regulatory framework - Progressing well through the issue assessment process. Alongside this, the safety analysis work and operational issues are also being worked on.
- UAVs – presentation from people trialing the Cora aircraft. Consideration of integration of UAVs into national airspace is not limited to NSS, but discussion around what it means for the NSS programme.
- ADS-B – ongoing discussion. The proposal to consult on ADS-B below FL245 will be going to Cabinet in December.

Action: Brigid to circulate key outcomes from the working group meeting to any ACAG members.

Ian Andrews spoke on behalf of GA, and the key message is that GA would like to see cost recovery for ADS-B installation. GA will not accept GA VFR having to cover the high cost just to enter controlled airspace.

9. General Business

CAA has recently been working with Worksafe, ACC and various other organisations and it has become clear that working as a helicopter pilot is considered to be the most dangerous vocational grouping in NZ. CAA will be highlighting his problem and will be engaging with the sector to work collaboratively to try to rectify this.

10. Next Meeting – Tuesday 12th March 2019

Meeting closed 3.16pm

CAA/ACAG Joint Meeting

ACTIONS

Matters arising from the 24 July 2018 meeting:

- Ø **Action 1: CAA to send final 2018/19 Rules programme to ACAG once approved by Cabinet**
Completed. Sent out with the minutes on 3 September 2018
- Ø **Action 2: MoT to send out Exposure Draft once completed**
Still underway
- Ø **Action 3: Kate to work with Qwilton to re-prioritize the Issue list**
Completed. Priority list sent to Kate on 31 August 2018
- Ø **Action 4: ACAG to submit any further feedback on the ROM to John Kay by 3 August.**
Completed.