

Minutes of the 35th Joint Meeting of the Civil Aviation Authority and the Aviation Community Advisory Group

Date:	Tuesday 7th November 2017
Venue:	Level 15, Asteron Centre, 55 Featherston Street, Wellington
Attended:	<u>ACAG:</u> Paul Drake, Bruce Robertson, Jonathan Shorer, Ian Andrews, Dave Reynolds, Paul Drake, Steve Kelly, John Cook, Qwilton Biel, John Nicholson, Lachlan Thurston, Jerry Nicholas, Rob George <u>CAA:</u> Graeme Harris, John Kay, Mark von Motschelnitz, Brigid Borlase, Bryce Wigodsky, Kate McNabb <u>Ministry of Transport:</u> Nick Brown, Helen Robertson

1. Welcome

The meeting opened at 12.30pm.

John welcomed all members of ACAG, and CAA staff and acknowledges Helen Robertson from Ministry of Transport.

2. Apologies

Mike Haines, Kirsty Hewlett

3. Minutes of Previous Meetings

34th Joint Meeting of CAA and ACAG held Tuesday 18th July 2017.

One change to the top of Page 3. Otherwise all in agreeance.

Completed. Spelling fixed and sentence structure updated.

Actions from last meeting: See Appendix A

All in agreeance, no further comments.

4. Update from Ministry of Transport – Nick Brown

There has been a restructure within the Ministry of Transport since the last ACAG meeting. Nick Brown is now the Deputy Chief Executive Governance and Engagement, which is primarily around the role the Ministry plays in Board appointments and monitoring of the Crown Entities, including the Civil Aviation Authority.

Nick offers apologies for Kirsty. Kirsty Hewlett has taken on the role of Deputy Chief Executive Regulatory and Data, which will look after the day-to-day Policy part of the Ministry's work on Aviation. Kirsty's background is from Worksafe and MBIE to name a few.

A big change of the Ministry of Transport restructure has meant that the long-term strategic thinking side of the organisation (strategy and cross-transport issues) has been split out from the day-to-day regulatory work.

There are two policy groups that sit under Kirsty Hewlett. One is called International connections led by Tom Forster and deals with aviation and maritime policy. The other team led by Shirley Tucker is dealing with security and resilience.

One of the drivers for the restructure was to put more emphasis on engagement. CAA is a key part of that as they have a presence out in the sector that MoT does not have. MoT see ACAG as an important way of learning about and communicating with the sector.

It is still very early days with engaging with the new Ministers. It is still unclear what the delegations are to the Associate Ministers, so most engagement is currently with Minister Twyford to try to determine priorities in the Transport sector.

There will be a lot of sitting time between now and Christmas but don't believe there will be any significant change, as the Minister's still need time to adjust to their new portfolios, understand the key issues and agreement within the three parties leading Government on things they said they would deliver.

There was a question from ACAG as to the status of the Civil Aviation Act. Nick responded that the new Government will come in and assess all of the legislation that is currently sitting awaiting introduction to the House. The Civil Aviation Reform Bill wasn't introduced to the House as it was still being drafted. The new Government will take a view on it and are currently not sure where it will sit in the priority list.

5. Briefing on UAV cross-government group – Helen Robertson

Handout was given on a cross government strategy taking a very broad approach on the outcomes the Ministry are wanting to achieve.

Part 102 is in place and internationally reasonably accepted and NZ have had approaches from a number of international companies who wish to come to NZ to test and develop the UAS technology.

The Ministry is aware of what other countries are doing around the world and are conscious we will lose our competitive advantage if we don't come up with a coordinated approach to the work programme. It has been noticed that there are a lot of agencies around NZ involved in this space but not in any coordinated way. MoT decided to take leadership to ensure everyone was working towards some common objectives.

The strategy is very broad and deals with a number of UAVs from your lightweight ones through to normal aircraft. Broad approach to the type, size and airspace.

They are in the process of developing a work programme that sits underneath the framework and addresses all of the objectives. Still very much a work in progress.

The regulatory side of the programme is quite interesting and complicated. Developments are happening very rapidly and need to make sure the regulatory regime is fit for purpose, and will balance the outcomes such as safety, security, economic development, and national security risks.

Another focus is the new Government and how to present this to the new Minister and get him engaged.

Jonathan Shorer mentioned that the results from the RPAs survey was that 86% of users were recreational. The strategy seems almost entirely directed at commercial users. Helen commented that she didn't believe that was the case and that it would be much more broad, looking at both recreational and commercial users. The comments from the survey will feed into the regulatory work.

Keen to engage with ACAG throughout the process to hear about the direction things are going in the industry.

Steve Kelly raised a good point about communications, and that it would be helpful for MoT to release some guidance that is given to new international operators when they arrive in the country informing them of the way we do things in NZ, and that we prefer open communications across industry.

A big focus area will be how do they develop a roadmap to integration, which fully takes into account the safety and security risks. Working very closely with MBIE.

There is some concern that there is a cultural issue and well as an education issue. Adding on to that is the non-aviation people that are interested in UAV activity. What sort of control would there be over where they go and what they can and can't do.

Action: Helen to send strategy to Kate who will circulate to ACAG

6. 2018/19 Rules Programme

CAA sought advice from ACAG as to the priority of the list.

Regardless of the priority, in order to be formally accepted onto the Rule Programme, CAA must still go through the Regulatory Impact Assessment process. We don't envision there will be any changes to that process following the new Government.

ACAG had discussed these earlier in the day and had come up with the following ratings:

- High
 - Ø Use of ADS-B below FL 245;
 - Ø Performance Based Navigation;
 - Ø Private Pilot Licence (PPL) Medical
- Medium
 - Ø Part 101/102;
 - Ø Definition of crewmember

Another issue that ACAG think should be addressed at a higher priority is 'real-time runway condition reporting'. It is a current Petition and is assigned to an adviser for assessment.

The background to this issue is that there was a revised rule for Part 139, in which a clause was inserted around runway condition reporting applicable to all certified airports, which comes into force July 2018. It provides no safety value to the majority of the certified airports. ACAG think this issue should be considered a high priority to resolve considering the implementation date, separate from the 2018/19 Rules Programme.

The Rules Programme list will be provided to the Board for review incorporating ACAG's feedback, and then will go to the Ministry in December. CAA will report back to ACAG once it is finalised.

Action: CAA to provide final list of projects on the Rules Programme.

7. Policy Project Update – Brigid Borlase

Emergency Location Transmitters

NPRM consultation has been completed and 9 submissions were received. Summary of submissions is currently being worked on.

Fatigue Risk Management

Is currently at the Policy investigation phase. Consultation closed and 656 submissions received and the analysis of those submissions has been completed. Currently working on 2nd round of policy analysis informed by that process. There is an education and communications plan being developed.

PPL Medicals

Acknowledged ACAGs interest on this particular project. Analysis of submissions on this proposal has seen that it may be possible to adopt an alternative PPL with a different standard of medical. Work is continuing on developing those options.

ACAG raised that terminology is important and that it should say 'a different standard of medical' not 'lower standard of medical'.

This paper will be going to the Board on 29 November, which establish CAA's position on the issue.

Have not yet worked through the various limitations.

Definition of a crewmember

Good progress on this developing a criteria and options for consultation early next year. Looking at determining whether a person on board the aircraft should be considered a passenger or a crewmember.

2nd stage of the work will look at trial, charity and cost shared flights.

Pilot time on-type experience

Been on hold for a little while. Looking to restart in the next couple of months.

ADS-B above FL 245

NPRM consultation has closed and 5 submissions were received. There was no opposition amongst the submissions, just some clarification of highly technical matters. Otherwise all in support.

Steve Kelly apologized for not sending his submission of support. CAA advised that we would like to receive it even if late.

Rule drafting in progress.

ADS-B below FL 245

Proposed to come into force 31 Dec 2021. Is currently in policy investigation phase. Drafting a discussion document to go out to the sector to canvas the policy issues.

This was split out from the above FL 245, as the characteristics of the fleet were so different and varied amongst themselves compared to above FL 245.

Part 66 review

Currently in Rule drafting phase. NPRM proposed for first quarter of 2018.

General Direction for Impaired Colour Vision

Closed at the end of October and 160 submissions. Focus in on analyzing submissions and determining next steps.

Child Restraints

Looking to formalize the requirement that children under 2yrs will be lap held, but children between 2-4 years will require their own seat. Policy development is currently looking at practical implementation issues but also what it might mean for the wider sector. Also, need to consider the social implications.

Omnibus 2017/18

Under development. NPRM due out by the beginning of 2018.

Assorted Issues 2017/18

Under development. Working on developing the Regulatory Impact Statement.

Steve Kelly talked about the PBCS piece. He voiced that as the only ZK registered operator that this affects, with a near term solution that could defer the need for rules for a time period, whether a more pressing issue could be assessed instead.

RPAS Part 101 & 102 Review

A paper will be going to the ELT in December, which is currently in draft format.

Highlights the issues that came through from the survey.

Jonathan noted that there needs to be a clarification between 'review' and 'survey' as two different things. The survey is part of the review, not the whole review in total.

CAA wanted to note that the rule programme and policy projects updates work in parallel and there is a dynamic relationship between the two.

8. NSS Update

Main focuses are Performance Based Navigation (PBN) and ADS-B.

PBN is the development of a revised PBN implementation plan and a PBN regulatory framework. The purpose of these is around how we address the regulatory change that will be required to get to NSS' desired end state in 2023. There are quite a few requirements for change to achieve this.

Are looking to group sets of issues together and put these through in a logical order. Have broken these down into essentially a 3-stage process, which will look at – definitions, reporting requirements under part 12, aircraft equipment – parts, products, maintenance, engineering, pilot licensing, airspace issues, operating rules, issues to do with airways and their operations.

Looking to brief New Southern Sky (NSS) working group in December, and then take that out to the sector early next year.

Roadshows – happening in the last couple of weeks in November around the North and South island. CAA encourage people to come along to those.

Steve Kelly asked if the issues that are identified out of the PBN work can be considered when carrying out the Part 66 review and brought across as necessary. Can the two be looked at side by side? CAA responded that some of the working group members for both projects are the same so they can bring some of the insights and sharing across to the Part 66 review. If something from PBN can fit the current scope of the Part 66 work then we would obviously include it, but if something came out of the

future PBN work that did not quite fit the scope and cannot be reframed then there would be scope within the PBN project to recommend changes to Part 66.

9. Issue Assessment Update – Bryce Wigodsky

CAA would like to thank ACAG for their contributions to the September issue panel meeting. Paul attended that meeting on behalf of ACAG and CAA found there was useful discussion.

Unfortunately, we have had to cancel the November panel meeting due to some key panel members becoming unavailable. Next panel meeting will be held 1 February.

Qwilton Biel did mention that ACAG appreciate the opportunity to attend the panel meetings and the visibility they have of the issue papers beforehand. ACAG spent some time discussing the way they collate their feedback. The papers go to ACAG with a 10-day turn around process from CAA. ACAG have set themselves a 7-day turnaround to have a reply all conversation to try to come up with a united view where possible. This will be a trial in the coming months.

Graeme Harris did also mention that if there are a variety of opinions from the members of ACAG then CAA are happy to receive these.

John Kay reiterated that the feedback from ACAG and attendance at the last panel meeting was very much appreciated.

10. ACAG Terms of Reference – Brigid Borlase

CAA thanked ACAG for their feedback and comments on the current Terms of Reference.

ACAG was happy that their feedback had been taken on board with the revised draft of the Terms of Reference and had no further changes to suggest.

One little change was suggested to the flowchart diagram to change the word 'industry' to 'sector' as ACAG do not completely reflect the whole of industry.

ACAG did ask if there was any wriggle room with the 10-day turnaround for issue papers. Their concern was that they couldn't give us what we need and add any value with only a 10-day turnaround. CAA appreciates this but is very hesitant to promise this due to our own time constraints, however will endeavor to do so where possible. It was suggested that if the ACAG members don't have the time to provide meaningful input but have ideas, send these through as ideas, as context can be very telling. Alternatively, if an issue is flagged early on at the Open or Assigned stages then the adviser can work more closely with ACAG to gain their feedback at those beginning stages.

The Terms of Reference were agreed as accepted with a couple of minor changes to the flowchart. This document will need to be brought back to the next ACAG meeting as an official document to formally ratify and adopt.

11. General Business

Action: Nick Brown to provide ACAG (through Kate) with a one page document with the new MoT structure with names, contact details and brief discussion on responsibilities.

12. Next Meeting – Tuesday 6th March 2018

Meeting closed at 2.05pm

CAA/ACAG Joint Meeting

ACTIONS

Matters arising from the 18 July 2017 meeting:

- ∅ **Action 1:** *CAA to look at the way we present the Opens/Assigned issues to ACAG members.*
Completed. This is still able to be changed if there is a preference to the way ACAG would like the information presented.
- ∅ **Action 2:** *CAA to provide an extra actions list that show just Policy/Rules actions*
Completed
- ∅ **Action 3:** *CAA to send out Rules process flowchart – to Graeme as well, specify ACAG points of intervention*
Completed. Sent 17 August.
- ∅ **Action 4:** *ACAG to consider the possibility of having a representative attend the issue assessment panel meetings on a regular basis.*
Completed. Paul Drake was nominated and attended the first meeting on 21 September.
- ∅ **Action 5:** *Brigid to find out when the Part 101/102 survey analysis is to be completed.*
Completed. Update sent to ACAG on 16 October.
- ∅ **Action 6:** *Brigid to get update on Part 66 and how long this will take.*
Completed. Timing for NPRM set out in the Policy Project Update for the November meeting.
- ∅ **Action 7:** *Qwilton to compile priority list of top 5 from ACAG and send to Kate.*
Completed. Received 26 September.
- ∅ **Action 8:** *ACAG to hold roundtable on what they want out of the CAA/ACAG relationship by end of September.*
Completed. Meeting held 20th September
- ∅ **Action 9:** *CAA to draft up what The Authority wants from ACAG*
Completed. Paper to be circulated for discussion at the November meeting.