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

Date: Thursday 07 March 2024
Venue: Asteron Centre, Wellington

Attending: **ACAG:** Qwilton Biel, Billie Moore, Chris Jackson, Steve Kelly, Simon Wallace, Bob Henderson, Peter Merwood, Don McCracken, Reuben Hansen, Dylan Robinson, Mark Blanchard

CAA: Keith Manch, John Kay, David Harrison, Mike Hill, Mark von Motschelnitz, Kathy Perreau, Liam Brennan, Charlotte Baetens, Rob Scriven, June Ralphs, Stu Worden, Jane Turner, Sophie Kelsall.

MoT: Bronwyn Turley, Gary Tonkin

1. Welcome

John Kay opened the ACAG meeting by leading a round table to welcome and introduce all attendees at the meeting. The group congratulated Qwilton Biel as the newly appointed Chair of ACAG and Billie Moore as newly appointed Deputy Chair.

2. Apologies

Mark Blanchard, Frank Usmar and Chris Hoffman gave apologies.

3. Minutes of previous meeting

The minutes from the previous meeting were agreed as accurate and complete, and actions resolved.

4. Ministry of Transport and CAA update

The following updates were provided and discussed.

Engagement with the new Government

The CAA and Ministry of Transport (the Ministry) gave the group an overview of their engagement with the new Government and confirmed that Minister Brown is now the Minister of Transport and holds the Aviation portfolio. It was noted that the Minister is very

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interested in engaging with and enabling the sector. CAA has already had engagement with the Minister on the Funding Review and AvSec queues over Christmas, to which he has set clear expectations.

Funding (in confidence – item not for further circulation beyond ACAG members)

The group received an update on the CAA’s funding review. 9(2)(f)(iv)

[Redacted]

The funding review and the preparation for consultation is extensive and detailed, as the Minister seeks a high level of assurance in relation to the proposals in the funding review.

The group discussed the challenges involved with meeting a 9(2)(f)(iv) funding gap and what capacity and capability are needed to address issues, so that the sector can transition from “coping” to “growing”.

Act Implementation

The CAA and Ministry gave a progress update on Act implementation, with a particular focus on sector engagement.

The CAA is working towards public consultation on drug and alcohol management plan (DAMP) rules, and a draft advisory circular and DAMP template. Consultation (through the standard NPRM process) will start 26 March, for six weeks, with updates on the CAA website. The CAA thanked those in the sector who have supported the process by testing draft material and templates, and confirmed a two-year implementation period and that it is proposed that DAMP requirements will not apply to Part 102.

The CAA also gave an update on the Rules Realignment work, and confirmed engagement with the sector in October / November 2024. The CAA confirmed that changes will be small in scope and scale, and focus on those changes required to implement the new Act.

The group discussed some of the challenges and logistics around this work. A pragmatic approach will need to be taken especially regarding sector expositions and their references to the rules. The Act team will work closely with those impacted in the sector. The group also discussed the best approach to ACAG reviewing the amendments and agreed that track changes (or alternatives) will be provided. The group and considered the potential for some of the rule parts to be provided early.

The group noted that time and resourcing constraints limited the changes being made through this process, and discussed the potential for future ‘whole rule part’ reviews.

EMPIC (Kapua)

CAA gave an update on the implementation of its new regulatory platform, called Kapua. The licensing module is now live, and the remaining modules are scheduled to be rolled out by October 2024. The CAA noted it is already receiving suggestions for enhancements, and that it is working to funding and time constraints.

AIM Modernisation project

The CAA provided an update on the Aeronautical Information Management (AIM) Modernisation project. The previous contract ended last year but was extended for two years. The new contract with Airways aims to be agile and support modernisation. This will come into effect in July 2025. The CAA ran workshops and online consultation to gather 'requirements' in February 2024. **ACTION:** ACAG requested any minutes or outputs from the requirements consultation. (Action complete)

Emerging Technology and progress on Part 102 work

The CAA gave an overview of progress to improve Part 102 processes and speed up certification timelines. Particular emphasis was on the lower-complexity end of Part 102. Despite additional resource, the certification demand is still higher than resourcing levels can support.

The team have started 'bundling together' similar applications and doing five to six at once. The results have been encouraging and have reduced waiting times in the backlog. However, over this time period, demand has gone up 40% in the last quarter alone. The team are also looking at the scope of acceptance levels as part of the performance-based nature of the rule. CAA are continuing to explore as many options as possible.

Work Together, Stay Apart

The CAA gave an update on progress with Work Together, Stay Apart. CAA is currently 9 months in, with 12 months left of the initiative that has a focus on unattended aerodromes. So far, two educational videos have been produced and another one on complex circuits is planned for production. The other key engagement is with councils and user groups as well as delivering seminars to operators of unattended aerodromes. Anecdotally, behaviours seem to be improving. The CAA noted that it needs to engage with the Airports Association in advance of engaging with unattended aerodromes.

International engagement plans for 2024

The CAA confirmed that it plans to attend the 14th Air Navigation Conference (ANC) as well as Director General of Civil Aviation (DGCA) conference in the Philippines in October this year. CAA will also be attending the AvSec panel and working on our bilateral arrangements. The CAA has recently signed an MOU with EASA with a view to working more closely together on technical areas.

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The CAA is also looking to update the BASA, a technical agreement with the FAA. ACAG is supportive of keeping resource prioritised for international engagement. ACAG also flagged INZ impact on flight training schools and requested to remain engaged in any discussions.

Policy Projects Update

The group received a Policy Project update. As of 7 March 2024, the CAA had received 60 submissions on the Assorted Issues NRPM, with significant feedback around Part 91 and cost sharing. Public consultation closes on March 25. ACAG noted that some of the proposed changes are controversial.

The group noted attachment 1 giving an overview of all policy projects. Most projects are tracking well. There has been a significant increase to Ministerial servicing of late which directly impacts resource for policy projects. There are three key drivers to the recent spike in Ministerial work: recent change of government, topical issues such as queues at Auckland Airport over Christmas and the budget process.

5. Ministry of Transport update (additional to joint items above)

Interim Aviation Council

The group received an update from the Ministry on the establishment of the Interim Aviation Council (IAC). The goal is to develop a national policy statement for aviation and to prioritise the air navigation review panel. The IAC seeks to align the sector and government with best practice as well as work quickly amidst some of the challenges the sector is currently facing. The first meeting takes place on Friday 15 March.

ACAG expressed an interest in working with the IAC to support sector communications, especially with regards to sustainability.

6. Update on the Investigation Change Programme

- a. General progress update
- b. Discussion: What does 'just culture' mean within your organisation?
- c. Regulatory decisions making, the public interest and the role of just culture.

The CAA provided a general progress update on the Investigation Change Programme. The group had a wide-ranging discussion on the purpose of the review, "just culture", and incident reporting.

- The CAA gave an overview of the Heron Report and the key focus of the investigation to improve regulatory decision making. The CAA's regulatory decision-making model has public interest tests and statutory requirements for accountability to government.
- A new Regulatory Intervention Policy is being developed. It will incorporate decision-making processes from education to enforcement. The intent of the new policy is to cover all regulatory functions - not just investigations- and embrace the "just culture" approach when addressing problems of non-compliance. The CAA will

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provide ACAG with an advanced draft of the policy to test the language and meaning.

- ACAG expressed concerns that the fear of consequences may hold some back from reporting as freely as the Authority might desire. The group agreed there is a potential impact on incident reporting if participants are concerned how the information could be used.
- The CAA is very aware of the perceptions some in the sector may have about the use of reported information, and the impact of those perceptions on voluntary and mandatory reporting. Increasing reporting is important, and the CAA is keen to continue to foster a trusting environment between the regulator and the sector.
- The group noted that “just culture” is different from the historical “no blame” approach and needs to be socialised across the sector so that people are reminded that reporting is good because it improves safety. ACAG sought greater transparency on the motivator for change, other than the new legislative provisions for “just culture”.
- ACAG expressed concern about how the Heron Report was communicated to the sector. The CAA confirmed that it had taken a soft launch approach due to the nature of the internal impacts, and confirmed there was nothing to hide. The intent of the exercise and future actions resulting from the report were included in the Director’s response published on the CAA external webpage: [Investigation and Enforcement Review Report - Director response](#).

7. Discussion on sector priorities in their interactions with the CAA

- a. What do the sector see as priority areas for improvement at the CAA?
- b. What are the significant ‘blockers’ from the sector’s point of view as the regulated party?

Due to time restrictions at the meeting, the group agreed that ACAG would engage with the sector relating to these matters and will feed back at a later date. ACAG particularly noted that the landscape of aviation has been shaped by COVID and will be shaped by the new Government. The sector will have better answers when there is a better understanding of the Minister’s intentions.

Matters raised by ACAG

The CAA acknowledged that detailed discussions had impeded the ACAG allotted items. Future meetings will be structured to ensure that ACAG has sufficient time to cover its key concerns.

ACTIONS:

- ACAG feedback on the Runway Condition Reporting rules to be provided to Mike Hill. (ACTION complete)
- ACAG will engage with David Harrison on Rule 135.505. (ACTION complete)

Two key matters were discussed:

Lack of progress with drone licensing: ACAG expressed concern over the CAA's ongoing capacity issues in meeting the demand for drone regulation across the aviation sector. The CAA acknowledged the challenges and will continue to work with the Ministry of Transport. There is a package relating to drones awaiting the Ministry's attention alongside multiple other regulatory system issues.

Concerns operators are having regarding the capacity of some of the key CAA teams:

ACAG noted particular delays in progressing change requests for operators (some instances noted over 12 months), including the addition of aircraft (with existing C of A and C of R) to op spec, the addition of ANZA privileges for operators, and the inclusion of security programs / FPP process, etc.). CAA acknowledged timeliness as an issue.

ACTION: John Kay invited Dylan Robinson to bring his organisation's specific concerns to him directly. (Action complete)

The group discussed how CAA and the sector could work together better, noting the new Government has a strong interest in efficiencies.

8. Next Meeting

Next meeting to be May or June 2024