

Minutes of the 40th Joint Meeting of the Civil Aviation Authority and the Aviation Community Advisory Group

Date:	Tuesday 9 th July 2019
Venue:	Level 15, Asteron Centre, 55 Featherston Street, Wellington
Attended:	<u>ACAG:</u> Paul Drake, Qwilton Biel, Bruce Robertson, Dave Reynolds, Lachlan Thurston, Ian Andrews, John Nicholson, Steve Kelly, John Cook, Rob George, Mike Haines <u>CAA:</u> Graeme Harris, John Kay, Peter Mee, Helen Robertson, Mark von Motschelnitz, Kate McNabb, Margherita Mollo, Shaun Johnson <u>Ministry of Transport:</u> Kirstie Hewlett, Karl Simpson

1. Welcome

The meeting opened at 1.05pm.

John welcomed all members of ACAG and CAA staff.

2. Apologies

Jonathan Shorer, Nick Brown

3. Minutes of Previous Meetings

39th Joint Meeting of CAA and ACAG held Tuesday 12th March 2019.

Completed.

Actions from last meeting: See Appendix A

All in agreeance.

4. Update from Ministry of Transport – Kirstie Hewlett

Civil aviation Bill

MoT thanked all those ACAG members who attended the recent workshops which discussed the Exposure draft of the Civil Aviation Bill. They were very positive sessions.

There has been a slight extension to the closing date for the submissions on the bill which are being incorporated as policy changes and in turn will then require going through the Coalition Cabinet party process. However, MoT are still looking at introduction by the end of the year.

ACAG queried whether making certain changes to the draft now may be simpler, rather than when it is with select committee. MoT addressed this point explaining how there is opportunity to make changes in both scenarios.

MoT confirmed that the intent of the Exposure draft was to air out a lot of the bigger policy issues early on, which in turn provides the possibility to make drafting changes and create a more robust bill. It was advised that there is still the normal select committee process to go through and how it would be harder to make structural changes to a Bill when it is already in the House. Right now, though, we have the opportunity to see the Bill in its new shape and form, where changes and key policy decisions can still be made without too much effort. MoT will aim to post the open submissions on their website directly after the closing date providing the CAA opportunity to review.

ACAG commented that feedback they have received around the new layout and information going into the Bill is being viewed positively. They also expressed appreciation for the release of the cabinet papers.

ACAG did query if the Exposure Draft will ease the path for airports carrying out their own security at domestic airports. The CAA responded that from a legislative point of view, the provisions for Airways and airports to provide aviation security services already exist and all the bill is doing is adding airlines to the list. But before bringing in those provisions there are bigger policy issues to work through around whether we should change the status quo.

UAVs unmanned

An update was provided by MoT about the drone integration paper – Taking Flight stating cabinet are in agreement and the official release will be next week. The details are available on the website together with the Benefit Study developed with MBIE.

MoT held the first drone forum last week which was an opportunity to bring various industries together and start thinking about current UAV issues. Innovation will be the topic but also, how we should be integrating safely and securely. MoT's intent is for the forums to become semiregular. MoT intend to speak about initial policy to stakeholders in August – September. It will not be to address proposals but to discuss measures (unmanned traffic management systems) and to consult other jurisdictions to see what would best suit the NZ market. This is at first stage process currently.

Continual work is underway regarding drone security at airports – both working with airports and the CAA to make sure the correct procedures are in place. Airways are included. MoT confirmed we need to be able to identify drones coming as they are deliberately trying to damage both our economic and national interests.

ACAG raised some concerns in relation to the funding for drone security and in particular, the risk and benefactors currently residing with aviation participants saying nothing is being pushed on the drone operators who are the main cause.

MoT advised that with new technology there is the problem that you have disrupter's coming into a system who are not built into it. Regarding funding, MoT confirmed there is some crown funding that pays for some of the work in this space, and it's not completely charged to the other participants of the aviation system to deal with alone.

In terms of future plans, MoT have several goals to achieve. Finding a way to levy the players and determining a registration regime for drone operators (bringing them into the system with the ability to charge them). There is a careful balance to consider. MoT confirmed there is a lot of work still to come as UTM networks can be very costly.

ADS-B rebate

MoT explained that discussions are currently underway regarding a potential subsidy and a solution should be realised by the end of August.

MoT also discussed the funding of regional air connectivity. This has to do with looking at airports and where the difficulty lies in managing both the airport business whilst meeting some of the board of transport outcomes. Particular items which need to be looked into are regional development, resilience, access and security. It was confirmed that whilst joint venture funding exists – where various players are applying to the PGF

(Provincial Growth Fund) - MoT are requesting feedback about better ways to sustain a long-term funding source.

The question of which categories would be included and if roading structure is one of them was queried by ACAG. MoT in response said there is discussion going on currently as to what would be funded and why. It may be a fund people bid on, based on a certain criterion for particular things but MoT are at early stages of development.

Security

MoT confirmed quite a lot of work has taken place after the Christchurch incidents on security issues and there is conversation currently around domestic and regional screening, looking at the aviation sector as to where security vulnerabilities lie and if they are being managed. In partnership with the CAA, an aviation security forum has been running for some time.

ACAG asked when referring to screening, would this suggest more stricter screening for regional airports. MoT explained this is to be discussed but an example is tighter security.

ACAG asked if this is based on the Christchurch incident and wondered if it did in fact involve airports. In response MoT advised it is important to understand that although the Christchurch incident occurred in the city, it did also affect and impact the airport sector. The threat environment and aviation need to be investigated, but we must also look into the threat environment in NZ where airports can be impacted. Other items to include are the costs this will involve, where they would fall and what issues will be faced when managed but there is no definite decision for domestic regional screening. Currently discussion is underway with airports.

ACAG then queried whether work had not already been done under the domestic security review. MoT answered it had but it must be updated to understand the readiness of the airports and airlines. The CAA confirmed it is necessary to continually review certain issues especially as the world does not stand still.

Action -Margherita to provide the principals for funding reviews to ACAG.

5. Director's Update – Graeme Harris

Organisational changes

The CAA are continuing to improve its consistency - a common theme and a complaint of our functions. For starters, the board have made decisions around the replacement of our IT platform and we will move ahead at the first opportunity, subject to funding being in place. In terms of structural change within the organization, the CAA are currently considering them.

ACAG commented on the IT platform asking if it will be at ICAO standard, what it would include and if medical applications will be considered. Graeme mentioned these points are being considered along with portal access to allow people to apply online rather than in paper format. A vendor has been chosen even though commercial negotiation is still to be completed. The aim will be part way through 2020 (if not sooner).

6. ACs discussion - ACAG

ACAG requested to be informed as to what the procedure is when setting up an AC and that a procedure online is not available. Concern was raised regarding the Radio Fragility AC recently updated. ACAG mentioned the document was 84 pages, that there was no way to determine the markup unless you had both full documents side by side. In the past however it was published with the markups inside. The timeframe for consultation was also too short considering the time to implement it. The summary of other submissions was also requested to compare but the advice was to do this via OIA request. It took over a month to receive leaving no time to review.

ACAG also asked if the ICAO standard could be adopted seeing a recent AC explained how to comply to a rule which did not exist.

The CAA responded to these queries firstly agreeing that ACs can be problematic and there should be a pre-consultation before they are sent showing amendment history at the front together with a tracking bar. Secondly, Graeme mentioned the OIA request is in place for protection associated with the organization and thirdly, the timeframe is something to be investigated and improve.

Mark announced the AC process has recently been updated with the CAA legal team. He explained the process of an AC: The publication of an AC sits within the Strategy and Governance team. The drafting and initiation of the AC and decision of whether it is needed to be created or amended lies within the Operational Team (similar to the rule development process). The approval then goes through to the Deputy Director and finally, a list of AC amendment projects goes to the Issue Review Panel. This is how ACs are triggered whereas, in the past anyone could raise a work request. The drafting format is important, and this is what bringing it to the Issue Review Panel is intended for.

The CAA said they are aware of the numerous ACs that have not been reviewed for some time but capacity to deal with these is a current problem and change is being considered with the restructure. ACAG suggested they could assist expressing concern to procedures that are amended without their knowledge, but Graeme explained the CAA will pre-consult prior to finalizing change.

There was discussion around how a method must be done in a particular way as opposed to a performance-based rule. ACAG queried if there can be a few ways of addressing an issue whilst focusing on its outcome. Graeme advised that in a legal sense if the Director has been satisfied – and the means used have achieved the same outcome then this is correct.

Although ACs are often criticized, ACAG mentioned they are happy with the outcome of a few. In specific, AC 43-14 has worked through both airworthiness and engineering. ACAG suggested discussion around this AC may be useful to ensure the understanding is correct.

The CAA are noting down these points and will revisit the effectiveness.

Action – Margherita to provide a link of the AC procedure to ACAG.

7. Policy Project Update – Peter Mee

ADS-B

Katie advised that although everything can be found in the current report, we are currently completing a report to tie up loose ends in terms of the rule and are awaiting a rebate decision.

ACAG pointed out there is supporting evidence why we should all commit to the ADS-B. The CAA said that there should be no reason why the ADS-B will not go ahead, its more so a question if there will be a subsidy.

Helicopter Flight Data Recorders – Stuart Worden

Stuart advised that on the 24th of the month he has organised a workshop in Queenstown with helicopter operators. Discussion will be regarding benefits, barriers and costs to flight data recorders and cameras. It will be an opportunity to gain feedback as to what may work best.

Regarding helicopter data recorders ACAG asked if the CAA intend to promote through ICAO. The CAA confirmed advice has been put forward to ICAO.

Action - Peter to provide an update to ACAG about where we are heading with cameras and the recordings.

8. General Business

PBN Framework

Concern was raised by ACAG about the process being slow mentioning it is problematic to obtain data from the Excel spreadsheet CAA provide. Some information should not be in the PBN framework as it is out of date and some statements are unclear. ACAG suggested some information could be removed and assessed beforehand.

A conversation at a later stage is suggested by the CAA while confirming the process still requires careful consideration.

ACAG announced the regulatory framework meeting went well.

Action – Margherita to find a solution and provide ACAG with clearer issue description cells from the open and assigned issues spreadsheet.

Performance-based communication system

ACAG mentioned that under the assorted issues, the PBCS rule amendment should be approved but the question remains, when its localised to one operator and how one can assess the value to prioritising that rule against others of wider benefit. ACAG would like to organise a meeting with the CAA to discuss this matter in more detail.

Regarding ACAG's first statement the CAA explained PBCS is not only about the operator approval but about the airspace. For this reason, it cannot be assumed that only one operator is involved. Also, although it may not be of the highest priority, eventually ICAO will come along to audit the CAA (and NZ) requesting the whereabouts of PBCs. There is a hygiene factor of getting this into a rule structure.

John welcomed the engagement between ACAG and the CAA recognising the importance of gaining knowledge and to where priorities lie with ACAG. A key element of having ACAG with us.

Action – ACAG to propose a time to engage with the CAA Policy Team.

The future of ACAG

Regarding a recent conversation with the Minister, ACAG wanted clarification around the statement addressed of ACAG not being a formal representative body.

The CAA pointed out that ACAG is the body that provides advice in a very formal sense and the conversation had been about how much ACAG can influence thinking as well as, consultation requirements. The CAA must also follow a very formal consultation process (like the NPRM). Nonetheless, if there happens to be an issue it is the cohesiveness of ACAG's responses on occasion which can prove an interesting challenge for the CAA. The CAA will be as open as possible with ACAG.

John confirmed ACAG is a very important vehicle for the CAA for gaining insight on what the sector is thinking and where differences may lie. Those differences need to be clear. These are what help the CAA inform a decision about what we essentially must do.

Mark pointed out that what the CAA addressed to the Ministry was regarding the consultation process, for instance at NPRM stage where ACAG cannot be utilised as the voice of the sector. The transitioning point from policy brainstorming to actual drafting is where the CAA must be careful of not disadvantaging certain parties, which is what we are trying to manage. Policy ideas can be discussed and often agreement is received from various parts of the sector. Where this differs is at the stage of the rule wording. Mark explained this is the critical point for the CAA but require ACAG's expertise up unto that point to help the policy team.

Timeframe for ACAG

There is concern around timing. ACAG have 2 weeks before comments are sent to the issue panel which does not provide opportunity to gain feedback from other ACAG members. Helen advised that adding more time to the equation would retract the whole

process. ACAG mentioned the balloon licensing issue as an example of not always having adequate time to form an opinion before the issue was sent to the panel. ACAG also queried how long that issue has been around, suggesting it would be good to resolve.

In response the CAA do not expect a cohesive or singular view but a central one and there is value in receiving diverse views and reasoning from ACAG. However, the CAA are concerned if ACAG feel under pressure, so this is worth further discussion because there needs to be a balance between quality vs delay.

What ACAG's expectations are was queried. The CAA explained they are as per terms of reference.

MoT suggested that on occasion it is true - diverse views are important to see but, the benefit of advisory groups is the ability to hear from others about what they think which often this can change or alter decisions. Maybe when looking at issues, it should be more about identifying those requiring more time whilst maintaining the same process for the others (which may have more consensus).

John suggested it may be useful for Mark and his team to spend more time with Paul one day focusing on structuring those critical points. In turn this would help not only ACAG but give real insight to the CAA as to what matters to the sector and its engagement with the Ministry.

Mark pointed out the issue review panel have the same amount of time as ACAG but agrees the list should be reviewed. ACAG's advice is required to find out which critical problems are. Luckily there are no real safety items currently.

Finally, John reminds everyone that once every two years there needs to be a review of ACAG's terms of reference, and it appears that time is approaching.

9. Next Meeting – Thursday 14th November 2019

Meeting closed at 3:00pm

Matters arising from the 12 March 2019 meeting:

- Ø **Action 1:** *Kate to circulate the drone campaign updates out to ACAG.*

Completed. Sent 10 April.

- Ø **Action 2:** *Mark to discuss with CAA Comms team the use of posters or information becoming available in arrivals at the airport.*

ACAG were interested to know how the drone campaign will be measured and how benefits will be assessed in the future. Additionally, ACAG requested an update about whether signs would be appearing in airports – notifying tourists how to use their drones safely. Mark responded, stating the CAA Comms team had already had conversations with Customs who did not want to proceed. They do not generally like their messaging confused with those from external agencies. However, Mark also mentioned the CAA Comms team are strategizing the best way to approach the airlines rather than going through border sector agencies.

On the other hand, John noted that airlines have been quite open about the Campaign. In fact, CAA have had really good engagement with the Air NZ Comms people whom not long ago had some initial drone information on the inbound flight package on screen.

Completed.

- Ø **Action 3:** *ACAG requested MoT to put some thought into the process in which the funding review looks into allocating costs to where the risks lie for the future funding reviews.*

MoT provided an update on the regulatory funding work it is doing, noting the principals are available to view on their website and focus on where the risks lie but also on the beneficiaries in a system.

Completed.

- Ø **Action 4:** *CAA to investigate where GADSS is in the rules programme.*

Peter confirmed that GADSS is not currently on the rules program - further investigation is still required. Air NZ expressed their interest in being involved and requested the opportunity to provide feedback early in the process. ACAG said they are more than happy to set up a meeting with RCC and the CAA to discuss the matter in more depth. CAA are aware of the primary concern and confirmed that they are fully willing to engage in that meeting at the appropriate time.

Completed. Peter to confirm a date and the parties who will be attending the GADSS meeting.

- Ø **Action 5:** *ACAG to provide feedback on the PBN end state document to Graeme.*

Completed.

- Ø **Action 6:** *Kate to update Jonathan of the status of his petition.*

Completed. Update sent to Jonathan on 14 March.