

# **Minutes of the 30th Joint Meeting of the Civil Aviation Authority and Aviation Community Advisory Group**

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| <b>Date:</b>    | Tuesday 17 <sup>th</sup> November 2015  |
| <b>Venue:</b>   | Level 15, Asteron Centre, 55 Featherston Street, Wellington   |
| <b>Invited:</b> | <u>ACAG:</u> Ian Andrews, Qwilton Biel, Paul Drake, Mike Groome, Mike Haines, Samantha Sharif, Jonathan Shorer,<br><u>CAA:</u> Graeme Harris, John Kay, Lisa Sheppard, Nigel Wyse, Kate McNabb<br><u>Ministry of Transport:</u> Glen-Marie Burns, Helen Robertson |

## **1. Welcome**

The meeting opened at 1.00pm

## **2. Apologies**

Mark von Motschelnitz, John Cook, Errol Burtenshaw, Gerald Grocott, Lachlan Thurston, Dave Reynolds

## **3. Funding Review**

- Cabinet signed off on Phase 2 last week and Graeme was pleased to present at this meeting before officially launching the Consultation process at the end of today.
- A team will be going out on roadshows around the country between 26 Nov – 9th Dec (Wellington, Queenstown, Christchurch, Nelson, Auckland, Hamilton, Palmerston North)
- Consultation period closes 19th Feb
- In Phase One we addressed ‘why change and who pays’. Phase two is all about the ‘how much’.
- Main points/changes coming out of the funding review are:
  - § There was an in-balance in the 2012 funding review which called for change.
  - § This funding review does not mean the CAA receive any additional revenue than what we would receive under the status quo.
  - § Looking at growth in revenue from passenger numbers, particularly internationally.
  - § Suggestion is we do not fund our audit and inspection activities through an hourly charge, instead fund from levies.
  - § Four key change proposals – Fund surveillance, Standardise passenger levies, establish operator and operations safety levies and reduce medical certification fee.
  - § Looking to standardise the passenger levies
  - § Looking to establish operator/operation safety levies and establishing a framework for the future.
  - § Increase in international passenger levy and decrease in domestic passenger levy.

- § Amend levies to include surveillance costs
- § Trying to manage the introduction of the new operation levies over 3 years.
- § Changes to the operations levies are the biggest change. Trying to spread the revenue base and charge on an activity base.
- § Reduce medical certification application fee
- Glen-Marie spoke regarding the fuel levy. MoT did a report and investigation into a fuel levy as proposed by the sector and gave the report to the Minister. The Minister took MoT's advice not to introduce a fuel levy and the document should be available on the CAA website.
- Ian Andrews asked why not just introduce the fee straight away rather than phasing it in over 3 years, especially considering a fee review will need to be carried out at the end of the 3 years to adjust the income received. Graeme responded that this is a regulatory burden that operators haven't seen in the past so we are trying to be mindful of this and introduce them slowly.
- Glen-Marie mentioned that the Ministers are very interested in reducing the regulatory burden on small/medium operators.
- It was noted by Mike and Ian that the funding review has been a drawn out and costly exercise. Graeme agrees but noted we are required to work within a system and show correct process.
- Mike thought from a regulators point of view that CAA have done a great job, and learnt from the past funding review.
- Ian still disappointed the medical certification fee hasn't decreased even more considering Australia's fee is still much cheaper
- Aiming to roll out 1 July 2016
- All members seemed pretty happy with the presentation and what has been proposed. But would go away and look further into the document to see if any other questions arise

*Action – John to look into clarification on dumping water/foam on fires – do they still pay the agriculture levy at \$1 a tonne?*

#### **4. Minutes from the previous meeting**

2.15pm

29th Joint Meeting of CAA and ACAG held Tuesday 7<sup>th</sup> July 2015.

The Minutes were confirmed as final and agreed.

##### **Matters arising from the 7 July 2015 meeting;**

Ø **Action 1:** Share the RPAS integration strategy with ACAG once finalised

*Currently have draft strategy, is not yet finalised. Waiting on further advice from ICAO regarding design standards. Hoping to present something at first meeting next year.*

Ø **Action 2:** Lisa to find out when the AC is due to be finalised and inform ACAG

*4 ACs have been completed for Part 139.(139-3 Rev 4, 139-5 Rev 2, 139-13 Rev 1 and 139-14 Rev 1). 3 more are in their second draft and hope to be completed by the end of November.*

Ø **Action 3:** Kelly will email the policy & rule project updates to the group as confidential

*Emailed Mike Groome with updates on 20 August*

Ø **Action 4:** Kelly to send an electronic version of the issues and actions

*Emailed Mike Groome on 20 August*

Ø **Action 5:** Include an agenda item into the next meeting – What are the ACAG aims for the issue assessment process

*To be included in next ACAG meeting.*

Ø **Action 6:** ACAG to contact Lisa about any issues or actions queries

## **5. Civil Aviation Act – Section 13A. (Emergency flights)**

2.20pm

Qwilton raised a query as to whether any amendments have been made to Section 13A. Helen from MoT advised that there is still time to send any feedback. Lisa informed ACAG that an issue assessment paper was completed on this and would perhaps answer some of the questions.

*Action – Lisa to send through issue assessment on use of Section 13A of the Civil Aviation Act (Done 23/11)*

## **6. Oversight of “Issues Assessed By The CAAs Potential Rule Projects” – (Mike Groome)**

2.30pm

Mike mentioned that ACAG doesn't appear to have much oversight on what the CAA is currently working on. We do have reporting mechanisms that we use but if they are not satisfying ACAGs needs then this can be discussed to look at other options.

Mike mentioned that in the past a lot of information on issues was coming through, but of late there has been a minimal amount. It was suggested by John that this is because there isn't as much throughput.

Mike suggested the Issues/Actions List and Open Issues Lists need to be sent out to ACAG members before the meeting.

Qwilton was concerned with the issue 'Emergency equipment for Flights over water' – the description is wrong in the original issue raised. Lisa explained that the wording provided by submitters was not changed by the CAA in the papers, however a full issue assessment was done and the policy advisor would have looked further into the issue and carried out a full analysis rather than just going off the original description submitted by an operator.

Mike asked where we are at with Part 61? Ironing out last drafting issues before going up to Minister. Will be presented and hoping to sign before Christmas. Come in to force 1 April 2016.

*Action – Lisa to send issue assessment paper to Qwilton on 'Emergency equipment for Flights over water' and 'Weather Requirements' (Done 23/11)*

*Action – Kate to send issues lists to ACAG before meeting, when agenda goes out.*

## **7. ICAO Letter on “Health Promotion” – (Mike Groome)**

Has the CAA filed a difference? John was unsure off the top of his head and would delve into it further and get back to ACAG.

*Action – John to get more information and go back to ACAG. Needs further discussion on this topic.*

## **8. Issue Assessment Update – (Lisa Sheppard)**

- We currently have 7 open issues. Hoping to complete the majority of the assigned issues by end of Jan
- We prioritise petitions
- Recognised how far we have come since we started the issue process with ACAG
- How does ACAG want us to proceed with issues – do they want to tell us which issues are priority?
- The new challenge is the Issues/Actions list. Haven't had to think about this before as we were only at the assessing the issue stage. Now actions have arisen from the assessments so we need to decide which we should be focusing on? Does ACAG want to prioritise these as well?

## **9. Policy Project Update – (Lisa Sheppard)**

2.45pm

### **a) Act Review – Glen-Marie Burns (MoT)**

Provided advice to Minister on the economic and safety aspects of the review. Waiting on his decisions. Some policy on the security aspects is currently being done, trying to do some tidy up and get to Minister by end of the year. Minister is broadly comfortable with safety aspects. Hoping for decisions soon so can get to Cabinet early next year.

### **b) Safety Management System – Graeme Harris**

This is referring to the rule project and further implementation. Is subject to Minister signing. Unique feature is a EASA approach. Quite different to 2006 version provided by CAA years ago. One implementation issue is the requirement to submit a certification plan. Will be a 5-year transition.

### **c) Emergency Location of Aircraft – Lisa Sheppard**

By December we should have policy proposals, which may lead to rule amendment. Quite a bit of work done has been done on efficacy rates of ELTs. Jess is currently testing the data. May need to take a look at how ELTs are installed and whether they are effective. Need to set performance objectives – what are we wanting the technology to do?

### **d) Engineer Licencing Review – Lisa Sheppard**

Went to the Issue Panel and they wanted a little more analysis done which would support the development of a Regulatory impact statement. Similar timeframe to Emergency Location project. One of the issues emerging is Avionics privileges so there may need to be some work in this space.

### **e) Fatigue risk management – Lisa Sheppard**

On track for Christmas. Paper setting out broad set of concepts. Slowing project a bit as in April ICAO is set to produce recommendations in this area. Once information is received from ICAO we will come out for consultation.

### **f) Implementation of RPAS project – Jonathan Shorer**

Jonathan spoke about a specific incident in Christchurch where a pilot believed he saw a red drone from a kilometre distance. Everyone could quickly come to the conclusion that was not what he saw. However, the concluding statement that the CAA released referred to 'The offending drone'.

RPA users are being vilified so we need to educate the public before Christmas to put the word out about responsible use of RPAs. We are currently refreshing brochures and producing a marketing campaign on RPAs now.

**g) Small issues rule – Lisa Sheppard**

All smaller issues that are not big enough to warrant their own rule programme but are still important. Treating as an omnibus style approach. Some of these issues have been analysed quite some time ago therefore each policy adviser is doing further assessment on each of the issues. With a range of different issues in one rule, the RIS is going to be very important and needs to be compelling to get this through. The current list is the cut-off and nothing will be added even if some issues are removed. We hope to do one of these each year.

Additional projects that are still waiting and could lead to rule development – small commercial operations, competency of air transport personnel, PPL medical review, Part 12 rule amendment.

*Action – Lisa to send through issue assessment documents on the current projects.*

**10. Protection of information issue – (Helen Robertson)**

3.30pm

Working closely with the CAA to produce a possible framework to put in the Act to support those principles. The Minister has not made any final decisions yet and is definitely a work in progress. The proposal is that if you fully and accurately report an incident, then you will be offered some protection against enforcement and administrative action, within constraints (reckless behaviour not included). The proposal is potentially not fully in line with what ICAO is proposing. MOT and CAA view is that any protections should at Act level not rule level. Part 12 would need some amendments too.

Helen has asked for feedback on the two-page document.

Qwilton has some concerns on distinguishing between an incident or an accident.

*Action – ACAG to provide any feedback to Helen on the Protection of Information issue.*

*Action – Kate to ensure all ACAG members have the document provided by Helen.*

**11. General Business –**

3.45pm

Quality of the Rules – there have been a lot of rules go through quite quickly and some have come back to be revised. John mentioned this is largely because we have had a large turnover of staff and things have been missed. We now have a proper rules drafter which should help the process, as well as getting rid of much older projects that were several years old. Investigating using an IRD tool which is an electronic map

Discussion around getting Airways and Metservice to buy into having a 'one stop shop' for NOTANS and weather?

*Action – John to check with Peter Lechner how he's getting on with talking to Metservice and Airways and to give Mike Groome a call.*

**12. Next Meeting – 15<sup>th</sup> March 2016**

*Action – Kate to add to the next meeting's agenda – 'Understanding how effective the rule has been (RPAs 100, 102)'.*

**Close of meeting 4.00pm**