

Minutes of the 34th Joint Meeting of the Civil Aviation Authority and the Aviation Community Advisory Group

Date:	Tuesday 18 th July 2017
Venue:	Level 15, Asteron Centre, 55 Featherston Street, Wellington
Attended:	<u>ACAG:</u> Mike Groome, Ian Andrews, Dave Reynolds, Paul Drake, , Mike Haines, Steve Kelly, John Cook, Qwilton Biel, John Nicholson, Lachlan Thurston <u>CAA:</u> Graeme Harris, John Kay, Mark von Motschelnitz, Brigid Borlase, Kate McNabb <u>Ministry of Transport:</u> Nick Brown

1. Welcome

The meeting opened at 1.00pm.

Graeme welcomed all members of ACAG, and acknowledges Nick Brown from Ministry of Transport. At the last meeting it was discussed that we would like a senior member from MoT to attend all ACAG meetings in future and Nick is GM level.

Farewell to Mike Groome. Mike Groome is retiring from ACAG following this meeting, and we would like to thank him for his contributions to Civil Aviation through head of Taupo Airport but also as a member and chair of ACAG. Presented Mike with a small token and card of our appreciation.

2. Apologies

Jonathan Shorer, Errol Burtenshaw

3. Minutes of Previous Meetings

33rd Joint Meeting of CAA and ACAG held Tuesday 28th March 2017.

All in agreeance, no further comments

Actions from last meeting: See Appendix A

4. Update from Ministry of Transport – Nick Brown

The Ministry would like to be involved at senior level in this group and welcome the fact they are invited to be here. MoT are currently undergoing an organizational restructure so are not entirely sure who will be engaging with sector at this stage, but hoping to provide answers to this fairly shortly.

Current projects in the Aviation portfolio are:

- Civil Aviation Reform Bill - Consulted on amendments to the Civil Aviation Act some time ago. Are now trying to prepare a Bill for introduction to the House. Involves significant amount of drafting and is taking a long time to get to a point where the final proposals can be presented as a draft Bill.

Once the Bill has been introduced to the House, the process following will be for it to be referred to Select Committee who will then seek submissions and

go through a process of hearings. The timing of the process is quite unsure at this stage.

- Clear Heads – working with Maritime and CAA. Been through Select Committee and are now waiting on 2nd reading. Most likely to be the other side of the election.
- New Southern Sky – High priority. MoT is involved in the working group. Have a key part to play in making sure that the regulated parts of New Southern Sky are progressed onto the Rules Programme which in the first instance includes ADS-B above FL 245.
- UAV – Have been taking a leadership role in this area.
- Satellite based augmentation systems - This is a combined trial with Australia. Have 2 years access to a satellite which is providing SBAS, geo-location. The framework for the trial has been done. Now looking for trials within that environment. 3 underway at the moment and then will be looking at the benefits it can give us as a country and aviation system.
- Air services agreement – continuing strong push for open skies agreements. Freeing up airspace in order to improve the provision of flights to and from NZ. This feeds into a much bigger and successful Tourism story.
- Resilience – Largely brought on by the November 2016 Kaikoura earthquake. Looking at the impact that had, what we need to learn from it in terms of the critical infrastructure we need to keep people alive after a major incident, what the role of airports are and how vulnerable are they. Have begun asking the important questions such as are our transport systems resilient enough to cope in these situations.
- Court of appeal decision on the Wellington Airport Runway End Safety Area (RESA)– keeping an eye on this
- Developing regulatory strategy – Responding to the Government’s lead to keep the regulation system as a whole under constant focus to make sure the regulatory system is achieving the safety and outcomes we want without putting too much complexity or cost on the sector. Will be a big theme for them over the next few years.
- MoT as an aerodrome operator

Ian Andrews asked how MoT is getting on with the possible registration of Milford Airport?

MoT need to assess the options in more detail, and no decisions have been made.

5. Briefing on UAV cross-government group – Nick Brown

Surge in interest in numbers of RPAS that are being used. 2 years ago introduced new framework for RPAS 101 and 102.

The Government has been focused on making sure NZ makes the most of all the opportunities there are for export and growing our technologies and capabilities overseas, and realise there’s a need to take a strong leadership role in this area.

A few months ago got together all key players with an interest in this area of activity to see if we could work out a way we can move forward from where we are currently. Taking the opportunities to maximize the use of this new technology in NZ but also

give NZ based service providers to export internationally but also to ensure that when they are used in NZ it is done so in a safe manner.

4 key objectives:

- Promote safe and responsible use
- Grow sector
- Engage internationally – ICAO will catch up eventually
- Engage with public for safe and responsible use

3 key priorities:

- Unmanned traffic management system
- Post implementation review of part 101 and 102. Look at how are they working and what do people think about them. Fundamental part of any regulatory change in future.
- Talking to international companies looking to come to NZ to use our environment as a testing environment for new technologies.

Working group at this stage is made up of government agencies.

The approach being taken is to look at how we could enable positive economic use of the devices within a safe environment. Is largely about integration airspace management and looking to integrate RPAs into the wider airspace management as a whole.

Question on a common acronym as it is currently referred to in multiple ways. ICAO is moving to UAS. But no particular acronym has been decided upon.

Question around NZ being used as test environment and where would be looking for these tests to be held. It's already happening and these trials and locations are kept confidential. Can give assurance that they are not flying in the same airspace as conventional aircraft at this stage.

6. Areas of cooperation and collaboration between Australia and NZ (CASA and CAA). Update from meeting on 28/06 – Graeme Harris

Shane Carmody got confirmed in the Director role for a 5 year term. Was here for a recent visit 3 weeks ago.

Continued the path of looking for additional standardization. The mutual recognition of maintenance organisation certification is pretty close to finalization and the ball is in their court. Been going through re-organisation so have been a little distracted. But we are both committed to making significant progress on issues.

Overall we are looking for standardization or at least mutual recognition to the maximum degree possible.

A question was asked around whether there would be any formal review of ANZA privileges as part of these discussions? Is within the scope of the Act Review so is unable to be discussed at this time. However, CAA not pushing for an extension to privileges and neither would CASA. The most sensible way if we were to go down that path would be to look at a single regulator for NZ/Australia and have a branch office in each country. Both CAA and CASA have had discussions and would not want it lowered below the current 125.

7. Communications between CAA and ACAG – Mike Groome

Lack of communication around issue assessment papers and feel they are not receiving the same information they have in previous years.

Graeme wanted to know if these comments refer to the period since the last ACAG meeting, as we agreed we would do things differently at that meeting. CAA haven't run another panel meeting since the last ACAG meeting.

ACAG have not received anything since the last meeting which is because there have been no issue assessment panel meetings since. However ACAG were not told so just feel kept in the dark.

Since the last ACAG meeting, Mark von Motschelnitz made a decision for his team to delay some of the issue assessment panel meetings due to workload within the team.

CAA will be looking for ACAG to review the papers ahead of each panel meeting, with agreeance that this turnaround will be 10 days.

CAA will be looking for feedback from ACAG in 3 stages:

Ø Open issues:

These have not yet been assigned to an advisor. We would be seeking ACAGs advice as to the prioritization of these issues. This spreadsheet can be constructed in a number of ways. Current spreadsheet is sorted based on work request.

Ø Papers ready for panel meetings:

These issues have been assessed by a policy adviser and are ready to go up to the issue assessment panel. We would be send these to ACAG for their feedback with a 10 day turnaround, and this feedback along with the original paper will go to the panel.

Ø Actions List:

These are the actions that have arisen out of the panel meeting. These can be assigned to teams throughout the entire organisation, but we only have oversight of the ones associated with Policy and Rules. We would be wanting ACAGs help to decide which projects we should be putting onto the Rules programme. We will have roughly 25 odd rules projects that we will need to narrow down to just 3 for addition onto the rules programme.

Another way CAA would like to use ACAG is to help us find technical subject matter experts that can help us form working groups to help draft the actual rules.

Some notes on this discussion:

- There next panel meeting is scheduled for September.
- The panel meetings are not scheduled every month, tend to work out roughly 4-6 weeks.
- The Open/Assigned list is dynamic and changes frequently depending on issues that have been raised. It was expressed there is no consistency in the way the information is presented and that it can become confusing.

- We generally prioritise petitions above any issues raised internally. We don't always necessarily agree with the issue raised but prioritise external vs internal.
- The point of the issue assessment process is to unpack the actual issue. Sometimes the issue raised is not actually the problem and our advisors job is to dig down and find the problem. We also see people's own opinions.
- An issue assessment paper will have a rough assessment of risk analysis and to get the panel thinking about the risk.
- A suggestion around a shared workspace was raised. This is currently used for NSS working group and works well. This needs to be discussed further as an option to help improve communication.

Question was raised regarding before an NPRM comes out when do ACAG get a look?

John Kay explained that this can become difficult as once it hits that point it is on the rules programme the majority of checking is done by the Ministry. Will need to have a conversation with MoT to see if this can be done differently. We move from being the owner of the process to being the facilitator and deliver a service on behalf of the Minister. Will give ACAG as much input into the expression of the intent of a rule upfront, and once the Minister signs on the dotted line it becomes non negotiable.

Mike Groome asked whether it would be worth having a member of ACAG on the issue assessment panel. CAA has no objection but would require a consistent view so would prefer for it to be the same person each meeting, and they can commit to the workload that entails. Left with ACAG to consider and discuss further.

Action 1 – CAA to look at the way we present the Opens/Assigned issues to ACAG members.

Action 2 – CAA to provide an extra actions list that show just Policy/Rules actions

Action 3 – CAA to develop and send out issue assessment and Rules process flowchart – to Graeme as well, specify ACAG points of intervention

Action 4 – ACAG to consider the possibility of having a representative attend the issue assessment panel meetings on a regular basis.

Action 5: CAA to assess if it can establish an online shared workspace for ACAG, similar to the New Southern Sky working group arrangement.

8. Policy Project Update – Brigid Borlase

RPAS Part 101 & 102 Review

Fantastic response and CAA extremely pleased. Work is still very much on-going considering amount of responses.

Can see the different themes coming through strongly:

1. Better communication including terminology.
2. Consent issue. Huge range of responses of this.
3. Rules are adequate but could be improved.
4. Role of local authorities
5. Security and privacy.

6. Clear distinctions around recreation vs professional parts of industry

We will be making the information visible to public but will need to engage with MoT with how they would like to progress things and go about doing this.

Emergency Location Transmitters

At draft NPRM. With MoT for quality assurance review

Fatigue Risk Management

Under analysis, on-going. David Reynolds asked whether CAA is consulting with CASA, as they are reviewing the process they went through and we could learn lessons from CASA's experience. CAA confirmed it is talking with CASA.

PPL Medicals

Publication of analysis will be around October. Then looking to progress on to the Rules Programme.

Definition of a crewmember

In policy investigation phase. Looking at moving on from LIB4 and looking more at the role of the person on the flight and the criticality of that role as being the driver for the definition of the crewmember. Looking to consult on those options later this year/early next year.

Pilot time on-type experience

In policy investigation phase. Did a survey targeting specifically Part 135 operators and the responses indicated that the intent of the rule was sound but overall it wasn't working as intended. This project is currently on hold pending more urgent priorities.

ADS-B above FL 245

Has been with Ministry for some time. Waiting on feedback from them on the structure of the Notice versus the Rule. Hoping to publish NPRM in August. Mandate will come into effect on 31 December, but people flying below FL 245 choosing to equip early ahead of that later mandate will have to meet the performance standards as well.

ADS-B below FL 245

In Policy investigation phase. Would like to recognize the significant contribution that many members of ACAG but also in the sector have made into the future surveillance implementation working group and the work that it's done on developing a cost benefit analysis for below 245 which will be a very important contributor to the policy investigation phase.

Part 66 review

In Rule drafting phase. Drafting group has been assembled.

Omnibus 2017/18

Well under way.

Assorted Issues 2017/18

Under development. 171 Authorisation requirements – bigger piece of work than just an Omnibus change.

PBCS worries Airways. Is an ICAO requirement. Airways can implement now and get the benefits via an AIP change and don't see the need for a Rule change to enable people to file PBCS. AirNZ working very closely with CAA on this.

Action 5 – Brigid to find out when the Part 101/102 review analysis is to be completed.

Action 6 – Brigid to get update on Part 66 and how long this will take.

9. Future thinking for policy and rules programme: strategic context – Graeme Harris

Technology change (RPAs/drones) – Graeme sees this significantly changing the aviation system in future years. The current situation is such that Civil Aviation is very much a closed system and to do anything within it you need some form of document. But we see this technology change breaking down that system.

ICAO is starting to realise that its current timeframe of producing a standard is not going to be satisfactory in future and they will have to look at getting it down to a year or less.

As part of the International Aviation Regulatory Community we're not best placed to work in this environment as that would mean working in an environment where there are no technical standards and would have to do everything on a risk basis.

However, the large international airline side of things won't change at the same rate. But things are changing fast and we need to get our heads around this.

We are currently thinking about what this means for us as an organisation and a sector and we may need to change our way of thinking in the future.

Performance based regulation – The current iteration that we are looking at is SMS. However there is not much difference between the SMS requirements and the HSW Act requirements with exception of Performance indicator/target issue.

This topic is a theme at the upcoming DGCA conference.

Graeme sees it as being a huge challenge for the sector. Aviation for the past 70 odd years has mainly worked off prescriptive based rule requirements and specified minimum standards. Suddenly we're moving to an SMS environment and asking operators to take all reasonably practical steps to manage their significant aviation risks, which is pretty close to a best practice standard and you don't know what the standard is until the Court decides on a particular issue.

This is a huge change and is going to be struggle for the sector and for CAA as well. Fear that there will be a bunch of the sector and members from CAA that fall behind.

Australia are ahead of us in this space.

10. Issue Assessment Update – Mark von Motschelnitz

Issues on Assigned issues list:

- 5 papers scheduled for September meeting
- 5 for October meeting
- 3 for November meeting

CAA are wanting ACAG's guidance on the priority order of the open issues list as to which ones they would suggest should be assessed next.

The Open list is set to grow with more issues coming out of the NSS work.

Action 7 – Qwilton to compile priority list of top 5 open issues from ACAG and send to Kate

11. ACAG Terms of Reference – Brigid Borlase

Terms of Reference supposed to be revised every 3 years. Some questions were sent out to ACAG and consolidated the feedback that was received.

Much of the feedback seemed to point towards the way we communicate and the methods of work, which were addressed in earlier discussions at this meeting.

ACAG had an earlier discussion around what is ACAG's role, and who should they be engaging with. It has become a much bigger discussion than originally thought.

ACAG proposed that they should go away and have a sit down/roundtable meeting before the next ACAG meeting as to where they want to be and what they want to get out of it. What should they be involved in and how? ACAG want to start by listing what they shouldn't be involved in and then focus on what they should. This is not something that is going to be a quick fix.

ACAG agreed to have a roundtable session on this by end of September and will come back to CAA once this meeting has been held. Graeme extended an invitation from CAA to host and support travel to that meeting.

CAA will also draft a document stating what The Authority would like from ACAG as well.

Action 8 – ACAG to hold roundtable on what they want out of the CAA/ACAG relationship by end of September.

Action 9 – CAA to draft up what The Authority wants from ACAG.

12. General Business

Once again our thanks to Mike for his contribution.

13. Next Meeting – Tuesday 7th November 2017

Matters arising from the 28 March 2017 meeting:

Ø **Action 1:** *CAA to determine what would be involved in publishing the 102 privileges*

Completed: Mr Shorer's request was considered by CAA's legal team and refused on the grounds that releasing the information would unreasonably prejudice the commercial position of the operator: section 9(2)(b)(ii) of the Official Information Act 1982. The list of 102 operators is publically available.

John Nicholson commented that they were keen to have things progressed so they are able to learn from some of the things that are currently happening.

John Kay said we will consider options that allow us to be as transparent as we reasonably can.

Ø **Action 2:** *Release the 3 x issue assessments raised by Jonathan to the rest of ACAG as well as the detailed timeframe of the Part 101 and Part 102 post-implementation review.*

Update report included under item 9(a) of the agenda for this meeting.

Ø **Action 3:** *CAA to look at how understandable the communications are around the Open and Assigned Issues report and at the Issue Assessment summaries distributed to ACAG. Distribution of Open and Assigned Issues report and Issue Assessment summaries to be done monthly.*

Was a full agenda item at the July meeting. Discussion was held at this meeting.

Ø **Action 4:** *CAA to look at the process in which ACAG can provide input into the issue assessment processes.*

Was discussed under agenda item 7.

Ø **Action 5:** *Distribute the 2017/18 Rules programme and seek ACAGs engagement on the 2018/19 Rules programme.*

The current indicative list of projects on the 2017-18 rules programme:

- Mandate ADS-B above FL245
- Emergency Location of Aircraft
- Part 66 Engineers – Licences and Ratings
- ICAO Alignment Rule (addressing issues from 2006 audit)
- Small Issues 2016/17
- Omnibus 2017/18

Upcoming policy project likely to go on the rules programme next:

- Fatigue
- Mandate ADS-B below FL245
- Transport category helicopter maintenance and equipment requirements
- Child restraints
- Assorted issues 2017/18
- ICAO Audit 2016 (addressing any required rule changes from the 2016 last audit)

Work on the 2018-19 rules programme will start in early 2018.

CAA expect to be approached by MoT around November/December to discuss which rules are looking to be included on the transport rules programme. We would be looking to communicate

with ACAG around September/October to give an idea as to what our proposals might be. No prioritization has occurred yet.

- Ø **Action 6:** *Send Issue Assessment paper for Major Modification (part of 2016/17 Small Issues Rules Project) to Ian Andrews. (Note: the 'major modification' and 'major repair' amendments have since been removed from the 2016/17 Small Issues rules project as a result of industry submissions to the NPRM).*

The issue paper had not been sent. This is to be sent out as a matter of urgency.

- Ø **Action 7:** *Mike Groome to email Graeme Harris to follow up on this issue regarding CAA policy in operational areas: referring to audit staff quoting CAA policy as an explanation as to why they would request an operator do something that is not stated in a Rule.*

Mike Groome spoke with two of the operators that raised the issue but neither were keen to raise it with CAA any further. Still open for discussion at a later date. Consider closed for now.

- Ø **Action 8:** *Mike Haines to organise a meeting with CAA (before the end of June) to discuss Airways regulatory pathways.*

In progress: Airways has presented its Operational Strategy and identified the areas where some rule amendments may be required. A detailed discussion between Airways and CAA Policy has not yet taken place. A 2-year regulatory draft plan has been done.

- Ø **Action 9:** *ACAG to review the current Terms of Reference to determine relevance and provide comments, then send to CAA to do the same.*

Completed: feedback consolidated agenda item 11 for this meeting.

- Ø **Action 10:** *Restructure and refine the meeting agenda to ensure more up-front discussion on issue assessments and rules. To be circulated to ACAG via Mike Groome.*

To be addressed as part of the discussion on the terms of reference, with regard to the role of ACAG and communication between ACAG and CAA.