

From: [Howard Hobbs](#)
To: [RRAT Committee \(SEN\)](#)
Subject: FW: Senate Submission on Rural and Regional Affairs and Transport
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Committee Secretary
Senate Standing Committees on Rural and Regional Affairs and Transport
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Sir/Madam

I wish to lodge this submission to the inquiry into the “Operation of the Australian Transport Safety Bureau and in particular its report on the June 2017 crash of a flight conducted on behalf of Angel Flight Australia”

The ATSB report is based on a flawed statistical analysis of accident and incident data. ATSB has ignored more than half of the flights conducted by Angel Flight and compared Angel Flight operations with a range of irrelevant other private operations. Consequently, the results lead to conclusions that have incorrectly and unnecessarily tarnished the safety record of Angel Flight when Angel Flight’s own comprehensive data shows that it’s safety record is similar to other operations in private flying.

The report is not an investigation into the accident – it is an investigation into Angel Flight. The cause of the accident is obvious – the pilot elected to fly in conditions that were unsafe, beyond his training and abilities, and in contravention of the present rules and regulations - had the existing rules been followed then the accident would not have occurred.

Making more wide ranging restrictive regulations severely impacting on others to try and stop those who don’t adhere to regulations is not productive or sensible.

This pilot obtained a pilot’s licence under the Civil Aviation Safety Authority (CASA) regulations, had done bi-annual flight reviews and medicals under CASA rules and would have received notices of all the CASA pilot AvSafety seminars and updates.

What the industry needs to know is what the pilot could have done to avoid this mistake and how others can learn from this accident to avoid making the same mistake. For example was this pilot, and are pilots generally, aware that regular updates of weather forecasts and actual weather conditions are readily available from sources such as METARs, SPECIs, AWIS, webcams etc. and do pilots find reports difficult to interpret.

There must valuable lessons to be learnt from the accident but ATSB has not considered that at all.

The ATSB report claims that their investigation “further established that community service flights conducted on behalf of Angel Flight Australia (Angel Flight) had substantially more occurrences, accidents and fatal accidents per flight than other private operations (including

that the fatal accident rate was more than seven times higher per flight than other private flights)."

- ATSB chose to use flight numbers as the basis for calculating accident rates when, in all other reports, they have used flight hours as the base and their own reports say clearly that this is the most appropriate method for general aviation.
- The claim that Angel Flight's fatal accident rate is seven times higher than other private flights is not only exaggerated but invalid. Angel Flight engaged two professional, accredited statisticians and another analyst, all of whom concluded that Angel Flight's accident rate is not significantly different from the rate for other private flying across Australia.
- The ATSB claim of seven times higher was derived by comparing only the passenger carrying sector of each Angel Flight (that is less than half of the total flights) with ALL other private flights including those not carrying passengers. They have not mentioned the part of their analysis where they used all Angel Flights and found that the difference is not statistically significant. This result is buried in an appendix and not mentioned anywhere in the body of the report.
- The analysis of occurrence rates – these are events that were not accidents but where something happened during the flight that was potentially unsafe – is similarly flawed. There is no data available to make proper comparisons between Angel Flight and other private operations. For example, it is not valid to compare Angel Flight occurrences in and around major airports such as Archerfield, Bankstown, Essendon, Morrabbin, Parafield, Adelaide etc. with all other private operations, when 95% of Angel Flights operate in this airspace but an unknown, but undoubtedly lower, proportion of other private flights operate there. What is more, the occurrences attributed to Angel Flight include events where someone else was responsible – air traffic control, other pilots, even a drone operator.

Furthermore, prior to the release of the ATSB report, the Civil Aviation Safety Authority (CASA) used a Legislative Instrument to introduce additional rules for community service flights that were based on even less valid statistics. By CASA's own admission, the new rules would not have prevented either of the only two fatal accidents involving Angel Flight.

Further to this, ATSB has clearly failed to follow their own protocols for calculation of accident rates, using rates per flight in this investigation whereas their established practice is to use rates based on flight hours for general aviation as, for example, in their report Aviation Occurrence Statistics 2008 – 2017. On pages 6 – 7, the report states *"While departures are generally used as a measure of exposure for commercial air transport operations, flying hours are a more useful measure of exposure for general aviation because of the higher risk of an accident outside of approach and landing and take-off phases of flight. For example, agricultural and search and rescue aircraft performing low flying as part of normal operations."* Agricultural and SAR flying are simply examples to illustrate why flight hours are more appropriate for general aviation. Furthermore, Figures 3 and 5 in the report present accident rates (including rates for air transport operations) based on flight hours.

The United States NTSB also reports accident rates based on flight hours.

Angel Flight have also made the point that ATSB chose to compare only the passenger-carrying sectors of flights coordinated by the charity – it disregarded the flights, also coordinated by the charity, where the aircraft flew from home base to the city collection points, the return trips back to base, and the positioning flights to collect passengers from their own home towns: it did,

however, include those flights when reporting 'occurrences' against the charity flights. There was, and is, no reason for this failure. To remove up to two-thirds of the coordinated flights in order to make statistical conclusions is unjustifiable. Moreover, when comparing the data with private flights generally, it did *not* exclude the non-passenger flights for that group – all flights were counted in the general private sector, but not in the charity sector.

The ATSB report stated that “Angel Flight did not consider the safety benefits of commercial flights when suitable flights were available. While Angel Flight arranged and paid for commercial flights (18 per cent of all flights) for capital city transfers, or when private pilots cancelled” and further “Angel Flight should still consider the use of suitable commercial flights as a primary option when arranging and paying for flights to assist financially disadvantaged people”

It is already Angel Flight policy, Regular Public Transport (RPT's) are principally used for safety purposes when pilots cancel for safety reasons, weather, aircraft serviceability, personal or other matters. Passengers are fully briefed and can make an informed decision on whether to use the service or not.

If ATSB is suggesting that all Angel Flight passengers go by RPT then that becomes another matter which will place huge burdens on isolated patients unnecessarily travelling long distances to access an RPT service, the difficulties in some jurisdictions to get the appropriate RPT Patient Travel Subsidy Scheme approvals and taxi vouchers, additional accommodation and personal cost due to unsatisfactory RPT timetables and then getting a ride home from the RPT airport.

There is obviously been no consideration as to the additional cost to the taxpayer if the next 100,000 patients go by RPT.

I refer to a recent CASA Amendment below introduced into the Parliament that is self-explanatory,

CASA must (a) consider the economic and cost impact on individuals, business and the community and

(b) take into account the different risks associated with different industry sectors.

Schedule 1—Amendments

Civil Aviation Act 1988

1 At the end of section 9A

Add:

- (3) Subject to subsection (1), in developing and promulgating aviation safety standards under paragraph 9(1)(c), CASA must:
 - (a) consider the economic and cost impact on individuals, businesses and the community of the standards; and
 - (b) take into account the differing risks associated with different industry sectors.

The Prime Minister recently issued a firm reminder that it is the Government that set policy, not the public service, and he put the “quiet Australians” at the heart of the public service mission. Neither the ATSB report or the CASA Legislative Instrument meet this goal.

Angel Flight is one of those quiet Australians – its volunteer pilots and their aircraft fly between 3,000 and 5,000 hours per year transporting those 100,000 rural Australians for essential, non-emergency medical assistance. Everyone associated with Angel Flight – its small and dedicated staff, its volunteer pilots and drivers, and the thousands of people who depend upon its services - are becoming increasingly disappointed in the present bureaucratic prescriptive processes that seem more interested in stifling aviation rather than growing and improving it by evidence and outcome-based regulation.

Regards

Howard Hobbs

Director

Australian Mooney Aircraft Pilots Association

