



Advancing the interests of our members and the profession

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29 January 2007

Ms Jeanette Radcliffe
Committee Secretary
Senate Rural and Regional Affairs and Transport Committee
Department of the Senate
PO Box 6100
Parliament House
CANBERRA ACT 2600

Email: rrat.sen@aph.gov.au

Our Ref: T400-047

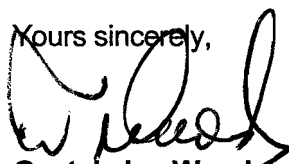
Dear Ms Radcliffe,

**Re: Airspace Bill 2006
Airspace (Consequential and Other Measures) Bill 2006**

Thank you for your letter dated 22 December 2006 inviting comment from the Australian and International Pilots Association (AIPA) on the Airspace Bill 2006 and Airspace (Consequential and Other Measures) Bill 2006.

Please find enclosed AIPA's submission, which broadly supports the provisions proposed by these important Bills. In support of this submission, the Association would value the opportunity to provide additional contextual information to the Committee at the public hearing on Wednesday, 31 January 2007.

Please contact me if AIPA can provide any further information, clarification or assistance to the Committee.

Yours sincerely,

Captain Ian Woods
President

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Encl. (1)

SUBMISSION

1. Introduction

The Australian and International Pilots Association (**AIPA**) is the professional Association representing pilots employed by the Qantas Group in airline operations within Australia and around the world. AIPA represents over 2,300 professional airline transport category pilots and is the largest professional pilot body in Australia.

AIPA previously made submission to the Department of Transport and Regional Services (**DoTaRS**) at the drafting phase of the interim *Australian Airspace Policy Statement* and continues to actively participate in the airspace development consultation process. This further submission does not seek to revisit the detailed technical requirements of airspace management, rather AIPA's intention here is to highlight broader principles that the Association believes must underpin the development of a coherent Australian airspace policy framework.

AIPA supports the transference of oversight responsibility from Airservices Australia (**AsA**) to the Civil Aviation Safety Authority (**CASA**), believing that CASA is the most appropriate Government agency for the regulation of Australian airspace. The Association also supports the proposed introduction of a Ministerial *Australian Airspace Policy Statement* to provide strategic direction for the development and management of Australian Airspace. The Government is to be commended for this action, which AIPA believes will provide long overdue clarification and structure for airspace regulatory decisions.

While such high-level airspace policy arrangements are to be welcomed in principle, pilots will withhold full endorsement until the regulations, and facilitation of their day-to-day administration, have been tested within the dynamic operational environment.

2. Background

Following the 1995 split of the Civil Aviation Authority into service provision [AsA] and safety regulation [CASA] agencies, responsibility for airspace regulation has resided with AsA. AIPA's support of the transfer of airspace regulatory functions to CASA should not be seen as a poor reflection on AsA. Rather it is an acknowledgement of the underlying conflict of interest inherent in the Air Navigation Service Provider (**ANSP**) also providing airspace regulatory oversight. In AIPA's view this is an unsatisfactory state of affairs that must be rectified by transferring responsibility for airspace oversight to the aviation safety regulator.

3. Strategic Airspace Policy

AIPA considers that the requirement for an *Australian Airspace Policy Statement* under section 8 of the *Airspace Bill 2006* will provide much needed vision for airspace administration and regulation. This is in stark contrast to the previous two imposed iterations of airspace reform, in which a vacuum created by the lack of such strategic direction from Government was exploited in order to push personal, non-consensus agendas.

Stakeholders familiar with previous airspace reforms would be well aware that airspace issues polarise views within the aviation industry. Essentially, the two strongly held, although divergent, views centre on the classification of airspace volumes and the subsequent level of services and/or procedures required within those volumes. This

submission notes the constant tension between those wanting more regulated and serviced airspace and those wanting less.

AIPA's preference for resolving disputes on airspace classification involves having a default or benchmark airspace classification with the least regulation and procedural requirements (i.e. Class G) and then adjusting this minimum classification when risk levels and operational priorities have been demonstrated to require it. AIPA highlights however, that the change management process determining risk and prioritising operations must be clearly defined within the proposed *Airspace Policy Statement*.

4. Hierarchy of Operations

In November 2004 CASA announced the Government's new policy of *Industry Sector Priorities*¹. This hierarchical prioritisation of aviation has been incorporated into the reclassification of Australia's civil air operations as a key component of the *Classification of Operations Policy*². Under CASA's *Industry Sector Priorities* policy passengers are defined as the regulator's number one priority and passenger carrying air transport operations are accorded precedence over commercial non-passenger carrying operations, private flying and sports aviation. CASA's resources have subsequently been aligned with this hierarchy.

AIPA supports this industry sector hierarchy. However, the Association believes that components of the current airspace architecture are inappropriately designed and make operation of high capacity Regular Public Transport (RPT) aircraft more difficult than necessary. This is inconsistent with the Government's determination of public air transportation as the nation's highest aviation priority.

AIPA submits that it is essential that the airspace change management process be cognisant of *Industry Sector Priorities* policy and that this hierarchy be directly incorporated into the proposed *Australian Airspace Policy Statement*. This will ensure that the assessment of airspace risk accordingly places the greatest emphasis on high capacity RPT operations. Any other approach would be inconsistent with the Government's *Classification of Operations Policy* and conflict with both the philosophy underpinning Australia's aviation Regulatory Reform Programme and the "world's best practice" upon which this reform is based.

Lastly, the *Airspace (Consequential and Other Amendments) Bill 2006* will amend the *Civil Aviation Act 1988* in order to require CASA to exercise its powers in a manner consistent with the *Australian Airspace Policy Statement*. AIPA submits that the incorporation of *Industry Sector Priorities* policy into the policy statement is therefore essential if CASA is to perform its functions in accordance with the requirements of the amended Act.

5. Airspace Change Proposals

Since implementation of Stages 2b and 2c of the National Airspace System (NAS) reforms, discussions within industry have focused upon the regulator's role in proposing airspace changes. These discussions have advanced the proposition that the regulator should have no role in proposing airspace change, but should act only as the assessor and/or facilitator of such change. Essentially this concept requires an external proponent to present cases for change and the airspace regulator to conduct a detailed review and, where appropriate, provide the Government's approval.

¹ CASA CEO-PN001-2004 <http://casa.gov.au/corporat/policy/notices/CEO-PN001-2004.pdf>

² Classification of Operations Policy <http://rrp.casa.gov.au/project/ss0606.asp>

The *Airspace Bill 2006* requires risk assessment and cost benefit analysis to provide justification of airspace classification change proposals. AIPA agrees with the principle of these analysis underpinning the case airspace change, however, this Association cannot support a policy that would require any change proponent to shoulder the burden of assessment or analysis alone. Such a proposal would impose potentially prohibitive costs upon individual stakeholders who believe it necessary to propose change, effectively excluding some in industry from providing what may well be important safety reforms. Moreover, the resources and expertise to conduct such analyses may exclusively reside within CASA or Government.

To restrict access by stakeholders to only those who possess such extensive resources or expertise would unnecessarily add to the burden of the change proponent and weaken the safety evolution process. Any conflict of interest issues arising from the involvement of the regulator could be resolved by the inclusion of review mechanisms by an independent third party, where deemed necessary.

AIPA would, however, support a process wherein airspace classification changes were made automatically upon one or more agreed trigger criteria being met. AIPA believes this type of approach would both relieve industry from the onerous burden of analysis and simplify the change management process.

6. Airspace Standards

In addition to a lack of strategic Government policy guidance, Australian airspace has not had clearly defined safety standards. In this regard, AIPA notes that *Civil Aviation Safety Regulation (CASR) Part 71 - Airspace Standards* have been under development since 2001. The Association believes that the introduction of these safety standards would add integrity and transparency to the airspace regulatory framework. Consequently, AIPA would support efforts by CASA to complete the development of CASR Part 71 and implement them in time for the transfer of regulatory responsibility proposed by the *Airspace Bill 2006*.

7. Recommendations

AIPA recommends that:

- a. Responsibility for regulatory oversight be transferred from AsA to CASA;
- b. The Minister provide an *Airspace Policy Statement* in order to provide strategic direction;
- c. Airspace classification only be increased above the minimum [Class G] standard as a consequence of a robust risk based decision making and change management process;
- d. The requirement to determine risk in discrete volumes of airspace be proscribed within the *Australian Airspace Policy Statement*;
- e. The determination of airspace risk be consistent with the Government's *Industry Sector Priorities* policy;
- f. *Industry Sector Priorities* policy be incorporated into the *Australian Airspace Policy Statement*;

- g. CASA complete the development of CASR Part 71 Airspace Standards and implement these standards when (or before) assuming responsibility for airspace oversight.

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