

My name is George Markey. I have held a Private Pilot License since 1981. I, and others, founded the Australian Ultralight Federation (now Recreational Aviation Australia) in 1983 and I was it's first elected president. I have over 3000 hrs flight time and am active in Private and Recreational aviation. I, with two others, designed and built a new aerobatic aeroplane in 1985 and I am currently working on a new aircraft engine to power that aircraft and for general use. I was one of the members of the Program Advisory Panel for Minister John Sharpe in 1996 to 1998 and was the chairman of the Technical committee for sport aviation during that period. Since then I have been working to try and influence CASA to live up to the changes that CASA made to it's policies at that time. I was one of four industry members, appointed by Bruce Byron in 2006, on the committee to produce a new Classification of Operations, based on the "risk management required by the government and the changes to the Act. 1998" and am pleased to report that the result of that is the risk- based " Classification of Activities" which is current CASA policy. Nine years is a long time to take in implementing some of the 1998 changes to the Act, but at least it has started to happen.

As is fairly obvious, my interest is in general and recreational aviation so I shall leave the carriage of passengers to others except to say that CASA's work in the area of passenger safety since 2003 looks to me to be generally satisfactory; probably better than under previous management.

Your first dotpoint seems to me to be aimed at the effectiveness of CASA since 2003 under a CEO instead of a Board so I shall direct my comments in that way. The CEO has, I consider, done a reasonable job given the constraints under which he has had to work. I have first hand knowledge of a lot of the results to date and I have supported him throughout the 5 year period and still do. He can be a little slow to act sometimes(for my liking) but that is probably no bad thing. To hand a responsibility the size of CASA to one man is, I believe, too much although the present CEO has done his best to live up to that office. On the other hand when CASA was overseen by a board it was almost impossible to get a hearing with it and I felt there had to be a better way. I suggest consideration should be given a similar system to the judicial system where the Appeals Court has three judges. This would share the responsibility and be a much better and safer way to manage CASA.

Your second dotpoint is covered to some extent in my remarks in the last two lines above. I would prefer three people sharing the top position rather than two deputy CEO's who can, at all times be overruled by a single CEO. I do believe that safety, which is paramount in CASA's mandate, would be better served with this style of management.

You ask, in your third dotpoint, for me to suggest ways to strengthen CASA's relations with industry. I have some very strong views about this. Knowing that CASA is a policeman, I believe that the role of policeman should be always in the background and that CASA middle level staff should stop, once and for all, thinking that they know it all and everyone else in aviation is a criminal going somewhere to happen. If I can talk percentages I would suggest that 97 ½ % of the people in aviation are law abiding, conscientious people who will do their best to operate safely and judiciously and be a credit to all. Bearing this in mind should not CASA have as it's *modus operandi* an attitude of guidance and assistance based on these figures rather than treating people as second class citizens. I don't know who said it first but you do catch more flies with honey than vinegar. The current CEO has gone a long way towards this with his points system and self reporting but it needs a lot more work before you see a change in the aviation community's wariness of anyone from CASA. I have no problem when dealing with the senior management of CASA. The current senior managers are excellent people doing their best, but it can become a very different story out in the field and having to deal with people who often use more than a little heavy-handedness. It is unfortunate but there are a lot of people within CASA who couldn't get a job out in the world and these people suddenly find themselves in charge of dealing with the very people who wouldn't employ them previously. While I am well aware of the "Field Safety Advisers" that have been appointed under the present CEO I would point out that these people are limited to safety issues and I have always thought that there should be an office within CASA staffed with one senior manager and several others to cover all aspects of CASA's duties dedicated to answering queries from the aviation community and making recommendations at the highest level on matters described by the very words in your third dotpoint..... "Strengthening CASA's relations with industry." I object to the word "industry" in the context in which it is used in your third dotpoint and always have. A very great percentage of aviation is province of private, general and recreational aviation and I would ask you to refer to us as the "Aviation Community" and direct CASA to do the same.

My last remarks on this dotpoint have to do with the "community expectations". It has been my experience that most people's view of CASA has been shaped by the media hype we see every time Dick Smith or others get interviewed and give their opinions in the media. There are very few people in the community who have any idea how CASA operates or, for that matter the rules governing aviation as a whole. So my point is that any expectations they might have are based on very bad, incomplete and out of context information. I believe it is The Government's job to present the expectations on behalf of the community. The people simply want safe, comfortable travel. The basic reason that Australia has such a good safety record is because of the people who make up the Aviation community. CASA's main job is simply to lay down sensible, safety based rules and support the operators, engineers, pilots and mechanics who do and can be seen to do all in their power to keep us safe and CASA should use the big stick sparingly in favour of assistance and education.

Following is an example of why I think three "governors" could be better than one; At the moment the senior management of CASA is grappling with the job of bringing the (so called) sport aviation bodies into and under the regulations and removing the need for "exemptions to allow their operations." Over the last 15 years there has been a lot of lobbying by these organisations to try and keep the control they have gained by influencing some clever wording of both the Act and regulations (I can show instances of this.) In CAO 95/55, there is a situation where the rules and exemptions are so written that a person holding a private pilot license may not fly one of these aircraft without also having a certificate issued by one or more of these organisations and the only reason for this is because these aeroplanes are NOT REGISTERED with CASA. This was not always the case. When ANO 95/25 was in force CASA licensed pilots could fly these aircraft by simply signing that they would obey the rules in the AUF operating manual. For some reason this got lost when ANO 95/55 was introduced. Because the CAO95/55 requires that, to operate an aeroplane registered by the RAAus. within controlled airspace, a Private Pilot License must be held, we have the ridiculous situation that one must hold both a private pilot license and a pilot certificate issued by Recreational Aviation Australia. The senior counsel for CASA has stated that this is, in fact, the case and several of us have been

trying to get this changed for over two years. I am of the opinion that, in writing this requirement the original drafters of ANO 95/55 intended for Private Pilot License holders to be legal to fly these aeroplanes but, because of the ambiguous wording this got lost. At the present moment CASA is deliberating the community responses to Parts 103 and 149 which are the two proposed Parts that contain the rules for recreational aviation for the future.

As the holding of a certificate issued by RAAus cannot be done without first becoming a member this can only be seen as an attempt by CASA to support the monopoly created by this legislation. There is no safety case for this and it will result in stultifying the growth of aviation in this, the proposed future entry level for all aviation in Australia. The reason I make this statement is because, back in the early years of the AUF we were a true sport aviation body and were relegated to operating rules and procedures that kept us out of the way of general and passenger carrying operations. But, today, many people for one reason or another, have left the CASA oversight structure and taken their small general aviation aeroplane, or bought one of the new, go fast aeroplanes designed to fit within the limits under which ultralights operate and registered with RAAus and now operate under their banner. Add to this the fact that there are multitudes of new aeroplanes coming on the market designed to go cross country and do exactly what general aviation aeroplanes and do we are seeing the birth of just another "general aviation sector" hiding behind a sport aviation cloak. I have no objection to this or to self administration. My objection is that this, fast growing sector of aviation is being given its own rules, being allowed to enter and operate within controlled airspace with a lower medical standard than a private pilot requires and that includes sharing the same airspace as the passenger aircraft we hire to carry you and me safely around Australia. As most of these aeroplanes are exactly the same as those registered by CASA and operated by holders of CASA licenses why then does CASA want to deny a holder of a CASA issued license who is fully qualified from flying one of these aeroplanes? Or vice versa for that matter. Why also does CASA want to give them different rules to the ones under which their own pilots operate? Why not simply bring them into the mainstream under Part 91 with restrictions if necessary. I and others have worked long and hard to try and convince CASA that all the operating rules for aviation in Australia should be in Part 91 so that everyone using any airspace will be operating equally. Historically this has always been the case and is, in fact, today. There can be no SAFETY reason not to do this and I can not be blamed for thinking that the present CEO wishes it to be that way. It was quite understandable to have different rules when the ultralight organisation was in its infancy and some ultralights needed a special endorsement but, when they are about to be released into ALL airspace I believe that, for safety's sake, everyone should be operating under the same rules. CASA stated, as far back as 1998 that it would be issuing a "Recreational Pilot License" which would mirror the pilot certificate and which all organisations including CASA could issue and allow holders to fly any aircraft upon which they hold an endorsement. Naturally the sport organisations are dead against that because it would destroy their monopoly and I believe that is exactly what should happen.

If you care to look at the proposed Part 103 (contained in NPRM0603os) and read carefully the words in 103/100 and 103/063 you will see that not only does this proposed Regulation support the membership of these organisations but 103/063 removes a privilege that Private pilot holders have had for over 50 years. The wording of Part 5/78 allows a private pilot to fly an aeroplane as pilot in command in private operations. The proposed regulations destroys this because 103/063 states that in a conflict with any other regulation 103 takes precedence. This becomes the tail wagging the dog and I and others consider this to be a heinous piece of legislation and we will be submitting to your committee a very detailed and convincing paper on this subject if CASA continues with this proposed legislation in this form.

One of the worst things about this proposed legislation is that if it becomes law then all of the pilots operating under these regimes will be subject to the whims of that organisation and if they lose their membership they also lose their pilot certificate. This is pure economic regulation and there is no safety case for this. CASA made ALL their pilot licenses in perpetuity nearly twenty years ago but is now supporting this archaic system. I do believe that if CASA had three people of equal standing instead of a Board or one CEO we would have a far better chance for a sensible safety based outcome.

It is interesting to note that all of the aircraft operating under the sport organisations are, in fact, recognised in the interpretations to the Civil Aviation Act as "Australian Aircraft." There are, at a guess, about 3000 of them but, because they are not registered by CASA they do not show up on the list we give to ICAO of how many Australian Aircraft we have operating. How can we have 3000 "recognised Australian Aircraft" that are "not registered in Australia" is beyond me but I do know that if they were we would not be second to France in numbers and soon to be second to Brazil. Is there a serious safety reason for this? I cannot see one and I'll be surprised if anyone else can.

On the 17th June the Minister for Transport issued a press release announcing an aviation training package and plan to streamline pilot licensing in both CASA and the Defence forces. He states the main reason for this is to (quote) "ensure skilled pilots can move more freely between the civilian and defence work forces." He also states that (quote) "The council has worked closely with CASA and Defence to ensure skilled pilots can move more freely between the civilian and defence work forces." If this is the case then I ask "Why is CASA insisting on different standards of license or certificate for those pilots in recreational aviation who are either administered by CASA or one of the recreational aviation administrative organisations?" I and others have spent over 10 years trying to get CASA to implement its decision in 1998 to issue a Recreational Pilot license that could be issued by all administrative organisations and CASA; the only requirement being endorsements for different aircraft. A previous NPRM on Part 61 (licensing) did include a recreational pilot license but that was some years ago and we've heard nothing since. I can be forgiven for thinking that there has possibly been another agenda within CASA and the recreational organisations up till now but I can see no SAFETY CASE or REASON for CASA to continue on this ridiculous course of separate licenses in entry level and recreational pilot licenses and then support the new plan and training package when it comes to CASA and Defence. This, to me is an unnecessary act of discrimination which has no sensible or maybe legal grounds.

Thank you for the opportunity to raise these issues with you.

George Markey.....date...