



AUSTRALIAN PARACHUTE FEDERATION

PO Box 1440, Springwood Qld 4127

P-(07) 34570100 ~ F-(07) 34570150 ~ E-apf@apf.asn.au ~ W-<http://www.apf.asn.au>

SUBMISSION TO THE MINISTER OF INFRASTRUCTURE AND REGIONAL DEVELOPMENT

MINISTERIAL REVIEW OF AVIAVTION

KEY POINTS

- Self-Administration
- Oversight by CASA
- Sport Aviation Regulatory Model and Regulatory Review
- Policy/Regulations
- Access to Airspace
- Access to and Oversight of Regional Airfields
- Consultation
- Accident Investigation

BACKGROUND

The Australian Parachute Federation (APF) is the peak body representing Australian Parachuting and its members. We are pleased to have this opportunity to provide input to the Aviation Safety Regulation Review.

Currently the APF conducts over 300,000 parachute descents from aircraft annually. Parachuting from aircraft represents a large percentage of Sport and Recreational Aviation. The operations under the control of the APF represents a substantial and distinct proportion of this overall activity and involves over 140,000 participants/members annually.

Parachuting is now occupies a significant sector of the aviation industry in Australia, employing hundreds of fulltime staff and volunteers, and operating in excess of 110 aircraft, from Cessna 182 through to larger types such as the Embraer Bandeirante. Many millions of dollars have been invested into parachute organisations and they generally only require a column of airspace above their ground-based facilities.

For many decades, parachuting from aircraft in Australia has been regulated using a system of self-administration. 55 years ago the APF was set up specifically to bring together parachutists, in order to implement improved safety outcomes via self-administration.

With the approval of the Civil Aviation Safety Authority (CASA), the APF sets the standards for parachute operations in Australia, conducts sport parachuting competitions, conducts exams and issues licenses and ratings within the industry, and publishes a magazine (Australian Skydiving Magazine) and newsletter to keep the APF members informed of current events, safety standards and future directions.

The APF is affiliated with the Fédération Aéronautique Internationale (FAI) through the Australian Sport Aviation Confederation (ASAC), and has close links to the International Parachuting Commission, the Parachute Industry Association. The APF is contracted to carry out safety and surveillance duties for CASA and assist Air Services Australia with airspace management.

These activities and outcomes can be attributed directly to the processes enabled by self-administration.

INTRODUCTION

In the context of this review, the APF needs two fundamental 'big picture' outcomes:

1. Firstly, within Civil Aviation Safety Regulations, to have sufficient independence to implement our own processes, which are essential to achieving the very best safety outcomes whilst allowing for optimum development of parachuting in Australia; and
2. Secondly, justifiable and equitable access to airspace and airport infrastructure.

Overall, current aviation policy in Australia is largely sufficient to provide for sufficient independence and equitable access, however aviation policy requires enhancement to embrace growth – specifically, for two reasons:

1. Firstly, the current support towards self-administration of Sport and Recreational sectors under CASA is only secured at limited intervals. A permanent framework and support is the most appropriate means forward to achieve the best safety outcomes.
2. Secondly, because of the recent success of the revised ASTRA process, combined with the improved risk management of airspace, initially within the AERU, and now the OAR – providing for the best safety outcomes while endeavouring to enhance equitable access to airspace for the APF.

The APF believes that it is essential that these policies are retained and enhanced in full, however the APF has some concerns regarding the implementation of these important policies and these concerns are highlighted throughout this submission.

SAFETY OUTCOMES in Parachuting

Parachuting Operations comprise a very distinct segment of sport and recreational aviation for two reasons:

1. Most importantly, the nature of these operations, and the hazards involved, demand an approach which is very different to that which is necessarily used by the wider aviation industry, especially if the very best safety outcomes are to be achieved.
2. Because of this, the APF operate to a rule set which is substantially, to almost completely, different from that applying to the majority of the aviation industry. The expertise within these areas correctly lies within the APF. This alone sets the APF aside from other sport and recreational activities and can be considered a defining characteristic.

The APF supports ASAC's position on the more technical aspects of airspace management, ATS-B, GNSS, ASTRA processes and access to and oversight of Regional Airfields.

1. Self-Administration

Operations by the APF are inherently more hazardous than many other aviation sectors, but nevertheless, can be carried out safely by competent, trained personnel achieving better safety outcomes than GA. Further, individual operators require less operating infrastructure than wider GA, making the visibility of these operations limited in some situations. This in turn defines the requirement for mandatory supervision and auditing by the APF. Good safety outcomes depend on the oversight by the APF of its member organisations.

The detail in the parachuting sector is unique and, in the context of this submission, dealing with this detail is insignificant. For example, only 4% of incidents result from aircraft causes with little to no impact on other airspace users. In line with the appropriately evolved safety culture today, seldom are the referred incidents as a result of poor judgement. Most of these incidents occur outside the coverage of any potential enforcement action, and mitigation depends on pilot and parachutist responsibility and training. These incident types cannot be addressed other than by training and education and are not amenable to a safety process based on enforcement, which is the basis of mitigation in most of the aviation industry.

In Australia, this different approach has been successfully implemented for decades, via self-administration achieving world benchmark safety outcomes and ongoing safety improvements.

Contrary to the perceptions of some, self-administration is not a soft or a cheap option, available only for low risk operations. Self-administration requires a very large input by the APF, much of which is provided by very professional and committed volunteers. Because of this volunteer input, it will save the Nation a considerable sum of money if allowed to continue to operate as has been the case for decades.

The APF's preferred model is based on individual pilot and parachutist responsibility, supported by the consolidated safety culture of the APF and appropriate ongoing training and supervision provided by respected officers of the APF. This approach is successful because:

- it is ongoing,
- acts in depth
- is provided by individuals who are respected peers, and
- is not seen as surveillance, nor is it limited to enforceable outcomes.

2. Oversight by CASA

Surveillance by CASA must be limited to the provision of assurance that the processes implemented by the APF are being carried out efficiently and effectively. This must be supported by CASA in dealing with individuals who elect to operate illegally outside the control of the APF.

The whole of the sport and recreation aviation self-administration sector was run very successfully for decades by a single CASA officer. Today's need for improved assurance has been used to justify a very large increase (approximately a tenfold increase) in expenditure on this sector. This tenfold increase has not been associated with any measurable improvement in attributable safety outcomes.

Improvement in safety outcomes is a direct result of monitoring and surveillance of the member organisations by the APF and is the central pillar of superior safety outcomes.

Nevertheless, CASA must be prepared to back the actions of the APF with further action, and if needed, by legal action in the rare cases where individuals ignore the safety processes implemented by the APF.

Also, CASA must be prepared to, and be seen to, take definitive action against any individual who acts illegally and operates outside the scope of the APF – that is, outside the sector wide SMS run by the APF.

3. Sport Aviation Regulatory Model and the Regulatory Review

The APF support the currently proposed Part 149 based on approved Organisations. The APF also strongly supports the regulatory processes outlined in the 2007 NPRM on Part 149. These processes are the result of lengthy and extensive discussion and consultation, aimed at providing for the assurance needs of the regulator, while implementing the above central pillar of the world benchmark safety outcomes delivered by the APF over the past decades. These outcomes were accepted by CASA and the industry in this NPRM process. The proposed Part 149 only needs to be modified to allow for a change from delegation of functions (a process not used anywhere) to approved (self-administrating) Organisations.

The APF believe that these principles are essential to the ongoing implementation of self-administration to achieve the very best safety outcomes while providing CASA with the necessary assurance of safety systems.

Delay in implementation of these regulations is caused by the diversion of resources in the Office of Legal Drafting. The Government needs to make sure that resources intended for the making of these regulations are not diverted from this now very urgent outcome.

4. Policy/Regulations

There is an urgent need to document these processes in a manner which makes these outcomes binding.

Under the current structure, the final place for that documentation is in Part 149 and any associated manuals or advisory material. However, given the ongoing delay in making these Regulations, documentation of these principles in some binding form is urgently needed. This is primarily because, within this current documentation vacuum, well-meaning actions can result in precedents which undermine these principles and outcomes which are essential to the ongoing best safety outcomes in this unique sector.

APF has a Deed of Agreement with CASA to assist the APF to set, monitor and enforce standards relating to parachuting activities by members. The deed imposes reporting requirements including:

- scope of parachuting operations,
- notifying CASA, and
- as appropriate, CASA audits the APF's management systems to determine if the APF is meeting expectations.

APF rarely has each subsequent Deed of Agreement until after the date of its commencement. Additionally the APF is offered limited opportunity to discuss the scope and conditions of the deed before it effectively comes into force.

The limitations and uncertainty of the Deed of Agreement in its current form would not be necessary once Part 149 is promulgated.

AIRSPACE AND OTHER ISSUES

5. Access to Airspace

ASAC and the APF require that all decisions regarding access to airspace be made strictly on a targeted, risk management basis. Neither ASAC nor the APF will agree to any change which imposes a cost or restriction on our operations which has not been so justified.

The APF has always had to fight to maintain justifiable and equitable access to airspace in Australia.

Much of Australian airspace contains very low levels of traffic. Reasonable estimates have put our traffic density at less than one quarter of that in (say) the USA. Collision risk is a function of traffic density and traffic complexity. Traffic patterns in Australia are very simple, consisting largely of one essentially linear route around the eastern seaboard with radial tracks originating from airports within this essentially single route structure, out into Regional Australia. This low density, low collision risk airspace combined with benign weather and terrain, represents an Australian and International resource for the APF which supports a significant rural industry and attracts significant tourism.

Despite this fact, over the decades the APF has had to fight ongoing attempts to impose unjustifiable requirements on parachute operations. Frequently these attempts have not been based on risk management, but rather on the imposition of minimum requirements independent on the location and/or level of actual risk.

The current assessment of priorities laid out in the AIP ENR 1.4, paragraph 10.3 (c) defines the priority in which parachuting operations exist.

By means of justification, numerous training facilities in Australia train pilots for Singapore Airlines, China Airlines, etc, due to Australia being a viable location because of our benign weather and uncrowded airspace. By virtue, the APF as an Australian organisation provides significant input to adventure tourism in Australia and opportunities for Australian athletes. Access to airspace on the same basis as charter, rather than private operations, would seem fairer and justified. In line with this, the APF is close to achieving recognition as a Registered Training Organisation, opening further opportunity to become a lead player in parachute training worldwide. This will improve employment opportunities and growth in the parachuting sector of aviation, with flow-on benefits for adventure tourism and the Australian economy.

As a detailed example, a Cessna 208 Caravan engaged in parachuting operation, carrying 16 passengers is placed on delays for a significant amount of time by ATC. Inappropriate delays result when a Cessna 182 engaged in training operations (at a lower operating cost than the larger 208) requests clearance for the same controlled airspace, and such clearance is granted ahead of the larger parachuting aircraft. There appears to be no due thought to the impact on the organisation of the larger parachuting aircraft. By way of background, incomes in the parachuting industry (operators and staff) are based on the number of descents that are undertaken. Significant holds are becoming more common, and for large member organisation and their staff, these delays impose significant financial loss. This also inhibits growth of the parachuting within the aviation and adventure tourism industries.

Whilst there has been some recognitions and acceptance of the APF concerns in this area by CASA and Air Services Australia, the common justification is that Air Services Australia does not have the resources or staff to maintain a well-managed, justified and equitable approach to ATM.

It would seem that an interim remedy to this problem is that parachute training operation be placed in equal priority as 'GA aircraft proceeding to a primary aerodrome, military and civil training flights' in accordance with AIP ENR 1.4 paragraph 10.3 (b). Such a change to policy would allow ATC to have a better appreciation of the more appropriate priority of clearances – due to the size of the aircraft, the timeframes such clearance are required and the financial impact on the operations.

6. Consultation

In recent times there have been numerous situations that have surfaced resulting in a highly significant amount of APF resources dedicated to resolving 'knee jerk' reactions in policy changes affecting accessibility to airspace and the right of APF member organisations to operate. For some organisations the effects of these changes result in a detrimental impact on economic livelihood. These situations have arisen due to the inherent disconnect between aviation and sports and recreation aviation bodies. The by-product of these disconnects is the present unintended lack of consultation with industry experts in the field. It is an unrealistic expectation that effective, justifiable and equitable decisions be made by the hierarchy of aviation management agencies without due consultation with current and competent experts in all fields of aviation being affected.

Currently there are major disconnects between CASA, Air Services Australia, APF, and more recently the disturbing evidence of disconnect between the departments within Air Services Australia itself. Such disconnects are not justifiable, nor are they in any sense equitable to the entities in all fields of aviation in Australia.

Cooperation and consultation should be mandated at the highest level to ensure Australian aviation is at the forefront of not only World's Best Practice but also safety in the skies for all users.

7. Accident Investigation

Historically, ATSB has only been involved with a minute number of parachuting related investigation, other than those relating directly to a fatality involving an aircraft causes. Appropriately, the remaining parachute operation related incidents are investigated by appropriately experienced APF officials who do not necessarily possess extensive investigative qualifications.

The APF propose that Accident Investigation courses funded by the federal budget be developed by ATSB, allowing APF officials to gain qualifications in investigation, ensuring a nationally consistent approach to accident investigation and reporting.

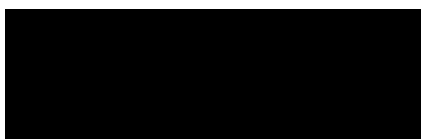
CONCLUSION

The regulator needs to support self-administration of the sport and recreational aviation sector under its control with a permanent framework. The regulator also needs to provide equitable access to airspace for parachuting operations given their impact on the Australian economy.

The APF would value the opportunity to meet with the Ministerial review panel to further discuss or advise on the concerns outlined in this submission.

The APF is grateful for the opportunity to represent the concerns surround our parachuting sector of aviation. We look forward to a promising future which allows all users of the Australian airspace a safe and equitable longevity and prosperity.

Sincerely

A large black rectangular redaction box covering the signature area.

Brad Turner

Chief Executive Officer