

Minutes of the 45th Joint Meeting of the Civil Aviation Authority and the Aviation Community Advisory Group

Date:	Monday 15 th March 2021
Venue:	Level 15, Asteron Centre, 55 Featherston Street, Wellington
Attending:	ACAG: Bruce Robertson, Frank Usmar, John Cook, Don McCracken, John Nicholson, Kevin Ward, Lachlan Thurston, Paul Drake, Steve Horne, Steve Kelly, Beck Longbottom
	CAA: Keith Manch, Dean Winter, 9(2)(a) [redacted], John Kay, Mike Hill, 9(2)(a) [redacted] Shelley Turner, Charmaine Ngarimu, Jess Carter, 9(2)(a) [redacted]
	MoT: Tom Forster
	External: 9 [redacted] 2

Start: 1.00pm

1. Welcome

John Kay opened the meeting at 13:00 and welcomed everyone. Introduced Keith Manch to attendees.

- 2. Apologies:** Rob George, Qwilton Biel, Chris Jackson, Kirstie Hewlett; Mark von Motschelnitz, Shelley Turner, John Cook, Katie Bhreatnach and Chris Jackson.

Agenda changed to suit parties that have other engagements.

3. Update from the Ministry of Transport

Civil Aviation Bill update: Finalising a few loose ends to have the Bill introduced in May.

Ministerial Consultation to occur after Easter for introduction early to mid-May.

Large document – MoT have consulted with CAA and industry on various aspects and are drafting final bits.

Drones: The number of drones increasing. CAA looking after the sector with rules parts 101 and 102 in place which are risk-based.

18 months ago, MoT published a strategy document called Taking Flight. Looking at integrating drones into wider aviation sector and regulation of drones.

MoT engaged with wide ranging section of the sector – based on feedback have refined the document – going to Cabinet this week to seek approval to consult. If approved, hope to start consultation after Easter – consultation period will be 6 weeks.

Roadshows will be held in main centres to talk to stakeholders. MoT is open to meeting with different parts of the sector to outline what thinking is.

Following consultation feedback will be collated and then go back to cabinet for Policy approval which will be finalised later in the year.

MoT seeking approval to consult on regulations (only) for drones – public consultation can't happen without Cabinet approval. They are not seeking approval on Policies, only to consult on regulation proposals. Regulations will provide foundation to have integration and enhance regulation. Included in the package are updates to current rules.

There will be no restrictions on the purchase of drones included in this document.

Funding matters: MoT has been working with CAA and MNZ to manage funding impacts during COVID. Looking at additional funding required for next Financial Year. The way reviews have taken place to date may not be the way it's done going forward.

Cabinet has agreed for the Ministry to provide report-back in the middle of the year on the sector status and the Agency's financial position. Hoping to receive a steer from Cabinet on what future funding reviews should look like.

9(2)(f)(iv) [Redacted]

[Redacted]

[Redacted]

CAA will engage with sector to see how recovery is progressing.

4. Minutes of Previous Meetings

44th Joint Meeting of CAA and ACAG held December 18th, 2020.

Correction to Page 6 – intention to be corrected.

Correction to Page 7 – 1st para – ACAG can nominate..... John Nicholson; end – Congrats..... JK

Correction to Page 8 – Terms of Reference have not been progressed – will proceed now.

Comments need to be assessed.

Minutes accepted with the above corrections.

Action Item: Revised minutes to be re-sent within 3 weeks

5. Regulatory Monitoring assessment

9(2)(g)(i)

[Redacted text block containing multiple paragraphs of blacked-out content]

9(2)(g)(i)

[Redacted]

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Action Item: ACAG will provide a summary of their discussions around the questions in three weeks. Response to be sent to John Kay who will forward it to the Ministry.

6. New Director's Update – Keith Manch

Developing strategic framework and regulatory philosophy & approach

Aviation System – CAA has a role to play – only agency focusing on aviation - strategic framework will appear in the next SOI – talking about Safety and Security in Aviation – 3 areas of focus:

Leadership and influence - As the only agency working specifically in the Aviation Sector – we have a leadership and influence role. Some things are not in CAAs mandate – we can ensure the decision makers have the best possible information to make decisions using the relationship we have with others. Using the position, we have to ensure the policies made by government are made in a well-informed way.

Active Regulatory stewardship – bigger theme for government – quality of regulatory systems, making sure they're up to date and fit for purpose. CAA has no decision-making rights – as a steward we seek to improve through leadership and influence and make sure regulatory systems stay up to date. Good quality sector engagement – collecting collating and analysing information to feed it to the right places to effect change.

Professional regulatory practise – what we do all the time - guidance notes, NOTAMs, information bulletins, certification and licensing decisions, advice – focus on being professional.

Regulation seen as management of risk – people's behaviour, design, construction – doing what you can to influence the management of risk. Look at things that can assist and support developments and innovations.

Regulatory practice – risk based and intelligence lead. Increasing focus on responsive regulation and anticipatory regulation. Constant change we can accommodate – task is to be effective from an aviation safety and security perspective.

Another discussion taking place is the place of Aviation Security work – what Avsec does is a regulatory activity. A lot of work goes into the effectiveness of aviation security and the technology required to support it in the future.

7. Stakeholder engagement regarding COVID – Charmaine Ngarimu

Principal advisor stakeholder role advertised; Keith getting around meeting externals, meeting with airports, Airforce and AirNZ this week. Board meeting, catchup with ALPA and AKL Airport. A lot of COVID updates going out

8. ACAG's Terms of Reference – John Kay/^{9(2)(a)}

Have not progressed it much further. We will progress initial work discussed last year- get draft TOR out in two to three weeks for ACAG consideration. Intention is to trial that approach later in the year

ToR will be significantly different from existing ToR.

Two projects : Pt 139 ICAO Policy Alignment; Part 171 and 172 - good for ACAG to engage on– what is the scope of review – is 172 being brought into it (wholistic review - scoping) and Part 21 – certification of products and aircraft – first principle Policy projects.

^{9(2)(a)} will provide text on what projects are about to ACAG, so discussion can take place on whether ACAG is interested to be involved.

ACTION – Draft ToR containing the agreed trial framework to be sent in 3-4 weeks with text on the policy projects

ToR to be signed off at next meeting – providing ACAG happy with draft.

Implementation of Civil Aviation Bill once it becomes the Act – scope of change in some parts is significant. Implementation work is substantial – may still change

further. No cross-referencing possible for most people. Too many uncertainties to put it in place.

Interested in using approach with ACAG to help around elements of implementation but currently uncertain of what it looks like.

Will there be the ability to include an explanation so that people can see where the old is reflected in the new in the communication that comes out? For internal purposes there will be clause by clause analysis will be done – may be released with approval from MoT. There are more than 405 clauses – it's big and complex.

Action – See whether a cross reference document can be developed to aide interpretation of the CAB.

9. Policy Project Update – 9(2)(a)

The policy project update report was considered.

10. General Business

General Regulatory Update – Dean Winter

David Harrison has been appointed as the new Certification manager. Licensing manager role – interviews taking place.

Working with MoH re COVID response – e.g. on quarantine free travel requirements.

Getting to understand post-Covid environments. 62 site visits completed, also desk-based assessments – finding that financial risks being well-managed – 20 companies have ceased operation but have 16 new entrants. Good financial planning seen – using alternative income sources. Good use of SMS through audits – did not find obvious corner cutting – concerns on loss of senior staff. Feedback was strong and supportive.

Other changes – Investigation and Response Unit – strong focus on getting HSWA coverage in the team – moved from two to nine people with delegation. Plan to roll-out training to all staff.

Now have 8 - 10 staff specialising on inwards safety information and Aviation Related Concerns – now being prioritised – response times reduced - backlog virtually eliminated.

Aviation Safety Group continues to improve regulatory practice and ongoing risk analysis of certification activities.

HSWA – role associated with imminent operation of an aircraft; (issue of temperature of a classroom was raised as an issue – is not imminent operation of aircraft). Does everyone understand the grey area?

Understanding as a regulator where our mandate fits – we are working with WorkSafe to understand definitions better.

Action: Dean Winter to update AirNZ on duties (temperature of a classroom) - where does responsibility stop/start. (Overlap of duties.)

Industry fears education through prosecution – reasons that could be addressed in other ways. When we advertise a prosecution, it isn't about hand-slapping – it's about ensuring that this type of accident doesn't happen again and to ensure that the public are aware that we're looking at the issue.

Prosecutions represent less than 0.4% of outcomes.

Airways services at regional airports - update on process – Mike Hill

Airways: - removal of service at regional 7 towers– have received studies from Milford, Invercargill, and Rotorua. Analysis mostly completed for Milford – working through.

Airways and Hawkes Bay Airport have come to an understanding

Expect other studies to continue rolling in from other aerodromes.

Security: - The challenge is around how we grow and develop security culture in a measured and reasonable way, taking into account the Covid-19 financial impacts across the industry. DCA requested Avsec to implement security screening issues staged and various points over the next few years. Avsec worked with T1 airports to meet deadlines. Largely on target in international space, some domestic screening still to come.

Working on communications to lift focus on security and to consider security culture. CAA want to keep the focus on Security – and it's the ICAO year of security culture.

Covid approach – focus on ensuring our people are safe, supporting and leading industry (CAA pushing out government COVID communications to 6 000 participants, ensuring we are participating at all-of government level and that we are 'joined up' internally).

Feed any concerns back to CAA and we'll try to feed it into MoT in the all-of-government space.

Question asked if Airways service is going to be closed-down - will those aerodromes have un-controlled airspace or no controlled airspace? Answer - too early to go down that path.

AirNZ feel that aeronautical study itself is insufficient to make a decision (isn't fit-for-purpose). Concerned that precedent set that that type of study is acceptable to the regulator – it could be detrimental to aviation.

Have received three of seven aeronautical studies. The team looking at all in short term will answer that or not. One of the options is that if it doesn't give us robust enough views to make to the Director how do we tidy that up with the aerodrome.

AVSEC staffing levels

CAA annual report states that staffing has gone up – majority within aviation security. With Covid, we understand All of Government response. Question for airports (T1) is

prioritisation of resource allocation – don't have resources to complete day to day functions. Number of screening points due to lack of staff numbers. Resources for Part 140 discharge of duty not being taken care of because of lack of resources.

Seeking feedback about core function – is it aviation security or is it MIQ support.

Response – some stations stretched due to having to keep teams safe – caused some rigidity.

Anecdotal comment that some functions aren't being undertaken effectively – concern for Wellington Airport.

Action: Mike Hill to get back to Lachlan and Kevin regarding concerns.

Other business:

Possibly relating to ToR, in terms of workload for team – when getting documentation right before meeting not suitable. Also requirement to receive minutes soon after meeting.

CAA response - Staffing changes and time of year caused an issue. We will try and get them out 7 days minimum prior to meeting.

ACTION: Minutes to be submitted 14 days after meeting.

ACTION: Minutes to be published on the Website. There's a 4-meeting backlog.

Prioritisation: 9(2)(a) action from previous meeting outstanding.

11. Next Meeting – 21 July 2021