

Minutes of the 50th Joint Meeting of the Civil Aviation Authority and the Aviation Community Advisory Group

Date:	Monday 28 August 2023
Venue:	Willeston Conference Centre/ Online
Attending:	ACAG: Qwilton Biel, Frank Usmar, Lachlan Thurston, Steve Kelly, Chris Jackson, Mark Blanchard, Kim Facey, Rob George, Bruce Robertson, Don McCracken, Billie Moore, Chris Hoffman, Simon Wallace. CAA: Keith Manch, Mark von Motschelnitz, Mike Hill, 9(2)(a) [redacted], Dean Winters, 9(2)(a) [redacted] Liam Brennan, 9(2)(a) [redacted], 9(2)(a) [redacted], 9(2)(a) [redacted] Bronwyn Turley

1. Welcome

Mark von Motschelnitz and Keith Manch opened the ACAG meeting by welcoming new members and reading the CAA Karakia. Mark led a round table to welcome and introduce all attendees at the meeting. The group welcomed Simon Wallace, the new Chief Executive of Aviation New Zealand.

2. Apologies

John Kay and David Harrison sent apologies.

3. Minutes of previous meeting

Group agreed the status of March's actions as resolved.

Minutes were agreed as accurate and complete.

4. CAA update

The following updates were provided and discussed.

Immediate matters

Minister Parker is now the Minister of Transport and responsible for aviation. The CAA confirmed they do not expect to meet with him in advance of the general election as there are no significant decisions in the aviation 'regulatory' portfolio required prior to the election. The CAA are working to develop their Briefing for the Incoming Minister.

The CAA have moved to 366 Lambton Quay whilst Asteron Centre refurbishing is completed.

Collaboration and engagement activities

The CAA have begun taking a more collaborative and system-based approach to resolving systemic problems.

- The CAA have set up a queues task force to address unacceptable queues at aviation security screening – queues that have a negative impact on passengers, CAA staff and other participants. The task force is currently engaging internally and externally on addressing short term while continuing to work on medium- and longer-term changes to technology and screening practices.
- A security stewardship group has been established involving a range of sector and Government stakeholders to discuss the broader security culture and to support a system perspective. The group have their first meeting in September.
- The Work Together, Stay Apart initiative is a response to issues identified at unattended aerodromes and reflects an intelligence led and risk based approach.
- CAA have enhanced their engagement with Part 149 organisations to support a more engaged, co- regulatory relationship.
- The Emerging Technology Unit are a specific team set up to work with both traditional and new aviation participants. They are deliberately not a regulatory decision-making team.

Enhanced intelligence and risk-based approach.

The CAA have been investing and developing their intelligence function to support modern regulatory approaches. The CAA will soon make available an online portal to provide the sector with access to data and statistics. The portal will be implemented in iterative phases. Phase one will provide online analytics tool and Phase two will be downloadable. Timings for implementation of phases are still being worked through.

The group acknowledged the work of 9(2)(a) Going forward, ACAG will need to use Analytics@caa.govt.nz rather than go directly to individuals in the organisation.

The group agreed the value of providing insights to the sector, and that the quality of the data was important.

The group discussed the potential use of data by the CAA enforcement purposes. The CAA noted the sector's concerns and the intention to engage with the sector on what just culture means for a regulator – agreeing that ACAG was a good place to begin these discussions.

Investigation and Enforcement Review

CAA commissioned 9(2)(a) review the CAA's investigation and enforcement function. The purpose was to ensure that the Authority's investigation functions are working in a cohesive, coherent, and effective manner - meeting the Authority's strategic and

regulatory obligations and goals in accordance with CAAs aspirations to be a values-based, modern regulator. The review focused on the Authorities “management systems, procedures, and practices operating within the investigation and enforcement function, including the way in which expert evidence is obtained and managed and to identify any changes that may be required to the Authority’s regulatory policies or practice.” The review was informed by cases such as the mid-air collision at Masterton’s Hood Aerodrome. The reviews will include consideration of and strengthen the internal oversight of investigation processes and decision making.

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Authority Funding Review [Restricted Information]

9(2)(f)(iv)



ICAO USOAP- CMA (Safety Audit)

The CAA updated ACAG that there is no set audit date, but they expect New Zealand to be subject to a safety audit in 2025. The CAA continue to prepare and note that there will be work to align audit responses with the new Act. CAA will keep ACAG up to date on this matter.

International engagement priorities

The CAA gave an outline of recent and upcoming international events attended by the CAA.

- The FAA/EASA International Safety Conference in June focussed on regulatory challenges posed by emerging technology and the need for greater collaboration, regulatory agility, and diversification of skills. Sustainability and cybersecurity were also a focus. CAA had a bilateral meeting with the European Aviation Safety Authority (EASA) and will seek to formalise a closer relationship to support future technical and cooperation agreements. CAA also met with the FAA, Singapore, Canada, and Australia on a range of topics.
- CAA attended the ICAO AVSEC and Cybersecurity panels in Montreal, Canada.
- FAA's Senior Representative for the Pacific Rim visited the CAA. Discussion included enhancing our cooperation in our interactions with ICAO, the challenges of emerging technology, supporting the Pacific to improve aviation safety and security.

Up and coming international events include:

- A range of bilateral discussions on emerging technology, focusing on alternative propulsion work. CAA will visit FAA and electric aircraft manufacturers in September (further detail in the emerging technology update below.)
- In October, the CAA will attend the 58th DGCA meeting in Dhaka. This is an opportunity to influence the ICAO Asia Pacific office's work programme and begins the process of regional co-ordination in advance of the 2024 Air Navigation Conference and the 2025 Assembly.

Gabrielle disaster recovery

As requested in March's ACAG meeting, Mike Hill (CAA's DCE Aviation Security and Infrastructure) gave a comprehensive presentation on the Cyclone Gabrielle response (Attachment 1.) The presentation was well received with discussion on areas for improvement and the importance of local co-ordination and management of response efforts. ACAG stressed the need for greater national coordination of operators especially with certain obstacles such as military aircraft that don't use ADS-B.

Emerging Aviation Technology

The group received an update on emerging aviation technology with a focus on engagement, learning and sharing with other states.

- In September, the DCE for Aviation Safety and the Director of Emerging Technology, will visit emerging technology companies –Beta Aviation in Vermont and Eviation in Arlington, Washington. Both these companies are associated with lower emission aircraft. Discussions with the FAA will be focussed on regulatory developments, especially in operational and type certification. They will also visit the Merlin Aerospace trial site at Mojave to meet with US executives and to see progress on recent trials flying; this aligns with the work Merlin is doing in NZ.
- In August, ETU and part 102 Team visited CASA to discuss certification developments.
- In July, CAA hosted a meeting with Wisk and the Japanese Civil Aviation Bureau, with discussions focussing on Uncrewed Aircraft Traffic Management systems and social licence issues.

Policy projects (Attachment 2)

The group were informed that despite International and ministerial mahi impacting this year's work programme, policy and rules projects are progressing. CAA have increased the size of the team to address the need to for policy work following the ICAO security audit.

- ICAO Alignment is ready for rules drafting, however won't be carried out until after the new Act is in force in 2025.
- Alternative Propulsion is also progressing as a priority, internal analysis is almost finalized before the external stage begins.

ACAG were happy to support the Alternative Propulsion project in identifying existing barriers in the rules. The CAA confirmed that sector engagement would progress soon, and that the focus of rule amendments is to make the rule set more enabling.

As a result of rules remake work for Act implementation, CAA don't expect any further rule changes beyond Assorted Issues. ACAG's concerns about the impact of the Act implementation on policy and rules progress were noted and the CAA confirmed that policy and rules work will continue in the background.

5. Joint Ministry of Transport and CAA update on the Civil Aviation Act 2023

ACAG received an update on the ongoing implementation work and key focus areas. The Ministry and CAA continue to work closely together in the planning and delivery of implementation programme.

At this stage, the focus is on scoping the implementation programme and identifying all the things that are not automatically carried over, such as the Civil Aviation Rules. Work is well underway to review the rule set to ensure consistency with the new Act. Although consultation is not required, the intention is to share exposure drafts for review.

The Ministry of Transport is in the process of recruiting a programme team to manage and coordinate delivery of its workstreams under the programme. They are refreshing their webpage. The Ministry and CAA jointly have a newsletter that members can sign up to for updates.

Drug and Alcohol Management regime

The group received an update on the progress of the Drug and Alcohol Management Plan (DAMP) regime. The new Act introduces DAMP operators identified by "class", through the rules. Such rules will need to be written, for example, Workers doing safety-sensitive activities would be subject to the drug and alcohol testing provided for under the Act. Although the Act outlines a lot of detail, rules are needed to implement it. Therefore, the focus until 2025 is to prepare rules, guidance templates and procedures. From April 2025-2027, CAA will support the industry through the implementation process of developing drug and alcohol management plans.

At this stage the Act implementation team are engaging with the sector to leverage lessons learnt. A key milestone being consultation on draft rules in 2024, along with associated guidance. ACAG expressed concerns around responsibility for efficient drug testing and availability. They also questioned timeframes and reporting to CAA.

ACAG also noted that the Aviation Security Service (AvSec) fell outside of the proposed DAMP applicability parameters. The Director indicated that, regardless of the parameters, CAA would look to implement DAMP requirements upon themselves including AvSec.

7. Matters raised for discussion by ACAG

i. Challenges maintaining the Civil Aviation Rules

ACAG noted recent references in CAA corporate documents to a drift in the Civil Aviation Rules from ICAO standards, and requested an update on what was being done to address this challenge.

The CAA confirmed that maintaining Civil Aviation Rules is a regulatory stewardship challenge, and there are constraints in resourcing and the overall size and priorities within the wider Transport rules programme. The CAA are part of wider discussions on the challenges of regulatory stewardship across government and participate in various steering groups with other regulatory agencies at Chair and Chief Executive level. **ACTION:** CAA to share with ACAG advice for crown entity board chairs on regulatory stewardship.

ii. Fatigue risk management systems

ACAG requested an update on any policy work underway relating to fatigue risk management, noting the importance of managing the risks of fatigue in aviation and the need for guidance.

CAA confirmed this is on their policy work programme but is not currently being resourced due to higher priority projects. The CAA confirmed that they are open to revisiting the priority of this work but cautioned that any project would look at the issue afresh rather than pick up where the last fatigue project was paused.

ACTION: CAA agreed to discuss the priority of the policy programme at the next Issue Assessment Panel.

iii. Confidentiality – publication of ACAG minutes

ACAG questioned the need for such stringent confidentiality around ACAG minutes and expressed a desire to share minutes openly with the sector. CAA concurred unless considered sensitive information and therefore, redacted prior to publication. **ACTION:** CAA to also update the website with recent minutes and membership, noting that it may take some time to work through older minutes

iv. Standard overhead join (SOHJ)

9(2)(a) from CAA updated ACAG on work to draft an amendment for the text and diagram within the AIP. 9(2) stressed that despite being useful, diagrams should only be viewed as guidance, not all scenarios are represented. Occurrence numbers indicate procedurally, the SOHJ is improving conduct. However, results are driven by behaviours hence the purpose of the Work together, Stay apart safety campaign. Feedback from the sector on the SOHJ and video has been positive, indicating that the guidance is becoming more accepted. ACAG enquired if the diagram would include downward orbits, 9(2) responded that CAA wouldn't make that separation in an uncontrolled environment.

- v. Interpretation/Applicability of 61.905(a) Privileges and limitations- Airline Flight Examiner (AFE) Rating

The group discussed a lack of clarity relating to this rule and questions raised by General Aviation Flight Examiners and the Standards team as to why some AFE's were doing instrument rating renewals for private pilots. The AFE function is for air-transport pilots under a Pt 119 or by a contracted Pt 141 provider to the air-transport operator. However, there are some AFE's undertaking this task in high-performance or complex types where the General Aviation examiners are less current or experienced.

The CAA Standards team is considering this at present. This is a topic at 2023 CAA Flight Examiner Seminar (17-18 October); to ascertain the complexity of the issue.

8. Next Meeting

Next meeting to be held February or March 2024