

# **Australian Business Aviation Association Inc.**

ABN 32 082 750 492

## **Australian Government Aviation Safety Regulation Review**

### **Submission 31<sup>st</sup> January 2014**

The Australian Business Aviation Association Inc. (ABAA) attended a meeting with the Review Panel in Sydney 11<sup>th</sup> December 2013 and we now have pleasure in providing the following brief submission.

#### **1. Business Aviation**

In excess of 34,000 turbine-powered business aviation aircraft are currently in service worldwide, with over 400 aircraft based in Australia. The Australian fleet includes in excess of 180 business jets and over 200 turbo prop aircraft.

The ABAA is one of 14 Business Aviation Associations around the world, which are all members of the International Business Aviation Council, Montreal, Canada. Please visit [www.ibac.org](http://www.ibac.org)

The contribution made by business aviation to the development of a strong Australian economy has been recognised by Federal and State Governments for several decades with the Federal Government and several States operating their own aircraft. Business aviation is now an essential part of the overall transport needs in Australia with several companies and the Federal Government utilising their aircraft for international flights.

#### **2. Opening Statement**

The ABAA welcomes the Aviation Safety Regulation Review, noting that the review includes activities of the Department of Infrastructure and Regional Development, CASA, Airservices Australia and the ATSB.

#### **3. Space Based Augmentation System**

The ABAA is a council member of the Australian Strategic Air Traffic Management Group (ASTRA), which meets quarterly in Canberra.

The need for Australia to adopt a Space Based Augmentation System (SBAS) has been the subject of discussion at recent ASTRA meetings. Very considerable improvement in aviation safety would be a direct result of the adoption of SBAS.

Lack of vertical guidance has resulted in many accidents worldwide, with controlled flight into terrain being the outcome in many cases. Recent examples include the crash of a metroliner in May 2005, a few miles north-west of Lockhart River airport in Queensland. This accident resulted in all 15 people on board being killed.

SBAS is in operation in Europe, USA, Canada and Mexico. Australia has a short window of opportunity to contract the use of available satellites, as it appears that South Korea is close to doing so.

Subsequent to the meeting 11<sup>th</sup> December with the Review Panel, the ABAA together with AOPA Australia, AOPA New Zealand and Thales made presentations concerning the many benefits of SBAS to Mr Mike Mrdak, Secretary, Department of Infrastructure and Regional Development in Canberra 16th January 2014. These presentations were well received by Mr Mrdak.

Adoption of SBAS in Australia and neighbouring countries would satisfy ICAO vertical approach guidance requirements. We acknowledge that decisions regarding funding and the responsible authority/agency for implementation would need to be addressed.

As SBAS would also benefit several other sectors of the Australian economy such as agriculture and mining, we suggest that a whole of government approach is appropriate.

#### **4. AIP ENR 1.4 16-18 Regulation of Flight, Assessment of Priorities**

Several ABAA members have reported safety problems related to AIP ENR 1.4 16-18 Regulation of Flight, Assessment of Priorities.

For example, an ABAA member has advised: “On many trips this out of date rule has caused us significant delays. On a trip to Brisbane, we were held for 15 mins to allow an airline aircraft some 30 miles behind us to overtake us. Radar vectors and constant speed changes including a requirement to maintain max speed to the field from the holding pattern at the Gold Coast were also utilised causing discomfort to our passengers.”

Another member has advised: “We were delayed over Coolangatta for 80 minutes of holding (Sydney to Brisbane flight) on one occasion whilst multiple RPT aircraft were pushed in front of us. ATC told us when we were running low on fuel that our options were Archerfield (inappropriate for our aircraft type and weight) or Coolangatta. Luckily we had in excess of the required ATC holding requirement for Brisbane and there were no weather holding requirements. ATC told us they were applying the AIP priorities. Any last minute changes to flight plans will always increase the level of risk and just by the nature of aviation, the longer you are in the air the higher the chance of something going wrong. ATC members should also not be placed under pressure to make financial/economic decisions they have not been trained in, their role is purely the safe and efficient control of air traffic, not the safe and most economically viable control of air traffic.”

It appears that a consequence of this AIP is to make air travel less safe, by favouring Airline and Airport economics and not efficient air traffic flow. Airservices Australia is clearly responsible for the safe and efficient management of airspace.

The ABAA questions whether there is a Federal Head of Power to support providing economic advantage to one organisation over another.

Reference:

Airservices ACT 1995, Part 2—Establishment, functions and powers of Airservices Australia (AA)

#### **Manner in which AA must perform its functions**

(1) In exercising its powers and performing its functions, AA must regard the safety of air navigation as the most important consideration.

(2) Subject to subsection (1), AA must exercise its powers and perform its functions in a manner that ensures that, as far as is practicable, the environment is protected from:

- (a) the effects of the operation and use of aircraft; and
- (b) the effects associated with the operation and use of aircraft.

(3) AA must perform its functions in a manner that is consistent with Australia’s obligations under:

- (a) the Chicago Convention; and
- (b) any other agreement between Australia and any other country or countries relating to the safety of air navigation.

It would appear that the AIP does not take into account paragraphs (1) and (2) above. Delaying business aviation aircraft, results in safety and environmental consequences. Many business jets burn at least 1500 litres of fuel whilst holding.

It would appear that AA is operating outside of the powers bestowed. This has resulted in financial gain for the airlines.

Unless the Chicago Convention details a priority list similar to that of the AIP, it would appear that AA has defaulted on its duty to the Commonwealth.

The ABAA brought this antiquated AIP to the attention of the ASTRA Council early in 2012. This matter then moved through ASTRA to the AIG in August 2012 for engagement with the Department of Infrastructure and Regional Development, CASA and Airservices Australia.

AA advised the ABAA January 2014 that progress is being made on terms of reference for a review of this AIP. We are concerned that this matter is being addressed very slowly.

#### **5. CASA Standards Consultative Committee**

The ABAA has observed a reduction in CASA/Industry consultation over the past few years with the Standards Consultative Committee now meeting only once a year.

#### **6. CASA Flying Operations Inspectors**

The ABAA has observed that there is a lack of consistency with the approach being adopted by some FOIs and the occasional aggressive stance of some is not contributing to an increase in safety.

#### **7. New Zealand Civil Aviation Rules**

The ABAA suggests that consideration be given to Australia adopting the New Zealand Civil Aviation Rules, which are harmonious with the FAA Regulations in USA.

We would be pleased to discuss any aspect of our submission, which requires further clarification.

Thank you.

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