



# AUSTRALIAN FEDERATION OF AIR PILOTS

**THE AUSTRALIAN FEDERATION OF AIR PILOTS (AFAP)  
FURTHER SUBMISSION TO THE AUSTRALIAN GOVERNMENT  
CONSULTATION ON:  
THE AVIATION GREEN PAPER**

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## Executive Summary

- A well-functioning aviation system is a critical part of Australia’s national infrastructure. The Australian aviation industry is however experiencing a skills shortage. In particular, Australian pilots are being attracted overseas in record numbers, replacement pilots take time to train and in order to make piloting and aviation a more attractive career option, there needs to be a range of Government and industry policies to attract and retain pilots.
- This submission sets out a range of policy changes that would help alleviate skills shortages and attract future pilots into the industry, such as through an industry funded training levy. The levy and training program should be designed in a way to ensure the GA sector and regional communities would benefit from it, whilst also enabling a greater intake and retention of pilots to the aviation industry.
- There is a need for a Federal Government level inquiry into our airport’s system:
  - The AFAP believes that the current “light touch” economic regulation of our monopoly airports is a policy setting that is grossly inappropriate for the needs of air operators and the Australian community. Monopoly businesses need fit for purpose regulation that aligns their operational outcomes to the needs of the community.
  - Current airport planning processes continues to lead to the degradation of Federal airports. The National Airport Safeguarding Framework (NASF)s are insufficient to prevent an inappropriate level of non-aviation use of airport land and the continuing degrading of airport safety and operability due to nearby development approvals.
  - The Government needs to address how the needs of regional communities having a local airport are balanced against the impossible burden on their Shire Council to operating the airport as an ongoing commercially viable business.
- The AFAP recommends reforms to the management and governance of the CASA, Airservices Australia and the ATSB to align their conduct and service delivery with the needs of the aviation community.
  - The AFAP is concerned that Government aviation agencies are disproportionately allocating resources to projected technological advances to the detriment of current and near-term regulatory and other reform requirements.
  - CASA needs a greater ability to regulate Airservices Australia.
  - Airservices is inappropriately prioritising politics related to aircraft noise over that of the legislated priority of the safety of air navigation. The AFAP believes that another agency should be handed the responsibility of aircraft noise from Airservices.
  - Aviation regulations are not “outcomes based”. The regulations don’t articulate the regulatory intent and stakeholders and CASA staff interpret regulations inconsistently. A policy shift is required to reform regulations in a way that they are authentically outcomes based, in order to realise greater clarity, safety and efficiency outcomes.
- A greater specialised focus on rotary wing aviation operations and associated policy is required to ensure current and emerging issues are addressed and rectified, these include:
  - Training “pipeline” and artificial/regulatory blocks hampering experience creation.
  - The need to utilise practices from the CASA GA Workplan on these impediments.
- The AFAP highlights the reasons for why the inclusion of the voice of professional pilots and their representatives is crucial in discussions and decisions to gain a realistic view.

## CONTENTS

Executive Summary.....	2
Background .....	5
Other Relevant Submissions from the AFAP.....	5
The Importance of Listening to the AFAP .....	5
<b>GP TOPIC 2: LIKELY FUTURE DIRECTIONS OUT TO 2050.....</b>	<b>7</b>
Existing Long Term Issues .....	7
<b>GP TOPIC 3: AIRLINES, AIRPORTS AND PASSENGERS – COMPETITION, CONSUMER PROTECTION AND DISABILITY ACCESS SETTINGS.....</b>	<b>7</b>
A competitive airline sector.....	7
Consumer Protections .....	8
Economic regulation of Australian airports .....	8
<b>GP TOPIC 4: REGIONAL AND REMOTE AVIATION SERVICES.....</b>	<b>9</b>
Essential links to communities.....	9
<b>GP TOPIC 5: MAXIMISING AVIATION'S CONTRIBUTION TO NET ZERO .....</b>	<b>9</b>
Electric and hydrogen powered aviation .....	9
AFAP positions on decarbonization of aviation .....	9
<b>GP TOPIC 6: AIRPORT DEVELOPMENT PLANNING PROCESSES &amp; CONSULTATION MECHANISMS 10</b>	
Noise .....	10
Federally leased airport master development planning and consultation.....	10
Airport airspace protection reforms.....	11
<b>GP TOPIC 7: GENERAL AVIATION .....</b>	<b>12</b>
GA requires targeted support.....	12
A focus on GA airports .....	12
<b>GP TOPIC 8: FIT-FOR-PURPOSE AGENCIES AND REGULATIONS.....</b>	<b>13</b>
Role of government and agencies .....	13
Safety regulation.....	13
Airspace regulation and management.....	14
Agency funding and cost recovery approaches .....	14
Security screening .....	15
<b>GP TOPIC 9: EMERGING AVIATION TECHNOLOGIES .....</b>	<b>16</b>
Electric and hydrogen powered aviation .....	16
Unproven technologies – Remote Towers.....	16
<b>GP TOPIC 10: FUTURE INDUSTRY WORKFORCE.....</b>	<b>17</b>
Current challenges and outlook.....	17
Skilled migration supplementing pilot experience shortage isn't the solution .....	18

<b>GP TOPIC 11: INTERNATIONAL AVIATION</b> .....	<b>19</b>
Bilateral settings .....	19
Aviation international engagement.....	19
<b>ADDITIONAL AVIATION POLICY TOPIC: ROTARY AVIATION</b> .....	<b>20</b>
The significance of rotary aviation for Australia.....	20
Training pipelines – Rotary pilots.....	20
Regulatory challenges - rotary pilot training capacity .....	21
Critical Intervention Required.....	22

## **Background**

1. The Australian Federation of Air Pilots (AFAP) represents over 5,500 professional pilots in aviation safety and technical matters and is the largest professional pilot association in Australia. We engage in policy reforms through our active safety and technical committee, which is a major contributor to the development of Australian and international aviation safety standards. The AFAP is also a foundation member of the International Federation of Airline Pilots' Associations (IFALPA), the global body representing professional pilots worldwide. Through IFALPA the AFAP contributes to the international aviation standards established by the International Civil Aviation Organisation (ICAO).
2. The AFAP also partners with the other major pilot association in Australia, the Australian and international Pilots Association (AIPA), on safety and technical matters. This partnership is called the Australian Airline Pilots' Association (AusALPA) and represents joint positions of the AFAP and AIPA on aviation safety and technical matters.
3. As a key stakeholder in the aviation industry, the AFAP welcomes the opportunity to provide input into the Australian Government's consideration for future aviation policies and related matters.

## **Other Relevant Submissions from the AFAP**

4. In response to the Government's initial consultation to the TORs of the Green and White Papers, The AFAP provided much input beyond the scope of the TORs alone. This submission covers only the additional input further to that contained in our original submission, which can be found here: [AFAP Initial Submission to the Aviation Green and White Paper consultations](#). Please utilise both submissions as our input to this Green Paper (GP) November 2023 consultation.
5. The AFAP has provided extensive input to other Government aviation consultations and inquiries. In particular, we have provided five relevant submissions to recent Rural and Regional Affairs and Transport (RRAT) Senate Standing Committee inquiries:
  - a. Two submissions to: Inquiry into the current state of Australia's general aviation industry;
    - i. [AFAP Initial Submission to the RRAT GA Inquiry](#)
    - ii. [AFAP Supplementary Submission to RRAT GA Inquiry](#) (reform of regulations)
  - b. Three submissions to: Inquiry into the future of Australia's aviation sector, in the context of COVID-19 and conditions post pandemic.
    - i. [AFAP Initial Submission to the Future of Aviation RRAT Inquiry](#)
    - ii. [AFAP Supplementary Submission to the Future of Aviation RRAT Inquiry](#) (Job Ready Pilot Program)
    - iii. [AFAP Second Supplementary Submission to the Future of Aviation RRAT Inquiry](#)

## **The Importance of Listening to the AFAP**

6. Experience has demonstrated that there is insufficient utilisation of flight crew operational experience in aviation safety management decision making and in the system of Government

when it comes to aviation policy and other related decisions. Decisions result in outcomes and in the aviation context, it is the flight crew that have the lived experience at the resultant end of the decisions that get to experience if those decisions work in practice or not.

7. Whilst Individual flight crew experiences are important to inform these aviation safety systems and systems of Government, it is the representatives of these flight crew that have an overview of these lived experiences, having a collective view that is both efficient and effective to include from the point of view of other stakeholders gaining a coordinated and informed view of line flight crew.
8. In contrast though, it must be noted that someone speaking on behalf of flight crew does not mean that they are representing the flight crew. Someone who has professional operational experience could be a representative of flight crew but without a continuous and consultive representation relationship established, such individuals are not representative of flight crew but are representative of their own views.
9. For these reasons, the AFAP believes that government must involve the representatives of line flight crew in their aviation policy discussions and decisions if they want the outcomes of policy to be effective in the operational and lived contexts that they result in. Given that we are the largest representative of professional flight crew in Australia, flight crew representatives from the AFAP should be included.
10. The AFAP has become aware that there have been departmental round table consultations held recently where we have not been invited. This raises questions to the degree to which the Government is genuine in consulting to create aviation policy that will work in practice or if these were merely oversights.

**11. It is the position of the AFAP that to optimise aviation policy outcomes, it is essential to include the experiences of flight crew members by including their representatives in aviation industry discussions and decisions.**

12. Different departments do things differently – The AFAP has enjoyed good and open communication channels between the Department of Employment and Workplace Relations (“the department of employment”) but we struggle to gain the same level of engagement from the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (“the Department of infrastructure”).
13. The Department of employment actively seek our input and have constructed an effective consultation body via their independent consultants – Industry Skills Australia.
14. AFAP pilot representation is essential for informed decision-making in aviation policy and settings. This enables the aviation industry to be informed of the realities of pilots’ operational experience, collective perspective, through genuine representation and inclusion. This will improve the quality and effectiveness of policies, leading to safer, sustainable and more efficient aviation practices.

15. Examples where greater pilot representation would benefit the industry include at the above mentioned round tables, the CASA Aviation Safety Advisory Panel (ASAP), CASA Board, regular meetings with the heads and leaders of the government aviation agencies and other consultative bodies at Government and the department of infrastructure.

## **GP TOPIC 2: LIKELY FUTURE DIRECTIONS OUT TO 2050**

### **Existing Long Term Issues**

16. The GP outlines 4 topic areas where long term challenges lay. The two that we find that the GP has provided insufficient scope on are:
  - a. Workforce skills and training requirements.
  - b. Ensuring resilience to future shocks.
17. Much of this submission will focus on these areas, highlighting where in our initial submission you can refer to further input. However, we'll also address the risks and opportunities related to other factors beyond these two challenges.

## **GP TOPIC 3: AIRLINES, AIRPORTS AND PASSENGERS – COMPETITION, CONSUMER PROTECTION AND DISABILITY ACCESS SETTINGS**

### **A competitive airline sector.**

18. The AFAP is alarmed by the GP statement “Some stakeholders have suggested the Australian Government consider introducing greater cabotage rights for foreign airlines, allowing them to operate on domestic routes”. It is the AFAP’s view that this proposition will lead to the manifestation of multiple undesirable outcomes.
19. The first risk is that this could lead to a deterioration in Australia’s ability to maintain a locally based airline and aviation capacity to ensure self-sufficiency. The COVID-19 pandemic resulted in many realisations with regards to Australia’s domestic capacity to service its own needs. We note that whilst in opposition, the now government raised the issues of a lack of national self-sufficiency with regards to the lack of Australian based maritime operators to service our commercial and national interest needs.
20. In our view, allowing a relaxation of policy to enable greater cabotage rights for foreign air transport operators to operate on Australian domestic routes will have the same resultant effect as what Australia is experiencing in the commercial maritime sector. The AFAP believes that policies that would enable this situation should be avoided and other means should be sought as the priority to enhance domestically based competition.

21. The second risk that this proposal introduces is of deteriorating Australian domestic employment standards. The GP mentions many times what the Government is doing to improve employment standards and conditions overall but the AFAP believes this area of policy proposition to be a backwards step and one that works in opposition to employment standards. This submission has more detailed input on employment standards in other sections however we assert that increased cabotage would enable a foreign operators to undermine Australian jobs.
22. The third risk is that aviation safety standards would be at risk of being deteriorated. The AFAP is aware that, from time to time, some airlines in our region have not met entry requirements to other jurisdictions based on safety standards. Some have regained rights to do so but meeting minimum standards is not the benchmark Australia's aviation sector should be comfortable with.
23. Given the above mentioned differences between Australian based carriers and foreign based carriers, the AFAP believes that allowing foreign carriers to operate domestically enables an uneven playing field for Australian pilots and operators. Such plans undermine the employment of Australian pilots and could further dilute the profitability of Australian carriers already operating in a very competitive market.

#### **Consumer Protections**

24. The AFAP provided relevant input to this topic area in our submission to the March 2023 consultation the GP. Please refer to paragraphs 52 to 56 in that submission.

#### **Economic regulation of Australian airports**

25. The AFAP notes the following statement from the GP regarding the economic regulation of Australian airports: "Under the Commonwealth's long-term policy of 'light-touch' economic regulation of airports, investment at airports around Australia has increased over the previous decades". The AFAP proposes that the Government reconsider this policy and we believe that increases in investment don't tell the whole picture. In fact, this could be masking many of the existing problems with our airports.
26. Airports are effectively monopoly businesses and the Government should reconsider if they have the balance correct with the existing policy settings. Economic regulation is important to drive competition to safeguard the interests of consumers and the public. In a monopoly arrangement, this is even more critical. A "light touch" arrangement in what is ostensibly a monopoly sector is not fit for purpose in our view.
27. The AFAP questions what the increase in airport investment is focused on and if this is on aviation service provision needs or is largely driven by non-aviation focused investments, such as commercial ventures on airport land involving shopping centres and regular industrial use areas.
28. In our view light touch regulation isn't working to resolve the way many airport lease holders are degrading these airports and it is as though there is currently no viable means to protect them as national assets and important infrastructure. Examples include that most Federally leased airports have been allowed almost unfettered and inappropriate developments at airports with



non-aviation commercial ventures that degrade the aviation infrastructure. The Department of Infrastructure may be insufficiently empowered to restrict these activities due to the philosophy of “light touch” regulation.

29. The increased use of airport land for non-aviation activities tends to encourage development to be built to the limits of existing aviation infrastructure, which has a subsequent effect on the ability of new air transport service providers to enter the market and provide competition to those existing operators.

#### **GP TOPIC 4: REGIONAL AND REMOTE AVIATION SERVICES**

##### **Essential links to communities**

30. The AFAP agrees with the GP positions that articulate that “Aviation contributes strongly to regional development, playing an important role servicing the needs of regional and remote communities”. However, the AFAP believes that the Government should do more to support regional airports.
31. The Federal Government needs to do more for regional and remote airports beyond the existing inequitable grants process. We would like to see the Government work towards a structured approach that fairly shares funds around. Given that most regional airports are owned and operated by their local shire governments, the capacity for them to gain funding shouldn’t rely on their ability to advocate at a federal level for funds.
32. The AFAP asks for a review of the way regional and remote aviation services, in particular airports, are funded, with an aim to achieve regular funding and good governance of the processes.
33. Please refer to our initial (March 2023) submission to the GP process for more: paragraphs 9 & 10.

#### **GP TOPIC 5: MAXIMISING AVIATION'S CONTRIBUTION TO NET ZERO**

##### **Electric and hydrogen powered aviation**

34. Please refer to our input to “GP TOPIC 9: EMERGING AVIATION TECHNOLOGIES” for our feedback to this consultation topic.

##### **AFAP positions on decarbonization of aviation**

35. Please refer to our initial (March 2023) submission to the GP process for more: paragraphs 22 to 25.

**GP TOPIC 6: AIRPORT DEVELOPMENT PLANNING PROCESSES & CONSULTATION MECHANISMS**

**Noise**

36. The GP states that “ Airservices Australia’s approach to aircraft noise management reflects the International Civil Aviation Organization’s (ICAO) Balanced Approach to Aircraft Noise Management”. The AFAP is not sure of how this comparative assessment has been but we are aware that, whilst the responsibility of aircraft noise remains with Airservices Australia, they will continue to compromise on their legislated primary responsibility of the safety of air navigation.
37. Airservices has become politically risk adverse to the point that it persistently pushes for degradations to international aviation safety standards to appease noise complainants and relieve itself of public scrutiny. The primary example of this is Airservices ongoing participation and advocacy to increase runway tailwind limitations beyond that set out by ICAO.
38. The Government should develop policies to relieve Airservices of all aircraft noise related responsibilities and assign the responsibility to another agency, relieving the divided priorities of two insoluble ends, noise and safety.

**Federally leased airport master development planning and consultation**

39. There are several deficiencies within the airport Master Plan process including:
- a. Transparency throughout the process.
  - b. Lack of compliance or regulatory processes during the approval process.
  - c. Inconsistencies of assessment with planning schemes with other levels of government.
  - d. A significant lack of scrutiny of the non-aviation development at airports.
  - e. Inability to appropriately identify non compatible land uses, including with the NASF.
  - f. The lack of priority of reinvestment in aviation infrastructure, despite the responsibility of airport lease holders to maintain airports as airports for the future.
40. The leased ex-federal airports are insufficiently protected through the Airports Act (1996), however airports beyond the protection of the Airports Act are even more significantly exposed.
41. Airport master plans have triggers based on financial thresholds but this stands in contrast to the way other aviation based changes trigger assessment requirements. Change management mechanisms for the main part of the aviation sector are based on changes to safety protections and delineate changes into two categories, significant changes and non-significant changes. A significant change is one where the existing safety benchmark or existing practice is proposed to be lowered. These significant changes require assessments against standards and subsequent approval processes. All other changes are classified as non-significant.
42. The AFAP believes that the public interest is best served by accepting that the potential hazard created by a development or structure on or near an airport is not a function of cost (financial trigger threshold) but rather as a result of a safety assessment utilising agreed standards such as

through the NASF and ICAO Guidelines. Additionally, each jurisdiction should commit to a public register or list of stakeholders to enable alerting of each new relevant development submitted to the jurisdiction for approval.

43. Given that airports are public assets leased from the government on behalf of the Australian public, it can only be described as ridiculously undemocratic how current airport master development plans are not transparent or don't require mandatory consultation obligations on the airport lease holders and or upon the Department of Infrastructure.
44. The AFAP has called for an inquiry into airports regulation many times and does so again through this submission.

#### **Airport airspace protection reforms**

45. The AFAP has been a participant in a recent CASA led working group on the upcoming and proposed ICAO amendments to the airport airspace protection standards. What is clear to us is there is a lot of work to be done to ensure we don't progressively render our existing airports less commercially viable and safe unless we regulate to the intent of those standards.
46. To achieve this, Australia would need to reform the current system that assesses airspace penetrations. There are many facets to the necessary reforms but in short though, these reforms need to include and address how the various levels of government can and must work together more effectively. They also need to address the public risk versus the private financial benefit of development proposals and weigh the balance in favour of the collective public interest.
47. Aviation policy needs to address how to resolve the deficiency created by the [National Airports Safeguarding Framework principles and guidelines](#) not being enforceable and not being adopted by the states and territories.
48. Other comparable aviation nations have a regulatory framework that addresses this issue at a national level. Examples include the USA and New Zealand where specific regulations, which both refer to as Part 77 of their aviation regulatory suite - *Objects and Activities Affecting Navigable Airspace*.
49. These regulations describe standards used to determine obstructions to air navigation that may affect the safe and efficient use of navigable airspace and the operation of planned or existing air navigation and communication facilities. They are also less reliant upon guideline intent being understood and followed than the current Australian system.
50. The present system in Australia sees frequent and permanent penetrations into airspace of airports. To arrest this persistent degradation, there must be a legislated means to enforce it. The rules need to have clear, strong, and unambiguous language to ensure that the legal protections are both preventative and enforceable.

## **GP TOPIC 7: GENERAL AVIATION**

### **GA requires targeted support**

51. The General Aviation (GA) sector of the aviation industry provides a crucial service to the Australian community in many ways. We have provided extensive detail on this in other submissions to government. In summary, the most critical service provision that GA makes to the community is in these two ways:

- a. GA's role in training skills required in the future.
- b. GA's importance to the regional and remote areas and people of Australia.

52. The following GP statement leads to many responses from us: "The Australian Government is seeking views on whether policy and regulatory settings adequately facilitate the GA sector's evolving role in Australian aviation, including through protections at GA airports". The three main areas of policy reform required to assist GA are:

- a. The regulatory settings currently do not support the GA sector. They are too complex and burdensome. We have proposed a way in which to improve upon this, with more details available in this submission in response to "GP TOPIC 8: FIT-FOR-PURPOSE AGENCIES AND REGULATIONS – Safety Regulation".
- b. GA sector operators have challenges with attracting pilots due to the more competitive pay and conditions offered by the larger operators. To help level the playing field, the AFAP has provided a proposed training scheme concept funded by an industry training levy. A key requirement for pilots' participating in the program would be to provide a return of service to the GA sector and regional areas. This initiative would go towards relieving the training burden of the smaller GA operators. For more details, please refer to the following topic area in this submission: "GP TOPIC 10: FUTURE INDUSTRY WORKFORCE - Current challenges and outlook".
- c. Protections at "GA airports" are inadequate to ensure that these airports can continue to provide essential connectivity between regional Australia and the larger population areas.

### **A focus on GA airports**

53. The AFAP has been concerned at the deterioration of our Metro Airports, which traditionally are the main metropolitan hosts of GA. Of particular concern to us is of the situation at Moorabbin airport. We have been involved in efforts to preserve the aviation infrastructure of Moorabbin Airport in the face of relentless development. The path to overdevelopment appears not only to be inconsistent with State and Local Government planning schemes but more alarmingly, may render the airport incapable of supporting future GA operations and the associated businesses.

54. The AFAP is particularly concerned about the operating environment at Moorabbin and how this over-development has affected the safety of operations, not only as a consequence of the significant increase in obstacles surrounding the runways but also in terms of the effect of these

buildings on the turbulence and windshear environment of the runways. The AFAP interacts with several organisations associated with protecting Moorabbin as a viable GA airport. It is very clear to us from industry feedback that the leaseholder, Moorabbin Airport Corporation Pty Ltd (MAC), has little or no interest in ensuring the viability of existing or future GA businesses when it comes to preserving suitable access and availability of space for those businesses.

55. Unfortunately, this is not an isolated example of the deterioration of our GA airports in this way. It is one of the more prominent examples though.
56. The AFAP is concerned about the effect of these unchecked deteriorations to our airport infrastructure and how it will affect connectivity to regional areas of Australia and the ability to train future pilots and aircraft engineers. These airports are the key training grounds for both of these workforces and skills.

## **GP TOPIC 8: FIT-FOR-PURPOSE AGENCIES AND REGULATIONS**

### **Role of government and agencies**

57. The AFAP urges this Government to re-enliven and complete the RRAT Senate Committee inquiry into the GA sector started under the previous Government as a priority. Many stakeholders have provided many submissions and considered input to that stalled inquiry without any resultant outcomes.
58. Much of the input from most stakeholders was focused on the role of government and its agencies – in particular CASA - even though the inquiry was mainly aimed at aiding progress on GA issues.
59. If there is genuine interest in government to reform its aviation agencies, that inquiry must be continued and its subsequent recommendations implemented as best as possible.
60. The relationship between CASA and Airservices must be reviewed with an aim to identify and rectify all the areas where CASA is insufficiently enabled to regulate Airservices. For example, the CASA Office of Airspace Regulation (OAR) has only partial ability to regulate Airservices, who have ignored many recommendations by the OAR, such as the reclassification of airspace around Avalon airport.

### **Safety regulation**

61. The AFAP could be encouraged by the following GP statement: “CASA is reviewing its processes and approach to regulation with a view to implementing risk-based and outcomes-focused regulation”. However, CASA doesn't have outcomes focused regulation, nor are they transiting towards such a regulatory suite.
62. The Civil Aviation Safety Regulations (CASRs) don't articulate the intended safety outcomes. Without the articulation of the intent of each subcategory of the regulations, the focus will be on the prescription and not the outcomes.

63. The AFAP has provided detailed proactive ideas and a path forward of how to achieve a balance between prescriptive rules and rules that also articulate the regulatory intent. This will provide greater clarity to industry and the regulatory inspectorate – providing both a greater degree of consistency and a reduction in assessment time processes. For more information please see the two submissions, which contain content largely focused on this topic area:

- a. [AFAP Initial Submission to the RRAT GA Inquiry](#)
- b. [AFAP Supplementary Submission to RRAT GA Inquiry](#) (reform of regulations)

64. The AFAP is aware of many regulatory reform initiatives that are held up simply due to the workload and resourcing of the relevant regulatory drafting office within government. The prospect of CASA having their own in-house regulatory drafter (aligned to standards used across government) should be explored with an intent to remove the unnecessary impediments to allow the benefits of timely regulatory reforms to be realised by industry.

#### **Airspace regulation and management**

65. According to the 2021 Australian Airspace Policy Statement (AAPS), the Office of Airspace Regulation (OAR) will be a distinct operational unit of CASA. What is not clear is what that text means or is intended to convey in terms of airspace regulatory governance. What is clear is that it is not as “distinct” as it needs to be to operate effectively to regulate Airservices.

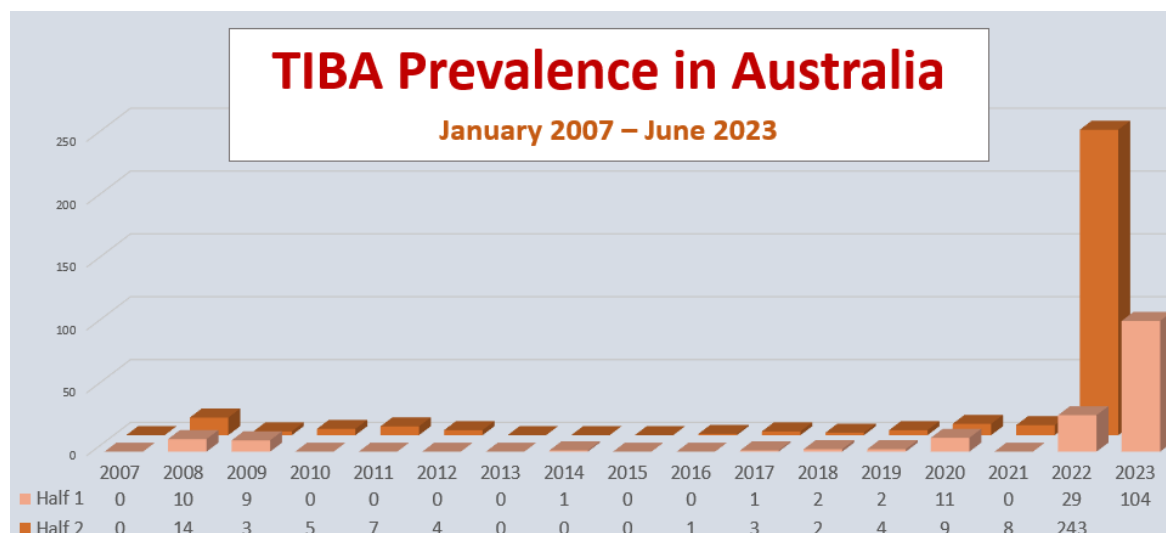
66. While there is a manager and dedicated staff within the OAR, there are three levels of management between the OAR and the DAS/CEO of CASA. Each of those supervising levels of management bring with them the politics of bureaucracy and the potential to impose perceptions of costs and detriments that may suppress real safety benefits or simply seek to appease other agencies most affected by OAR advice.

67. The AFAP believes that it is necessary to elevate the OAR to a report level direct to the CASA DAS/CEO and to ensure that the management of the OAR is sufficiently supported to do so. The AAPS should be guided by the White Paper to provide greater clarity as to the nature of the distinction between the OAR and CASA generally.

#### **Agency funding and cost recovery approaches**

68. In our view, Airservices is generally a “problem agency” which operates with too much autonomy from oversight and accountability. In recent years they have let their staff resourcing numbers reduce beyond operational needs, in spite of their false assertions otherwise.

69. Under Freedom of Information access, the AFAP obtained data from CASA that informs the following graph. The graph demonstrates the increased prevalence of “TIBA” which is meant only to be an exceptional use contingency measure. This is when airspace that is otherwise designated at a risk level to receive an Air Traffic Control (ATC) service does not because there are insufficient numbers of rated ATC personnel available to staff and service the airspace.



70.

71. The graph and associated data indicate that Airservices have got their resourcing requirements very wrong and the AFAP believes that this is, in part, due to the way Airservices is funded and is commercially focused.

### Security screening

72. The AFAP agrees with the GP policy proposition that “The Australian Government is committed to ensuring security regulations are proportionate to threats and risks”. However we believe that the airport screening regulations and associated practices require reform in order to align with the stated policy.

73. Many airport workers enter security controlled areas of airports without needing to be processed like a passenger. These workers are background checked and hold valid security identification cards. Flight crew members also have these checks and security identification cards but there is an inconsistency that they must be “seen” to be checked by airport security whereas the other occupation groups don’t.

74. If the regulations were proportionate to threats and risks, then flight crew members wouldn’t need to go through airport security screening processes and could access security controlled areas through expedited crew processing access points.

75. The AFAP advocates for the implementation of a security system that is genuinely risk and threat based where flight crew be treated as the lesser level.

76. For more information, please refer to these submissions:

- a. [AusALPA Submission to the AusCheck Discussion Paper consultation – Dec 2022](#)
- b. [AFAP Submission THE FUTURE OF AUSTRALIA’S AVIATION SECTOR - Nov 2020](#) (Page 8 and 9).

## **GP TOPIC 9: EMERGING AVIATION TECHNOLOGIES**

### **Electric and hydrogen powered aviation**

77. Whilst hydrogen powered aircraft may be some time away from entering service, we agree that electric powered aircraft are likely to enter service in the near term.
78. The Government and its aviation agencies, such as CASA and Airservices Australia, are putting a lot of focus and resources into addressing emerging technology and applications such as RPAS, air mobility and other future technological advancements. However, we find that the same level of focus and preparation isn't being put into ensuring the existing regulations are ready for these differently powered aircraft, such as electrically powered aircraft.
79. If preparation work isn't initiated soon, the industry will be rushing regulatory readiness for this new technology. For example, the flight operations regulations will need to address flight planning, fuel requirements and alternates based upon the different fuel/power plants etc. They will also need to address all the related safety issues for aircraft powerplant batteries.
80. This work is as important, if not more important, than the current focus the agencies have on the influence of change of technological developments.

### **Unproven technologies – Remote Towers**

81. Airservices also requires policy level guidance to ensure it is suitably focused.
82. Implementing new technologies is something the aviation industry has done for decades and in many instances, not all went well and subsequent lessons were learned. Processes to introduce, test and validate new technologies are important to maintain and improve upon.
83. The AFAP is concerned with Airservices' push to introduce a digital/remote tower at the Ballina Gateway Airport. This airspace associated with this airport is both very complex and busy and there should be a controlled airspace solution which is proven to work. However, this is the location that Airservices are proposing to experiment and introduce this technology.
84. New technology should be introduced cautiously and not as a cost saving measure as Airservices are doing (to avoid building and locally staffing a conventional tower). We believe that until viability trials are independently verified, the current aviation infrastructure and methodologies should be implemented rather than projecting unproven new technologies.
85. The USA regulator, the FAA is aligned with this position and has dropped their support for a similar experiment in the USA. In a March 2023 article, it was announced that [FAA Plans To Stop Operating Model Remote Tower | Aviation Week Network](#): "The remote tower in Leesburg is part of a test program. The FAA cannot allow the use of an unapproved system in the National Airspace System. It creates a safety risk." That trial ceased a few months later.
86. The AFAP is a partner in AusALPA and supports the following positions in relation to the introduction of remote towers: [AusALPA Remote Towers Position Paper](#).



## GP TOPIC 10: FUTURE INDUSTRY WORKFORCE

### Current challenges and outlook

87. The industry needs to attract more women to embark on and develop careers in the aviation industry, where only 8% are women pilots. The Department of infrastructure sponsored report - [Barriers to the Pipeline](#) – which shows that women perceive the work environment as sufficiently hostile that they would not recommend young women pursue a career in the sector.
88. Skills retention and training is a particularly expensive exercise in the aviation industry. Whilst training pilots is a cost of doing business, it is not uncommon for employers to require pilots to enter into an arrangement for training bonds or personal loans to undertake training related to their employment. Employers who cover training costs are placing themselves at a competitive disadvantage against those who require pilots to cover the costs associated with training. It also makes entering the aviation industry a less attractive proposition to many individuals.
89. These inherent barriers are ongoing and to date, little has changed. VET-FEE help schemes have alleviated some of the burden for the acquisition of initial training but this also indebts individuals to repay later. It also doesn't address the issues beyond the initial training.
90. The AFAP advocates for an industry training levy - a tiered levy where the larger operators pay more to help train pilots for regional and remote operations. The funds should go directly to the training provided of the pilot, not the operator, to ensure that operators don't use the funds as a form of corporate welfare. In return, the pilot would need to provide a return of service to GA operators in regional or remote areas to avoid the levy funds becoming their own responsibility to repay if they didn't meet minimum return of service criteria set out in the government program.
91. An industry training levy would do two beneficial things; it would relieve smaller operators of the training burden and it would maintain a pipeline of experienced pilots to the larger operators.
92. Please refer to the following AFAP submissions for more details:
  - a. [AFAP Submission to the Senate Inquiry re Future of Aviation Sector in COVID-19 Context - Dec 2020](#)
  - b. [AFAP Job Ready Pilot Program Submission – Sep 2021](#)
93. Additionally, the AFAP believes these existing industry training levies are very useful to consider and benchmark against for an aviation/pilot training levy program:
  - a. [Building and construction training levy](#).
  - b. [NECA – National Electrical and Communications Association](#)
  - c. [Electrical Upskilling, Support programs and Free electrical cpd \(centreforu.com.au\)](#)
  - d. [Skilling Australians Fund \(SAF\) levy - vocational education](#)
94. Beyond this type of support, the AFAP sees a role for an expanded Resilient Pilot program [Resilient Pilot program](#) , which has proven successful in supporting pilots through their career, particularly

in relation to their confidence and competence. Experience has shown that if pilots are exposed to this type of support at all career stages (from beginning onwards), there is a greater chance that they will remain in the industry. The AFAP has successfully run our chapter of the Resilient Pilot program for over 2 years with great success. The program encourages participation and offers experience in a no jeopardy environment. It has been particularly beneficial in addressing the gender imbalance in the industry. With the right level of government support the AFAP Resilient Pilot Program could significantly assist in pilot retention in the industry.

95. Australia has several systems where portable entitlement schemes have been introduced for occupations that suffer from cyclic instability and an employment churn. The AFAP suggests that the Government should look into such as scheme for the aviation industry to help attract and retain pilots. The GA sector for example, particularly with pilots at the beginning of their career, suffers from these types of problems. Consideration should be given to creation of a similar portable scheme for these pilots to protect and stabilise the entitlements of pilots in this sector. The resulting security would encourage retention of pilots in the industry.

#### **Skilled migration supplementing pilot experience shortage isn't the solution**

96. There is a need for the creation of an environment for a stable local workforce in the aviation industry and to realise that reliance on skilled migration programs for pilots doesn't result in any meaningful supply of pilots to our shores.
97. In 2021 the AFAP provided information on the use of the 457 visa program by some pilots to the Rural and Regional Affairs and Transport References Committee – Future of Australia's aviation sector, post COVID-19. The statements from pilots who utilised these visas were provided to the Committee and demonstrated a general level of dissatisfaction on the part of those pilots. In particular, although many were initially positive to the possibility of a long-term future in Australia, they elected to return to their origin countries, with a resultant waste of costs on the part of both the employer and the individuals. These examples demonstrate that the use of skilled visa programs to attract pilots, can and do evolve into unsatisfactory responses to a local pilot shortage. The testimonials can be accessed here: [AFAP Answers to Questions on Notice re; the Senate hearing into the future of Australia's aviation sector \(Jan 2021\)](#).
98. The AFAP has had recent experience with operators taking advantage of the 482 visa programs. Reports indicate operators using this visa programs who, for various reasons, have had to create a two-tier system of employees - those employed as skilled visa pilots and those who are not.
99. The two-tier class system arises due to the operator providing different entitlements, notwithstanding that all pilots are performing the same job. Skilled visa pilots, for understandable reasons, feel as though they cannot argue against this system, or raise concerns about the inequality created. The detrimental effects of a two-tier class system cannot be overstated. It creates division and uncertainty, and it creates a difficult bargaining environment for collective bargaining that is inefficient. Division does nothing to promote the retention of domestic pilots (either in the particular workplace, or in Australia generally).

100. Naturally, these workplace cultures of division and fear extend to safety degradation too because of the same inability to raise concerns and report matters that are of an operational safety basis.
101. Additionally, and as recognised by the International Labour Organization – [Technical meeting on a green, sustainable and inclusive economic recovery for the civil aviation sector \(ilo.org\)](#) held in April 2023 - workplaces utilising different models of employment require oversight. Strict regulation of atypical models or atypical workplaces where different classes of employees can arise is necessary. As the Technical meeting notes: “These types of work may give rise to decent work deficits when, among other reasons, they are not regulated well, are not used for the specific legal purpose they are intended for but instead, are used to circumvent the employer’s legal and contractual obligations, or do not afford adequate labour and social protection, and fundamental principles and rights at work. This can contribute to undercutting fair competition and deepening inequalities in the labour market (Technical Meeting – Recommendation and conclusions of sectoral meeting, paragraph 7 available at [XXXX \(ilo.org\)](#)).
102. The AFAP asserts that it shouldn’t be the role of government to supplement an organisation’s recruitment problems with a skilled migration program when those problems could be more easily resolved through simple improvements in workplace practices and organisational culture.
103. The AFAP recommends that visa programs not be used as part of a solution to the current pilot experience shortage. Instead, the industry levy training program promoted in this submission should be the primary method of maintaining the pilot supply pipeline.

## **GP TOPIC 11: INTERNATIONAL AVIATION**

### **Bilateral settings**

104. For the most part, the AFAP is satisfied that the current regime of bilateral settings for access rights for international airlines. One key difference is the Trans-Tasman arrangement where New Zealand and Australian Air Operator Certificate (AOC) holders can operate in the other, or each, country under certain conditions as though they were operating within their home base country.
105. The regulator of the “home nation” is tasked with regulating these AOC holders but in practice, the AFAP is aware through its members that this arrangement does result in an underlap of regulation. The bilateral agreement provides recognition that safety standards need to be comparable but there is no mechanism to assess how or if this is so.
106. The AFAP would like the Government to review this bilateral agreement and ensure that it doesn’t allow for any work-arounds for AOC holders in either country. This review should be transparent and include stakeholder consultation opportunities.

### **Aviation international engagement**

107. The GP articulates Australia’s long international involvement with ICAO, including via this GP statement: “It remains strategically important for Australia to maintain our active participation

and leadership through ICAO fora. Australia has maintained a strong record of aviation leadership and is well regarded as a global leader...”.

108. However, what the GP doesn't make clear is that Australia has one of the most extensive list of filed differences to the ICAO standards. Through our international connections within and via IFALPA, we are aware of the frustrations and confusion that our “differences” cause to others operating into and out of Australia from other jurisdictions.

109. Many of these differences frustrate Australian pilots too as they usually occur due to commercial pressures from industry or from within CASA and involve a lower standard or incomplete application of the ICAO Standards and Recommended Practices (SARPs).

110. Safety of aviation has been reliant upon standardisation of systems to ensure safe interoperability, yet the Australian “norm” is to treat the exceptions process allowed through filing a difference as though it is an equally acceptable option as being compliant and fully adopting the ICAO SARPs into local practice and rules.

111. The AFAP would like to see the Aviation White Paper address this issue and the need for a pathway and goal to significantly reduce the number of differences filed by Australia to ICAO. Our operational environment is not unique enough for this to continue to be an ongoing excuse.

#### **ADDITIONAL AVIATION POLICY TOPIC: ROTARY AVIATION**

##### **The significance of rotary aviation for Australia**

112. The Australian rotary aviation sector represents one of the largest rotary fleets in the world.

113. Despite a period of somewhat dampened growth due to the pandemic, annual fleet growth rates have matched and generally doubled the rate of GDP within Australia. Forecasting current and future growth rates has become very difficult given the rapid increase in growth generated by a combination of domestic economic opportunities and regional geopolitical issues. Suffice to say, the trajectory is very much in the range of above trend growth for several years to come.

114. Rotary aviation has traditionally ‘ebbed and flowed’ in a counter cyclical manner to airline activities. During periods of above trend costs for resources (oil and gas etc.), airline travel can become depressed, but those same increased prices support increased activities in helicopter resource support. However, this current cycle has defied that historical trend.

##### **Training pipelines – Rotary pilots**

115. The rotary aviation sector has a huge diversity of possible career pathways for helicopter pilots. This is arguably much more the case than the relatively linear pathway of a fixed wing pilot working through GA through to the airlines. Despite that, the entry to the industry has been a previously reliable combination of privately funded civilian pilots and former service personnel making the transition from the military.

116. Private training has always been relatively more expensive than the fixed wing equivalent with a steady comparison remaining close to 300%. I.e. The outlay to achieve an employment level of qualification is close to triple the price of that for fixed wing pilot training. This is driven by higher capital, insurance and direct operating costs.
117. These challenges highlight the need for the Government to develop policy to address future skills requirements to ensure sufficient numbers of qualified and experienced rotary pilots are available for Australia's needs.
118. The traditional reliance of ex-military pilots should also be understood as a burgeoning issue. Military training has had its own significant issues in recent times around airframe availability. Defence consistently struggles to reach its own recruitment targets and has been challenged with keeping pilots current and engaged in remaining in the Services. Where there has been very few operational deployments and little aircraft availability, this has created a scenario where ADF pilots are not able to build sufficient experience to move into civilian rotary roles and due to the increased ADF incentives for retention. Policy changes will be required to correct this scenario but it will be years before it is resolved.

**Regulatory challenges - rotary pilot training capacity**

119. The move from the previous pilot licencing system to the latest approach has created significant confusion and disruption to the flight crew licencing system. Complex qualifications and the higher levels of licencing required for many rotary pilot roles have resulted in regulatory blocks to career progression.
120. It has become clear that the difficulties in moving from entry level positions has become so arduous from a time, investment, and 'training risk' perspective, that several positions are reaching criticality regarding the availability of suitably qualified pilots. It should be emphasised, that in many cases, these positions are life supporting emergency service operations for whom service delivery failures would be severely detrimental to the community if service provision was not available.
121. It is now too expensive and too time consuming for companies to consider investment in developing their own training staff given the arbitrary and costly minimum experience requirements imposed by licensing regulations. Consider for instance, the requirement of a helicopter Type Rating Examiner to have not less than 200 hours of flight instruction under the Instrument Flight Rules (IFR) after having removed the IFR training requirement of the Commercial Pilot Licence (Helicopter) under pressure from the entry level of the industry to reduce the cost of those entry level qualifications. This has the effect of locking out new Flight Examiners.
122. Flight training departments are staffed almost exclusively by instructors and examiners who were 'grandfathered' across to the new regulations. The rate of new examiner qualification has been practically zero in this period. As the current cohort is already very senior within industry, it

is only a matter of time before the system is pressured further by the scarcity created by retirement.

**Critical Intervention Required**

123. Small incremental changes that support costs savings to all aviation activities will also support the rotary industry. Small savings over a large period do become meaningful.

124. Regulatory intervention is also required as a matter of priority because rotary pilots need to be able to bridge the gap between entry level qualifications and ‘job ready’ additional capabilities. The AFAP suggests that the Aviation White Paper should address the need for the creation of a industry working group for this purpose, chaired by CASA. We are aware that CASA, through its GA Workplan, is actively finding ways to ease the burden on licensing and career progression blocks for aircraft maintenance engineers. The AFAP believes that this same type of scope of reform work could address rotary pilot based issues with an aim to achieve similar relief.



**Australian Federation of Air Pilots**

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