

By Email

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Dear Joe,

AUSALPA COMMENTS ON THE DP FOR ACCESS TO CLASS C & D AIRSPACE FOR SPORT AND RECREATION AIRCRAFT

The Australian Airline Pilots' Association (AusALPA) is the Member Association for Australia and a key member of the International Federation of Airline Pilot Associations (IFALPA) which represents over 100,000 pilots in 100 countries. We represent more than 7,100 professional pilots within Australia on safety and technical matters. Our membership places a very strong expectation of rational, risk and evidence-based safety behaviour on our government agencies and processes and we regard our participation in the work of the Australia's safety-related agencies as essential to ensuring that our policy makers get the best of independent safety and technical advice.

AusALPA welcomes the opportunity to contribute feedback on the Discussion Paper (DP) for access to Class C and D controlled airspace for sport and recreation aircraft.

In summary, AusALPA is generally supportive of the direction that the DP indicates. However, we note that this topic area would ordinarily be included into the overall airspace policy reset slated to occur via the Australian Future Airspace Framework (AFAF) and its associated Technical Working Group (TWG) process if that was sufficiently resourced to be operational already.

With this in mind, this submission addresses the interlinked issues that would otherwise be included if this were a DP addressed through that stakeholder engagement process.

Background and Relevance of Ballina CTA

AusALPA believes that this DP and consultation should be understood within the context of the background for which it has arisen. We were and remain strong advocates for the airspace of Ballina Gateway Airport ("Ballina") to be risk assessed for consideration to promulgate a Control Terminal Area (CTA) service and classification. We are pleased that it was agreed that this should occur and that Ballina will transition to a CTA.

During those industry meetings and discussions, it became apparent that the sport and recreation sector of the industry was also supportive of the change to Ballina's airspace classification but on the proviso that the associated rules be amended to allow for fair access to Class C and D CTA

for their aviation activities. It is our understanding that stakeholders from the sport and recreation sector were not expecting that the rules would change to allow all aircraft and all pilots from their sector to operate in Class C and D without some necessary requirements first being met. However, it is not clear if all aviation participants from that sector are of the same understanding and in anticipation that some of those stakeholders may respond to this DP consultation with a skewed view of “access and equity”, we believe it important to state our own expectations with regards to what equal access to controlled airspace actually means in principle and in practice.

The Principles of Access and Equity

AusALPA agrees with the principles of access and equity and understands this to mean that a non-discriminatory approach should occur but also that access is proportionate to the risks associated to the airspace classification designation and prioritisation needs and considerations. It is important that the term ‘equity’ be understood within these contexts by all.

We suggest that the ICAO Manual on Air Traffic Management System Requirements (Doc 9882) is the best place to gain the necessary shared understanding on access and equity. This manual addresses many practical Air Traffic Management (ATM) system requirements, including access and equity issues and AusALPA believes the following are relevant quotes:

2.1.5 Access and equity

“...regarding access and equity, the ATM system shall:

c) be designed to **minimize** restriction of access to airspace”

[Emphasis added]

ATM Requirement Numbers from Doc 9882:

“R165 – “Ensure that in the design of the ATM system, the principles of access and equity are taken into account.”

“R153 – “Operate on the basis that where there is a conflict between access and equity, allocation of priority to airspace users will be **based on the principle of maximizing ATM system performance.**”

[Emphasis added]

The manual explains the intent:

2.4.3 Demand and capacity balancing

[In relation to provision of information and service]

“...Explanatory text: In relation to providing services for demand and capacity balancing, while principles of access and equity will apply throughout the ATM system, **it is intended that operators of an aircraft not compatible with the majority of users in a given operational scenario will not be granted the right of equity and access without due consideration of the impact on the performance of the ATM system as a whole.** It is intended that arbitration of access and equity issues, at least at a tactical level, will be conducted through the service delivery management function.”

[Emphasis added]

It is clear here from Doc 9882 that minimising access restrictions (not eradicating them) is key to understand and that some compatibility requirements are intended to be incorporated as part of the ATM system access and equity considerations. In our view, this means that minimum operational requirements need to be set and reached in order for airspace users to access certain airspace. Therefore, in practical terms the maximising of ATM system performance means that access is not “all-in” but is instead a proportional offset against, and underpinned by, appropriate rules of access. In our view this necessarily has two main subparts:

1. Tactical/Day of ops considerations – where some users are (temporarily) restricted from access even though they otherwise meet the overall access requirements; and
2. Minimum overall access standards – These need to be set for clarity and expectation management, for things such as the aircraft equipage, pilot licensing, medical standards etc.

Balancing Access ‘Rights’ and Necessary Restrictions

Doc 9882 points out that “at least” some of the maximisation of the system performance is to be “conducted through the service delivery management function”. Where temporary access restrictions are applied, Air Traffic Controllers (ATC) should not take advantage of their discretion to maximise ATM system performance by restricting access in a way that unfairly denies access for aircraft that do meet minimum access requirements.

As stated in Doc 9882, access restrictions should be minimised and when restrictions are tactically issued, we believe that it is important for ATC to provide advice to airspace users of the likely period of airspace access delay. In order to achieve the access intent as set out in the international standards, this advice shouldn’t lean to worst-case-scenarios with implicit attempts to influence decisions to turn aircraft away (outright deny access).

In contrast though, we believe airspace users and aircraft operators should understand that airspace access *rights* need to be understood as access *responsibilities* too and that these need to factor the following:

- Access responsibilities to different classes of airspace are appropriately aligned to the risk level of each airspace classification.
- The technical equipage of the aircraft type, or lack thereof.
- Serviceability of the fitted equipage of the aircraft type, or lack thereof.
- Qualification and competency of the operating pilot, or lack thereof (e.g. language and radio competency standards).
- Minimum medical certification for the operating pilot.

In setting out the new standards and regulation to allow sport and recreational aircraft to access Class C and D airspace, CASA must balance these factors into clear and useable regulations.

Airspace Access Criteria - Fairness

When considering what is the appropriate airspace access thresholds, we agree that safety needs to be assessed against appropriate criteria and in our view, the appropriate starting point is the existing criteria that applies to VH registered aircraft operations.

It is important to note that in the ICAO standards, the terminology used is “access and equity” whereas in the Australian context we tend to refer to this concept as “equal access to airspace”. Whilst similar, there are subtle differences and AusALPA prefers the ICAO terminology as it doesn’t skew perceptions that access to airspace is equal for all. Therefore, we agree with these perspectives provided in the DP:

“Whereas equality means providing the same to all, equity means recognising that all airspace users do not start from the same place, and that the respective ‘equity claims’ on the airspace by various users need to be assessed in terms of overall fairness.”

“The intention of this approach is not to allow all users to access any/all controlled airspace under any/all circumstances.”

“Throughout any consideration and application of potential changes to equitable access concepts and practices, it is essential that an equivalent level of safety to that inherent in the current regulations and operational approaches is achieved...”

Regulatory language that is truly outcomes-based would be useful in this instance and it should articulate the objectives/intent that is being sought but it should also be accompanied by prescriptive clauses that outline the minimum requirements. This is in alignment with ICAO perspectives for a hybrid approach to setting standards, ICAO Doc 9859, 8.3.5.13 states:

“In practice, regulations are rarely fully prescriptive or fully performance-based, but rather contain elements of both. They are also performance-based to different degrees.”

CASA’s regulations are nearly entirely prescriptive with only a minority of exceptions. Given that each criteria area listed in the DP does or will have exceptions, we believe the best way to address this, and to ensure clarity of the regulations as per the requirements of the Civil Aviation Act, is to utilise the above mentioned hybrid approach. See [here for more](#).

AusALPA provides the following specific feedback to access criteria provided in the DP:

Pilot Competencies

AusALPA agrees that the overall competencies for pilots to operate in controlled airspace and at controlled aerodromes are appropriate and reasonable. It is important that the same standards are being met by all airspace users who use the same airspace.

It is important to note exceptions and if some airspace users will only operate in a very limited portion of a CTA and this won’t cause any conflict or airspace efficiency issues, then we believe that it is appropriate for them to use the Class C or D airspace on this restricted basis. We note that the DP provides the example of hang gliders and paragliders operating in Class D below 300 feet. As long as this is not within the normal take off and approach areas of the aerodrome(s) within the CTA, then there is effective segregation and separation. For these reasons, a complete blanket ban for these airspace users from Class C and D would be overreach and unnecessary.

Radio Competencies and English Language Proficiency

AusALPA notes the following DP statement with regards to radio and language competencies:

“The competency standards to be authorised to transmit using radio equipment under a sport aviation body are intended to align with those in the Part 61.”

We agree that these should be aligned with those in Part 61 before access to controlled airspace is deemed permissible.

Medical Fitness

AusALPA believes that medical standards criteria for access to Class C and D airspace should be both risk-based and be dependent upon if the airspace users will be mixing with air transport operations.

If they will be, then they should meet the same minimum medical certification requirements as those that operate VH aircraft. If not, then an exception for some sport and recreation airspace users is reasonable, such as hang gliders and paragliders, if they are restricted from mixing with ‘other’ aircraft traffic within the C or D CTA (as per the DP example).

We are not supportive of allowing the same access to Class C and D airspace for these pilots who have “self-declared” their medical status.

Aircraft Equipment

The objectives for requiring aircraft to be fitted with nominated (radio and surveillance) equipment are supported by AusALPA but we believe there is a greater need to be explicit with regards to minimising exceptions and ensuring compatibility of systems, particularly with regards to the various surveillance equipment options. Without a consistency of minimum surveillance equipment requirements, ATM safety and efficiencies will be negatively impacted. Those aircraft not meeting minimum requirements could be allowed access to Class C and D airspace but on the basis of a lower priority and for exceptional circumstances only.

Priorities for Airspace Access

AusALPA notes the following from the DP with regards to priorities for airspace access:

“One of the considerations in classifying controlled airspace, including Class C and Class D airspace, is that of equitable access.”

Whilst we agree that this is ‘one’ of the considerations, we want to point out that there are other important considerations too. Airspace that has been classified as Class C or D is due to the identified higher risk mitigation needs of that airspace and its users (when compared to lesser classifications). Therefore, the priorities for airspace access need to be considered with the principles of access and equity – minimisation of restriction while maximising system performance – *but also* within the context of a risk-based approach to ATM.

In our view, the DP provides an unbalanced perspective to the basis of classifying controlled airspace and the discussion needs a greater emphasis towards the higher risk mitigation outcomes being facilitated through these airspace classifications.

Having said that, AusALPA supports the use of the strategic perspective priorities promulgated at the general and specific level in the AIP. With respect to the tactical level of ATM, we agree that ATC workload is a principal consideration but, as commented above, this tactical discretion can be used more fairly and cooperatively, including through accurate communication of delays when prioritisation is being implemented. The ANSP also has a responsibility to ensure that air traffic services are sufficiently resourced to accommodate airspace user needs, including to avoid the use of tactical airspace access restrictions.

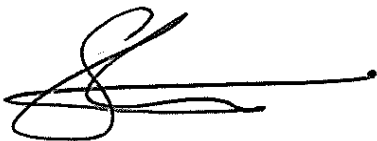
Our View & Summary

AusALPA supports the DP theme of moving away from blanket restrictions preventing access for the sport and aviation sector to Class C and D airspace and towards a fair approach. To achieve this, a genuine risk based ruleset should be developed, which allows proportional access to those who are able to meet the minimum requirements and access responsibilities.

Given that a number of safety factors can affect the ATM system performance, the amended rules must suitably set out and address aircraft equipment and serviceability, pilot medical and licensing standards.

AusALPA looks forward to responding further to future CASA consultation on this topic area when specific recommendations are developed, including as a result of feedback provided to this DP consultation.

Yours sincerely,



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