



**Australian Government**

**Civil Aviation Safety Authority**

# **STANDARDS CONSULTATIVE COMMITTEE**

## **KEY ISSUE PAPER**

### **Parallel Path for Flight Crew Licensing**

#### **Executive Summary**

##### The problem for CASA

The Minister's policy on Sport and Recreation aviation requires that CASA provide a parallel path to that provided by the appropriate CASR Part 149 Organisations for the licensing of individuals. There has been much discussion on the form that the parallel path should take.

##### The problem for Sport Aviation

The Sport Aviation groups are concerned that if CASA provides a parallel path that it will weaken their membership, particularly if CASA's price is lower and there is little barrier to defection.

##### The problem for GA

GA will get access to the Light Sport Aircraft and wants to ensure that the safety standards applying to GA are no different from the safety standards applying to Sport Aviation for LSA operations. GA is otherwise not concerned how CASA solves the parallel path problem as long as differential safety standards are not used to disadvantage GA.

##### Progress to date

Two Standards Consultative Committee sub-committees have now considered the problem. The Sport and Recreation sub-committee has proposed a 'training-gap' model as a solution. The Flight Crew Licensing sub-committee has proposed an 'alternative means of compliance' with the requirements for a Recreational Pilot's Licence in CASR Part 61 as a solution. This paper seeks SCC guidance on what advice it wishes to give to CASA on the implementation of the parallel path, competition for sport aviation bodies, and non discriminatory safety standards for GA.

## 1.0 Background

### 1.1 Minister's Policy

1.1.1 The sport and recreation suite of Civil Aviation Safety Regulations (CASRs) have been a part of the Regulatory Reform Program (RRP) since its inception.

Specifically these CASRs consist of:

- Part 103 – Sport and Recreation aviation operations;
- Part 105 – Parachuting certification and operations;
- Part 115 – Non-recreational use of sport aviation aircraft; and,
- Part 149 - Recreational aviation administration organisations.

1.1.2 In 2001 regulatory development on these parts was halted following fundamental disagreements on policy direction between the Civil Aviation Safety Authority (CASA) and representative bodies of sport and recreation aviation organisations. Some sport and recreation aviation bodies made representation to the Minister during the hiatus and the Minister developed government policy to give direction to both CASA and the sport organisations.

1.1.3 In April 2003, CASA's Executive Manager Aviation Safety Standards, Bill McIntyre, presented that policy paper to the sport and recreation aviation industry. Some industry representatives were uncomfortable with a couple of the elements and asked for revision.

1.1.4 On Thursday 31 July 2003, CASA's Chairman of the Board, Ted Anson, presented a revised policy paper and sought agreement from those present to use that policy as the blueprint for the development of the sport and recreation CASRs. With a couple of minor amendments supported by all attendees, the meeting agreed to that request. A couple of relevant outcomes of that meeting read as follows:

*The meeting agreed that the interpretation of the policy was to include that the Sport Aviation CASRs (103, 105, 115 & 149) were to be a one-stop-shop for the regulatory requirements of sport and recreation activities.*

*The meeting agreed that the parallel path had to reflect a level playing field for both Sport Aviation and General Aviation.*

1.1.5 The wording in the policy paper that is relevant to this issue reads as follows:

*The objective will be to draft standards such that there is only one set of standards for each sport/recreational aviation activity.*

*Under these standards, the regulatory authorisations necessary to engage in sport/recreational aviation activities will normally be issued by CASR Part 149, aviation administrative organisations but may potentially be issued by CASA using the same standards that would apply to an authorisation issued by a Part 149 organisation.*

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## *Parallel Paths Principle*

*While the CASRs will not preclude individuals from applying to CASA for various licenses, certificates and authorisations necessary to engage in sport/recreational activities, applicants will, in the first instance, be referred to the appropriate CASR Part 149 organisation. If the application is dealt with by CASA it will be handled as a low priority request and the fees charged by CASA will be on an equitable cost basis.*

1.1.6 There have been different interpretations of the policy intent and how the parallel paths issue can be addressed.

## 1.2 Regulatory Development

1.2.1 The RRP program in general has been progressing during this period. Of particular note is that Part 61 has continued to be developed through the SCC Licensing sub-committee and is at the stage where the Notice of Final Rule Making (NFRM) is to be presented to the sub-committee.

1.2.2 CASR Part 61 has deliberately not addressed any sport and recreation aviation issues in its development to date. It does however include a Recreational Pilot's Licence (RPL), which is not equivalent to the Recreation Aviation Association (RAA) Pilot Certificate. Also of interest in this discussion is that the RPL has a capability for a Light Sport Aircraft (LSA) design feature endorsement as well as a single engine land or sea class rating to accommodate the new CASR Part 21H aircraft. The sport aviation issues for Part 61 have been parked until now so that agreement can be reached between the licensing requirements of Part 149 and Part 61 can be harmonised. Deliberations following this paper should present the way forward on this issue for the further development of both Rule Parts.

1.2.3 Sport and Recreation regulatory development has proceeded with pace. Of relevance to this paper is that the Sport and Recreation sub-committee recommended to the SCC the CASR Part 103 should proceed directly to NPRM. This was accepted by the SCC proper and the sub-committee is expected to endorse the proposed contents of that NPRM by the time you are reading this paper. With the operating rules in place, the challenge of the sub-committee working group is now to put the Discussion Paper for CASR Part 149 together. This DP requires resolution of the parallel paths issue to progress their work.

## 1.3 Consultation

1.3.1 This issue affects the current work of two sub-committees.

1.3.2 The sport and recreation sub-committee has considered the issue and have a proposal to present to the SCC.

1.3.3 The flight crew licensing sub-committee has considered the issue and have an alternate proposal to present to the SCC.

1.3.4 Co-incidently, the Chairman of both sub-committees is the same person and a CASA officer which provides for potential conflict of interest on the issue. The Chairman would therefore like to escalate the proposals to the SCC proper to determine what advice the SCC would like to give CASA on the issue.

1.3.5 This key issue paper has been passed through both sub-committees in an effort to provide an objective summary of each proposal with the expectation that proponents of each proposal will be able to present further argument and advice during SCC deliberations.

## **2.0 Sport and Recreation Aviation Sub-committee Proposal**

### **2.1 Policy Interpretation**

2.1.1 The general view of the members of the sport and recreation fraternity is that the Minister listened to their concerns, was very comfortable with the concept of self administration and was supportive of CASA taking an oversight role rather than interfering with the administrative processes and procedures that are currently in place. Further, there is a very definite impression that the Minister expects the CASA parallel path for any of the administrative elements within Part 149 jurisdiction to be much more difficult than the comparable Part 149 path.

2.1.2 There is a tacit acknowledgement that this has some element of patch protection but believe that this is in line with the intent of the Minister in developing his policy. In particular, the CASA Part 61 path was not to provide an avenue to undercut or undermine the Part 149 path. The entry control process outlined by the Minister for Part 149 organisations provides further evidence of the intent of the Minister in this issue.

2.1.3 In summary the policy interpretation by the sport and recreation aviation fraternity for a parallel path would be:

Two or more ways to get to a nominated point or points on the licensing continuum. Specifically this prohibits the same path from being used to achieve the qualification/s and that the different path used by CASA should be commensurably harder to achieve than the Part 149 path.

This interpretation forms the basis of the Sport and Recreation Sub-committee's rejection of the proposal presented by the Licensing Sub-committee.

### **2.2 Proposal Development**

2.2.1 Who could do what? to whom? When? and where? and who could issue what as a result? has always been one of the major stumbling blocks in the development of the Sport and Recreation Rule Suite. This issue was one of the catalysts for the two year plus hiatus in rule development while the Minister determined his policy and the Sport and Recreation fraternity would contend that the Minister came down very firmly with a sanctioning of their requests.

2.2.2 The Sport and Recreation sub-committee used a paper put to the Licensing sub-committee by the Sport Aircraft Association of Australia(SAAA) as the catalyst to develop their own proposal. An ad hoc Working Group of the Sport and Recreation Sub-committee met on the 29<sup>th</sup> of October in Canberra. That working group, considered the Basic Recreational Pilot's Licence(BRPL) proposal put forward by the SAAA, rejected that proposal as not meeting the intent of the Minister's policy on parallel paths and provided an alternative for consideration by the Sub-committee.

2.2.3 On the 3<sup>rd</sup> of November 03, the Sub-committee considered the BRPL proposal and the alternative proposed by the ad hoc working group. The minutes of that meeting read as follows:

The Subcommittee supported the training gap proposal for movement to/from the RPL (Part 61) and AUF and other sport and recreational aviation Pilot Certificates. That outcome is to be referred to the SCC acknowledging that the preferred option was not unanimous and noting that the Licensing sub-committee would also be considering the proposal.

## 2.3 'Training Gap' Proposal

2.3.1 The 'training gap' proposal advocates that the differences between the Part 61 Recreational Pilot Licence(RPL) and a Part 149 pilot certificate(PC) should be covered by a 'conversion' training competency which operates in either direction. This means that an individual who holds an RPL and want to be issued an RAA PC would need to undertake a (to be determined) conversion course and pass a competency check. Equally, an individual who hold a PC and wants to be issued with a RPL by CASA would need to undertake the identified training and pass a competency check.

2.3.2 The parallel paths identified in this case to achieve a RPL are:

- a) Follow a course of training identified in Part 61 under a Part 141 organisation;
- or
- b) Obtain a PC under a Part 149 organisation and then undertake an identified training course and competency check.

2.3.3 The parallel paths identified in this case to achieve a PC are:

- a) Follow a course of training identified in by a Part 149 organisation; or
- b) Obtain an RPL from CASA and then undertake an identified training course and competency check.

2.3.4 The 'training gap' that gives this proposal its name is filled by an identified course of training and a competency check to move in either direction. It is acknowledged that some of the identified training may be quite lengthy and involved, e.g. moving from a fixed wing aeroplane RPL to a PC in a gyrocopter, others less so such as a weight shift trike PC to a fixed wing RPL, and others may not require much more than the competency check, e.g. RPL in a Jabiru to a PC in a Jabiru.

2.3.5 It is envisaged that the contents of the training gap would be jointly determined by CASA and the relevant 149 organisation and made available to the public.

## 2.4 Endorsement

2.4.1 The SCC Sub-committee on Sport and Recreation endorsed this proposal with the notable exception of the SAAA. It would be fair to say that the SAAA view reflects that of the GA industry in general and had there been other representatives on the Sub-committee, they would have rejected the proposal also. It is however, fair to say that this proposal is endorsed by the Sport and Recreation industry in Australia.

## 3.0 Flight Crew Licensing Sub-committee Proposal

### 3.1 Policy Interpretation

3.1.1 The Flight Crew Licensing Sub-committee of the SCC is primarily made up of general aviation training organisation representatives and have taken a far more egalitarian interpretation of the Minister's policy. In the background is the general principle that everyone gets a fair go and that Ted Anson's meeting *'agreed that the parallel path had to reflect a level playing field for both Sport Aviation and General Aviation'* This interpretation does not provide any scope for patch protection either deliberately or as a corollary of any rule set. In essence, the general aviation flight training organisations need the same opportunities that the Sport and Recreation Aviation organisation enjoy to survive.

3.1.2 The generic view of the membership of the Flight Crew Licensing Sub-committee is that general aviation in Australia and in particular, aero club training is in demise because of the regulatory requirements placed upon it and needs to be revitalised. They see this as an opportunity to tap into the wealth of aviation experience domiciled in aero clubs around Australia and make use of that knowledge for future generations rather than shutting down. To achieve that aim, they would consider that they simply need the principle of a level playing field to be a cornerstone of the regulation subsequent to this issue.

3.1.3 In principle the contention is that you cannot have two sets of standards for the same type of aircraft doing the same thing in the same airspace. A Jabiru pilot should be required to pass the same training course, presented by equally qualified instructors to attain the same qualifications and have the same privileges whether that pilot elected to progress through the Part 149 organisation or the 141 organisation.

### 3.2 Proposal Development

3.2.1 The Flight Crew Licensing Sub-committee received the BRPL proposal from the SAAA in February 2003. The Sub-committee elected not to consider the issue then as the Minister's policy was not yet extant.

3.2.2 On the 10<sup>th</sup> and 11<sup>th</sup> of November 2003 the Flight Crew Licensing Sub-committee met in Canberra to consider the Training Gap proposal put forward by the Sport and Recreation Sub-committee and the BRPL proposed by the SAAA.

3.2.3 The Sub-committee rejected the 'training gap' proposal. The Sub-committee did not reject the BRPL proposal but rather modified the principles of the proposal to provide for a wider range of application options. The resultant proposal was not given a name as such but can be reasonably identified as an 'equitable qualification' proposal.

3.2.4 The licensing sub-committee did endorse the proposal of the Light Sport Aircraft (LSA) endorsement on the RPL as the point at which a pilot with a PC and a pilot with an RPL could be doing the same thing in the same airspace with the same aircraft.

3.2.5 The BRPL proposal was limited to the traditional GA areas of aeroplanes and helicopters, and specifically excluded other sport aviation areas such as gliders, balloons gyrocopters and parachutes.

### 3.3 Equitable Qualification Proposal

3.3.1 The 'equitable qualification' proposal calls for one qualification with a single set of standards but with a provision for two names depending on whether the applicant progressed through the Part 141 system or the Part 149 system. The document issued through the CASA system would be interchangeable with the document issued by the Sport and Recreation Aviation organisation on application and provide the holder of either or both with exactly the same privileges and limitations.

3.3.2 This proposal is based on the principle that the same aircraft operating the same airspace with the same limitations should have the same standards applied. It calls for the same requirements through two different systems. That means that the qualification would have the same syllabus, the same competency check requirements, the same requirement for instructor qualifications etc. The continuation path from that qualification through to the ICAO PPL qualification would then be identified and the same for each of those qualifications.

3.3.3 The Flight Crew Licensing Sub-committee did not propose what the standard of that 'equitable qualification' should be but rather left the determination open to consultation with the Sport and Recreation Aviation Sub-committee. The options expected to be considered by that joint sub-committee consultation were seen to be:

- a) Introduce a new licence into the Part 61 stream (provisionally called a Basic Recreational Pilot Licence (BRPL)) that was equitable in every way with the current Recreation Aviation Association Pilot Certificate (PC);
- b) Gain agreement with the appropriate 149 organisations to modify their standards to meet the same requirements as the proposed RPL in CASR Part 61;
- c) Negotiate an alternative 'equitable qualification' for both Part 141 and Part 149 training streams in lieu of the PC as currently issued and the RPL as currently proposed.
- d) Accept that the PC issued by the RAA and RPL with an LSA endorsement are equivalent and that it is a level playing field for an

individual to get to that point through either path. This appeared to be the preferred model of the majority of the Licensing sub-committee membership.

### 3.4 Endorsement

3.4.1 The SCC Sub-committee on Flight Crew Licensing endorsed this proposal with the notable exception of the RAA. It would be fair to say that the RAA view reflects that of the Sport and Recreation Aviation industry in general and had there been other representatives on the Sub-committee, they would have rejected the proposal also. It is however, fair to say that this proposal is endorsed by the General Aviation training industry in Australia.

### 4.0 Recommendations

That the Standards Consultative Committee consider the proposals endorsed by the two separate sub-committees.

That the Standards Consultative Committee then provide CASA with their advice on the most appropriate way to proceed.

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