

11 February 2021

Airspace Modernisation Project
Airservices Australia

Via email: stakeholder@airservicesaustralia.com

RE: RAAus Organisational Response to 'Lowering Class E on the East Coast' consultation

Dear Sir/Madam

Please find attached the RAAus organisational response to the Airservices consultation on 'Lowering Class E on the East Coast'.

I look forward to further engagement with Airservices to work through the issues we have raised relating to the consultation process and the associated proposal.

Yours sincerely,



Matt Bouttell
Chief Executive Officer

Lowering Class E on the East Coast – RAAus organisational consultation response

Please accept this document as the Recreational Aviation Australia (RAAus) organisational response to the Airservices Australia (Airservices) consultation on ‘Lowering Class E on the East Coast’.

Executive Summary

RAAus opposes the Airservices proposal for ‘Lowering Class E on the East Coast’ of Australia. We also seek a comprehensive National Airspace Strategy, developed by Government, its agencies and industry, before making decisions of such magnitude that will remove the ability of a large segment of industry to safely continue participating in aviation activities. Importantly, we *do* support expeditious changes where unacceptable and demonstrable risk/s have been identified and where the outcome meets the intent of the [Australian Airspace Policy Statement 2018](#) (AAPS) and the [Airspace Act 2007](#) (*the Act*).

This proposal deserved wider consideration from industry and government prior to publication as it reflects poorly on Airservices’ knowledge of the Australian aviation industry and has the potential to set back collaborative and positive development of appropriate airspace policy considerably. There are many elements of this proposal that an aviator with basic knowledge would identify as not being fit for purpose and RAAus is not convinced there is a legitimate case for change or that a valid safety case has been considered. The misleading and incorrect statements contained on the [Fact Sheet](#), including that this proposal ‘Fosters equitable access for airspace users’ is untrue. This proposal reduces airspace access for more than 70% of the RAAus aircraft fleet and will have an unknown impact on the CASA registered fleet given the lack of information available to the regulator, Airservices and industry with respect to the equipment fitted to those aircraft. While Airservices note the airspace is available to all and that equipment limitations are imposed by CASA, the fact remains that the proposal does not foster equitable access at all therefore making this statement is disingenuous at best. The time impost on an already depleted aviation industry and its resources during COVID-19 to respond to and educate Airservices is considerable and should not be ignored.

1. Recreational Aviation Australia (RAAus)

RAAus is Australia’s largest Civil Aviation Safety Authority (CASA) Approved Self-administering Aviation Organisation (ASAO) and is responsible for administering a large portion of what was traditionally known as general aviation including ultralight, recreational and Light Sport Aircraft (LSA) operations. With more than 10,000 members, we train and certify pilots, flying instructors and maintainers, register a fleet of over 3,200 aircraft, oversee the operations of 194 Flight Training Schools around the country and support almost 50 Aero Clubs.

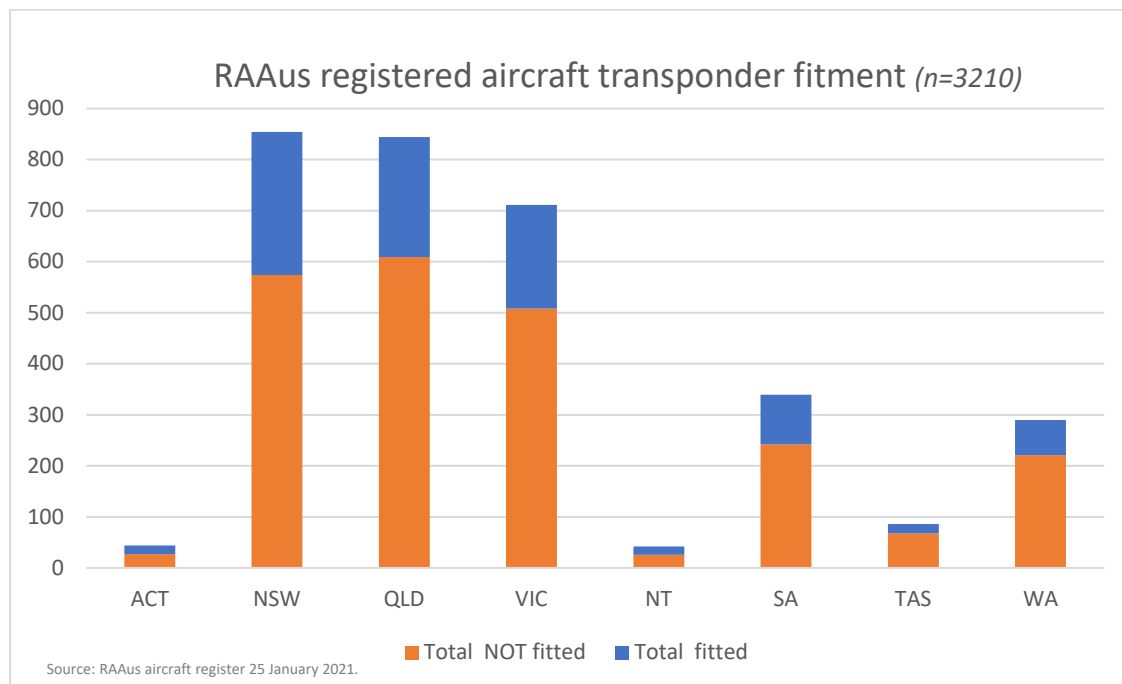
RAAus certificated pilots are approved to operate in Class E airspace during daytime visual meteorological conditions (VMC).

The total number of aircraft registered by RAAus is 3,210 aircraft as of 25 January 2021. This fleet consists of aircraft primarily used for recreational purposes and flight training and, in some circumstances, activities may also include non-commercial activities related to business use. These activities take place from the surface up to 10,000 feet AMSL.

2. Equipment Requirements – Transponder and dual VHF radio

The largest impediment to private aircraft including those registered with RAAus operating in Class E airspace is equipment requirements. That is, the requirement to have a serviceable transponder fitted and used in accordance with CAO 20.18, and AIP and the fitment of dual VHF radios.

According to the RAAus aircraft register, there are only 935 (29.1%) aircraft in the fleet that are fitted with a transponder of some kind. The RAAus register does not store data on ADS-B fitment. When narrowed down to the affected States (QLD, NSW, ACT & VIC) this equates to 735 (30%) RAAus aircraft fitted with a transponder across a fleet of 2453 aircraft. Importantly, to ensure the RAAus aircraft fleet is not ‘split’ into East Coast and West Coast fleets, we contend that the total number (3,210) of aircraft must be used in calculating the cost of fitment otherwise impacts to aircraft value, the ability to operate aircraft across the country and training standards will be compromised.



Should the Class E airspace volume Lower Limit be amended to 1500 FT AGL, it will also impose a requirement for ALL aircraft to have two VHF radios be fitted and serviceable. In accordance with CAAP 166-01, when arriving at an uncontrolled aerodrome ‘the pilot should overfly or circle the aerodrome at least 500 ft above the circuit altitude, usually 2,000 ft or more above aerodrome elevation.’ Therefore, a pilot would be operating within both the Class E airspace and CTAF simultaneously, resulting in the mandatory requirement to maintain continuous two-way communication on the ATC frequency and CTAF.

The RAAus registration database does not contain VHF radio fitment information and we are therefore unable to accurately quantify the cost of fitment of additional VHF radios to the entire fleet. However, advice from many aircraft owners and through experience, we would estimate that less than 5% (160) have more than one radio currently fitted. We note that the functionality of some VHF radios includes ‘active’ standby to monitor a second frequency however we understand this does not meet the

requirement to maintain continuous two-way communication on two different frequencies. The fitment and use of two VHF radios also introduces complexity into the cockpit resulting in human factor risks that include distraction, loss of situational awareness and incorrect radio frequency selection.

Cost of transponder and additional VHF radio fitment is a considerable impediment to this proposal and RAAus. Airservices must also be informed that there are circumstances where aircraft simply cannot be fitted with a transponder or second VHF radio due to physical limitations including lack of available control panel space, weight limitations, open cockpit and exposure to the elements. We do note the current exclusion for aircraft that do not have an engine powered generator however the issues listed above are largely not mitigated by this due to the small size of that fleet without a power system.

Even if all aircraft owners decided to fit the necessary equipment to continue operating as they do today, the totally impractical implementation date of this proposal will result in most aircraft operating at or below 1500 FT AGL for an extended period because there simply are not enough qualified personnel to fit this amount of equipment in aircraft by the proposed implementation date. It will also introduce additional calibration requirements every two years, placing further stress on appropriately qualified licensed aircraft maintenance engineers (LAME's). As many of these LAMEs and maintenance organisations are located at controlled aerodromes (Class C or D) where RAAus pilots currently do not have the privileges to operate, it will limit further the number of qualified LAMEs available to install and calibrate the necessary equipment resulting in extended delays to accessing Class E airspace for those wishing to equip. Moreover, as time progresses this issue will increase by an order of magnitude as the number of LAMEs in Australia is rapidly declining and calls from industry to implement measures to address a future skills shortage in this area have not yielded positive results from Government.

RAAus is aware that the civil aircraft register, maintained by CASA, does not currently store aircraft equipment data. For this reason, we contend that Airservices is unable to calculate the impact of this proposal on the VH- registered aircraft fleet even though we know there many aircraft not currently fitted – particularly antique aircraft. We would expect the challenges outlined above would be equally applicable for this portion of the Australian aircraft fleet. Furthermore, this proposal will significantly affect other airspace participants including RPAS operators and other sport aviation operators who have many of the same challenges as RAAus.

Table 1 provides an estimated cost of fitting a transponder to an RAAus aircraft, noting in some cases it may be impossible. The total fitment cost is approx. **\$17 million** with recurring costs of approx. **\$2.3 million** to be absorbed by an already struggling industry to meet the requirement of CAO 100.5 for biennial testing and calibration.

The assumptions made for these calculations include the fitment of an integrated Mode-S transponder with GPS and ADS-B. The reason for this is because it is unlikely any RAAus aircraft are currently fitted with a standalone TSO'd GNSS unit nor are they able to be due to lack of available panel space etc. Noting it is highly likely that ADS-B will be mandated by the regulator at some stage, it would be remiss to not perform the installation of the total solution (transponder with ADS-B) now. Should an alternate installation of an ADS-B 'capable' Mode-S transponder be fitted, this would cost approximately \$4,000 for the unit with similar installation costs. And should ADS-B be mandated later, an approved GNSS would need to be fitted adding costs of between \$5000 through to \$15,000 per aircraft.

All States	Not fitted Fleet	Average cost of fitment	Total cost of fitment	Average Cost of 2 yearly maintenance	2 yearly maint.
ACT	27	\$7,500	\$202,500	\$1,000	\$27,000
NSW	574	\$7,500	\$4,305,000	\$1,000	\$574,000
QLD	609	\$7,500	\$4,567,500	\$1,000	\$609,000
VIC	508	\$7,500	\$3,810,000	\$1,000	\$508,000
NT	26	\$7,500	\$195,000	\$1,000	\$26,000
SA	242	\$7,500	\$1,815,000	\$1,000	\$242,000
TAS	68	\$7,500	\$510,000	\$1,000	\$68,000
WA	221	\$7,500	\$1,657,500	\$1,000	\$221,000
Grand Total	2275	\$7,500	\$17,062,500	\$1,000	\$2,275,000

Average fitment cost: Garmin GTX335 with GPS & ADS-B (OUT) \$A4785 plus est. \$2715 for fitment.

Source: ozpilot.com.au @ 27 January 2021

Mode-S / ADS-B transponder selected due to cheapest option associated with also equipping with approved ADS-B.

Note this equipment may not suit all aircraft and installation cost will vary significantly in each application.

Total 'Not Fitted fleet' cost must be used as aircraft may travel to East coast or be sold to East coast RAAus member.

Table 1 – Cost of transponder fitment

When considering the cost of an additional VHF radio, it is assumed that 95% of the fleet would need to be fitted. Noting there are many VHF radios on the market with varying prices, an average unit with basic functionality has been selected. Factors such as the need for a standalone audio selector panel and its integration with existing avionics has not been factored into the equation, in addition to the certification or approval requirements of additional equipment either as a Type Certified aircraft using a STC or with approval from the manufacturer in the case of Light Sport Aircraft certification. Installation costs will vary considerably from airframe to airframe therefore a 'basic' \$A2500 has been used for indicative purposes. The total VHF radio fitment cost to RAAus members would be approx. **\$17 million**.

95% National Fleet	Not fitted Fleet	Average cost of fitment	Total cost of fitment
Grand Total	3050	\$5,695	\$17,369,750

Average fitment cost: Garmin GTR225 \$A3195 plus est. \$2500 for installation.

Source: ozpilot.com.au @ 10 February 2021.

Note this equipment may not suit all aircraft and installation costs will vary significantly across the fleet.

Table 2 – Cost of additional VHF radio fitment

The total equipment fitment cost to the RAAus fleet therefore is: **\$34.4 million** with ongoing costs of approximately **\$2.3 million** every two years. These costs ignore the accelerated depreciation of existing capital (non-compliant transponders and radios) that are currently fitted to the fleet and would be removed and disposed of before the end of their useful life.

3. Operational impediments of this proposal

The imposition on industry relating to the Class E airspace lower limit being reduced to 1500 ft AGL, from its existing 8500 ft AMSL, will create many operational issues including:

- a) Lack of available hemispherical levels: Refer to CAR 173 which states that, where practicable, pilots should operate using hemispherical levels when cruising level is below 5000 ft. For this reason, pilots will only be able to apply this when operating eastbound, given that 1500 FT is

the only level available. Aircraft operating Westbound will not have any available hemispherical level that provides 1000 FT vertical separation or legal height above terrain and/or populous areas. It will result in most aircraft operating at 1500 FT AGL and therefore introducing an unacceptable mid-air collision risk. This is exacerbated by the number of aircraft now concentrated in that airspace.

- b) Risk associated with meteorological phenomena: An example of where the impact of this proposal would be very evident is on Australia's Great Dividing Range (GDR), which is known for its variable and at times, hazardous weather. These hazards include orographic turbulence, mountain wave and other such phenomena, all of which are extremely hazardous and not compatible for aircraft operations.

Refer to the Bureau of Meteorology Aviation Knowledge Centre, '[Weather advice for your Safety – Flying in the South East](#)'. This information advises, under the heading of 'Low-level Turbulence', that it "...occurs mainly during late winter and early spring in west to north-westerly flows over the Great Dividing Range in New South Wales and Queensland, the Flinders Ranges in South Australia and in northerly flows in Victoria." The advice from the Bureau of Meteorology continues by advising that "Mountain waves, and associated turbulence, are a relatively frequent phenomenon over the lee side of elevated terrain." This proposal will unnecessarily expose many pilots to these unsafe conditions due to the requirement to remain below the lower level of Class E airspace at 1500 ft AGL. Furthermore, we contend this hazard alone will result in aircraft accidents and loss of life. The likelihood of this risk eventuating far and away exceeds any risk attempting to be mitigated by this proposal.

- c) Operating using AGL: Airservices have not provided any information on how an airspace volume with a lower limit using AGL can practically be applied. RAAus aircraft do not have radar altimetry and nowhere else in Australia do we expect pilots to apply QFE, should this be one of the ways Airservices sees this operating. Furthermore, it will introduce a considerable training burden on ALL of industry, including pilots and ATCs. There are also requirements contained in the Day VFR syllabus (ref: CASR Part 61) and the RAAus Training Syllabus of Flight Training Issue 7 and associated pilot examinations that will require updating and therefore result in further regulatory and procedural change. Furthermore, the difference in operating procedures below the class E airspace and other forms of airspace (i.e. operating on the basis of AGL when flying below class E airspace vis-à-vis operating on the basis of AMSL everywhere else) creates an additional source of potential errors for pilots.
- d) There are currently 485 aircraft listed by RAAus that are used for flight training. Only 248 aircraft (51%) of these aircraft are currently fitted with a transponder.

Flight training necessitates that students operate at altitudes greater than 1500 ft AGL for conducting lessons in stalling, steep turns and to learn other competencies associated with the training syllabus. By implementing this proposal, flight training operators will either need to fit a transponder or travel considerable distance to operate outside of the affected area. Both options will impose considerable cost on the training operators and students. RAAus has been informed by many of our flight training organisations operating in the affected regions that a change such as this will force them to leave the industry resulting in loss of jobs and further reducing the opportunity for people to undertake flight training. These flight schools are already experiencing challenging times due to COVID and other economic pressures resulting in fragile circumstances for many training providers. That is, by adding any cost to their operation may result in the unintended closure of these businesses. Many of these flight training organisations operate outside of the major cities because of the already complex controlled airspace volumes meaning that much of the economic harm, including job losses and access to education opportunities, will be disproportionately felt by regional and remote communities across Australia.

4. Lack of case for change

Airservices has failed to demonstrate any need for change to the existing airspace classifications. The Airservices facilitated webinars, factsheets and presentations have only indicated to industry that this change is 'going ahead' because 'we have a duty of care to make things safer if we can' without providing any justification in terms of safety. This is not in alignment with any of the existing requirement outlined in the Australian Airspace Policy Statement 2018 or the *Airspace Act 2007*. It could be argued that this proposal is being put forward on the basis of safety being so paramount that it should come at any cost even if that cost is the existence of the industry itself.

CASA have not published any airspace reviews for all classes of airspace between Cairns to Melbourne in recent times. For this reason, the level of detail required to develop an airspace change request (ACP) will need to meet or exceed that of which the CASA OAR would conduct. We know that the airspace review process is detailed and focused on identifying any existing risks that can be mitigated through changing of airspace structure. We are confident that CASA OAR will apply their legislated requirements accordingly.

We draw your attention to a draft airspace review that is currently being consulted with industry by CASA at [Broome and Karratha](#). CASA OAR has drawn the conclusion that Class E over Class D, as well as standalone Class E at 1200 ft AMSL, is not suitable. We also note the response to this report by Airservices, which can be found [here](#). Whilst it is appropriate that Airservices highlight any concerns with any recommendations should it not agree, it should be noted that these objections relate to the same arguments being put forward by industry relating to this Class E proposal. The objections put forward by Airservices are notably, '*there is no objective data showing increasing passenger numbers and air transport movements...*' and '*Aviation incident data does not reflect an increasing risk with the airspace...*' We therefore would have expected that Airservices provide this supporting information to industry during consultation prior to submitting the ACP – which has not been the case, and that it be provided to CASA OAR as part of the ACP submission.

RAAus does not accept the premise that we should make change 'because we can' and 'because we have a duty of care to make it safer'. This philosophy can only ever be applied when all stakeholders are appropriately consulted, their needs addressed, and the solution agreed upon. The only suitable pathway forward for Airservices, CASA OAR, Government and industry is to systematically develop a strategy that addresses the concerns of all stakeholders – to the best extent possible. RAAus does strive for continual safety improvements in all areas of its operations however we are also very cognizant of the limitations many within our industry have. This therefore assists in tailoring safety improvements and making them incremental, unlike the dictatorial approach taken by Airservices for this proposal.

The position of RAAus is that Australia is lacking a holistic airspace strategy for the next 5 – 10 years and we would welcome the opportunity to be involved in the generation of such a strategy, given our members account for the largest cohort of pilots and aircraft owners outside of the traditional CASA framework.

5. Environment

The Airservices Community Engagement Framework declares that Airservices "*...will engage with you on flight path and **airspace changes** that may impact you, using a range of engagement methods and activities, dependent on the scale and breadth of the change.*"

RAAus are unaware of any community engagement activities which seek to consult with the affected communities, from Cairns to Melbourne. The communities in the affected areas will be subjected to a concentration of aircraft now operating at 1500 FT AGL, resulting in a large increase of aircraft noise

and other negative environmental impacts together with an associated increase in related complaints. The costs of administering those additional complaints has not been calculated in this submission and is expected to be significant.

Given historical airspace and flight path changes, it would be a fair assumption to make that Airservices does not have the resources to conduct the necessary community consultation associated with the forcing of thousands of aircraft to disturb the large population from Cairns through to Melbourne in the published timeframes for the implementation of this project.

We would welcome Airservices providing details on how the community engagement requirement is being met to enable this change to be imposed on communities that will be affected by thousands of aircraft operating at or below 1500 ft AGL.

RAAus maintains the view that the impact of aviation on communities should be minimal to the extent that allows safe operations to take place. It is important to recognise that by further impacting communities through the forcing of thousands of aircraft to operate below 1500 ft AGL, the ability to effectively engage with the community will be hampered into the future for necessary changes because of the irreparable reputational damage on the aviation industry and Airservices.

6. Safety impact

Any improvement to safety relating to this proposal will be countered by the negative safety outcomes imposed on thousands of industry participants.

It is well documented in ATSB accident investigations that the avoidance of controlled airspace for varied reasons including the lack of available airways clearance or lack of regulatory permission, has contributed to fatal accidents. This proposal will result in the need for many pilots to avoid Class E airspace leading to an undesirable state. As previously discussed, the meteorological conditions on the GDR are such that weather is highly changeable and therefore pilots operating in this vicinity will be exposed to greater risk of controlled flight into terrain and loss of control events. Many pilots are already adversely affected by these risks due to current legislation that prevents RAAus from gaining equitable access to controlled airspace (notably class C) and this measure will further restrict those pilots from accessing safe air routes in the eastern parts of Australia. RAAus insists that Airservices undertake rigorous risk assessments – with industry – before implementing measures that may result in the significant loss of life.

As previously mentioned in section 3. b), by operating at 1500 ft AGL, aircraft will now be exposed to greater risk associated with turbulence and other hazardous phenomena. For RAAus aircraft, the maximum allowable take-off weight is between 300 and 600 kgs, however there are many aircraft within the RAAus fleet that have MTOWs considerably less. The exposure to turbulence and other meteorological phenomena is increased greatly for this fleet due to the operating weight of the aircraft and wing loading. It is simply unsafe and impractical to limit these aircraft to 1500 ft AGL. Should this proposal go ahead we are of the view that this will result in many PAN calls being declared by pilots to seek a higher altitude, negating any benefit of Class E airspace, or that it will result in accidents resulting from loss of control, controlled flight into terrain, or matters relating to airworthiness including in-flight break up.

When transiting over inhospitable terrain in any aircraft, a key risk mitigation strategy employed by pilots is to have sufficient altitude to either glide further to a suitable emergency landing site or to simply provide additional time to address any inflight emergency. By forcing thousands of aircraft to operate at or below 1500 ft AGL, this risk mitigation strategy will no longer be able to be employed resulting in adverse outcomes.

The inability to change altitudes for those pilots unable to operate above 1500 ft AGL will introduce risk associated with fuel management. There are times where wind forecasts are not in alignment with those experienced by pilots. When this is the case, pilots will climb or descend to an alternative altitude and this option will no longer be available under this proposal.

The lack of time provided to industry by Airservices to review the details of this proposal is a significant safety risk in itself. It does not allow ample time for industry to clearly define the risks in order to quantify this for Airservices or CASA. We would therefore expect considerable risk and safety work to be conducted by Airservices in mitigating these risks, and any others identified by consultation respondents, in their ACP submission.

7. Equitable use of airspace

Given the considerable effect of this proposal on so many pilots, aircraft owners and flying schools, RAAus asserts that this proposal does not take into account equitable use of airspace principles – as required by the AAPS and the *Airspace Act 2007*. As previously noted, we also specifically call out the incorrect statement made by Airservices that this proposal ‘Fosters equitable access for all airspace users’. We would welcome further advice from Airservices on how this statement is arrived at.

We would also call out the misleading airspace diagram that is contained within the proposal documentation – see Figure 1, and whilst noting it’s meant to be indicative; it does imply that the reduction of Class G airspace is minimal. However, when displayed as a scaled drawing per Figure 2, the vertical reduction of Class G airspace can clearly be displayed as excessive and not at all proportional to that of the Airservices diagram.



Figure 1

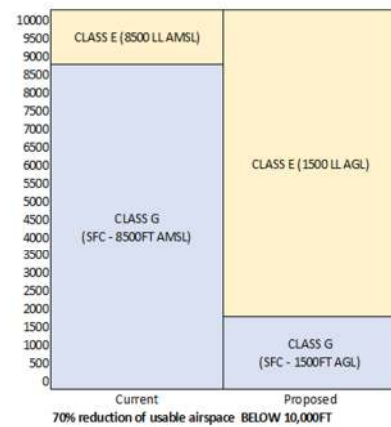


Figure 2

RAAus recognises the importance of protecting the travelling public with regards to risk exposure in airspace and that the relevant aviation legislation in Australia is aimed at delivering on this. However, this is not the *only* requirement for airspace management and as an example, we draw your attention to the AAPS Clause 34 that states “... *Airspace administration should also seek to deliver good safety outcomes to all aviation participants.*” We are of the view that this proposal blatantly ignores this requirement and is excessively restrictive for those operators unable to meet equipage requirements resulting in the removal of access to a large amount of airspace which is not currently trafficked by RPT or where any excessive and identified risk to IFR operators exists.

The development of a holistic airspace strategy would enable the true identification of any issues relating to the protection of RPT and IFR traffic. CASA OAR is charged with regularly conducting airspace reviews and designating airspace volumes. RAAus has confidence in that process and in the

absence of any safety findings to the contrary do not believe there has been a case where the need for a proposal such as this has been identified.

8. Regulatory environment

It is the contention of RAAus that Airservices is operating outside of the legal requirements under the AAPS 2018 with respect to the proposed change to the lower limits of Class E airspace.

- a) Clause 8 stipulates that the administration of Australian-administered airspace “...shall consider cost implications for all airspace users”.

Comment: At no stage during this consultation has Airservices advised industry or even indicated that they had any view or understanding of the cost to industry or the Australian economy, that this proposal would impose. In fact, during the Webinar on 27 January 2021, when the question was posed to the project manager about what the equipage requirements would be should the proposal be implemented, the response was that CASA was responsible for setting those standards and Airservices was only looking at the airspace design and classification. Indeed, it appears that there is no intention to explore their obligations under this requirement.

- b) Clause 11: *Under the Airspace Act 2007, CASA is responsible for determining when and how these classifications are to be deployed in Australian-administered airspace. CASA is to publish any changes to the classification of a volume of airspace and corresponding information through the Federal Register of Legislation (FRL) and then through the Australian AIP in a timely and accurate manner.*

Comment: We note that Airservices is conducting a consultation on the proposal for consideration by CASA OAR via a submission of an ACP. As is outlined in the above Clause 11, CASA will be required to make legislative change to enable publishing of any airspace classification. Therefore, in alignment with the Office of Best Practice Regulation (OBPR), this will trigger the need for a Regulatory Impact Statement (RIS). We draw your attention to the ‘Australian Government Regulation Impact Statement Preliminary Assessment Form: Is a RIS required?’ https://pmc.gov.au/sites/default/files/publications/preliminary-assessment-form_0.pdf

- c) Clause 28: *The risk assessment should take into account the types of aircraft involved, the density of air traffic, the meteorological conditions, topography and such other factors as may be relevant.*

Comment: The very nature of the proposal imposes more risk on industry than it in fact reduces. Non-dual radio and transponder equipped aircraft will be required to operate at or below 1500 FT AGL therefore being subjected to significant weather and, given the location of the ‘band’ of Class E that straddles the Great Dividing Range, it will force these non-equipped aircraft into areas of high terrain with significant weather threats.

- d) Clause 33: *There may be times when urgent decisions are required to meet a safety imperative and it may not be practicable to comply with parts of this process.*

Comment: RAAus recognise and accepts at times that CASA are required to make decisions to meet immediate needs, and that this may, on occasion, result in an imposition to industry. Given that no safety imperative has been identified this Class E proposal does not fall into that category.

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- e) Clause 34: *The Government considers the safety of passenger transport services as the first priority in airspace administration and CASA should respond quickly to emerging changes in risk levels for passenger transport operations. **Airspace administration should also seek to deliver good safety outcomes to all aviation participants.***

Comment: RAAus contend that this proposal has been developed in contravention of this Clause and that Airservices have not sought to deliver good safety outcomes to all aviation participants. RAAus has verbally advised Airservices and through this consultation response, is formally advising Airservices that this proposal will not deliver a good safety outcome for all. There are 10,000 pilots, 3210 aircraft and more than 190 flying schools in RAAus operations alone that this will adversely affect from a safety and cost perspective. This proposal will impose adverse restrictions on pilots and therefore lead to pilots operating in conditions not conducive for safe day VFR operations.

AAPS - Airspace Strategy

- f) Clause 49 *The airspace strategy requires transparency so that the aviation industry has clear insight into the way in which airspace administrative decisions will be developed, taken and implemented, including industry and agency consultation. The strategy does however recognise there will be times when urgent decisions are required to meet a safety imperative.*

Comment: Australia does not appear to have an airspace strategy. RAAus would welcome the development of an airspace strategy that meets the intent of the AAPS and *Airspace Act 2007*.

- g) Clause 50 *The airspace strategy is a proactive one and consistent with the review requirements of the Airspace Act 2007 and Airspace Regulations 2007.*

Comment: Australia does not appear to have an airspace strategy. RAAus would welcome the development of an airspace strategy that meets the intent of the AAPS and *Airspace Act 2007*.

9. Recommendations

- 1) Airservices must withdraw this proposal due to the significant cost impost and negative safety impacts on industry and due to the lack of alignment to any broader National airspace strategy.
- 2) Airservices must not consider any revised or 'watered' down version of this existing proposal given same impacts to industry will still exist, regardless of the lower limit of Class E airspace.
- 3) Government should lead the development of a National Airspace Strategy. This must be achieved through involving the relevant Government agencies, The Department of Infrastructure, Transport, Regional Development and Communications (the Department) and representatives from across industry.
- 4) The Department must review the current effectiveness of the Australian Strategic Air Traffic Management Group (ASTRA) and either renew this forum or disestablish this forum and establish a dedicated Strategic Airspace body that is independent and reports to the Department to enable the development of airspace policy.
- 5) Airservices and CASA must work effectively together to establish legitimate risk-based airspace modelling that is shared with industry and in alignment with the relevant legislation.
- 6) That Airservices must not again publish a consultation that is lacking in such detail or justification. For example, Airservices has advised on its webpage for this proposal that the safety case is currently being developed, presumably for industry to review, which is a clear indication of a departure from evidence-based policy development. Nor were any charts provided until midway through the consultation process.

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- 7) Should Airservices not withdraw this proposal, we implore CASA OAR to apply their legislated powers to not approve any ACP associated with an airspace change of this magnitude without being in alignment with a National Airspace Strategy.

10. Conclusion

RAAus seeks this proposal to be withdrawn by Airservices and welcomes the opportunity to change the discussion around airspace. For many years in Australia there has been much debate on airspace within the aviation industry and the Government agencies. There have been many controversial changes, some which have been rolled back, others that have resulted in the overly complex airspace model we currently have.

Technology has advanced at a great rate due to our adoption. For example, CASA introducing a forward-looking low-cost ADS-B solution. Whilst there is merit in this, unfortunately, many of the low-cost solutions do not provide access to airspace or do not even exist now. One can only surmise that the introduction of low-cost ADS-B requirements has been done at a time to attempt to stimulate the discussion around how we can improve operational safety and to recognise that we are lacking an overarching airspace strategy. The lack of such a policy is not conducive to effectively addressing the present day and future challenges that we will experience with respect to airspace management in Australia.

Although there are many competing interests in the aviation industry, Australia would not have the enviable safety record it has without a high level of expertise and the will to improve safety. Airservices should not be penalised for wanting to improve safety, however the approach taken to do this, in our opinion, is lacking in a number of areas.

The development of a National Airspace Strategy would enable industry, the Government, and its agencies, to work collaboratively, to see how the other operates and to understand what our unique circumstances are, whilst having the ultimate aim of setting an achievable direction and timelines that does not leave people behind. Like any consultation process, there would likely be some impact on some areas of industry however there would also be opportunity to offset these through other means such as access to airspace or efficiencies.

RAAus would like to thank its members for the feedback received on the proposal as this has enabled the shaping of the organisational response. Of our 10,000 members, we only received correspondence from two members that were supportive of the change. We have also received feedback from more than one hundred flying instructors, RAAus pilots that are also airline pilots and ADF pilots, along with those pilots that participate purely for recreational purposes, all of whom are very concerned with this proposal. The common theme amongst these members was that this is a poorly constructed proposal and that little regard has been given to a large part of industry. Another area that the feedback related to was around confusion relating to equipment requirements – particularly whether low-cost ADS-B units, including EC devices, would permit access to Class E. We request that both Airservices and CASA consider a broad education campaign to ensure pilots and aircraft owners understand the requirements, as they are complex.

We would welcome a response to this consultation submission from Airservices prior to the submission of the ACP so we can ascertain if and how our concerns have been addressed.

-END-