The Hon John Anderson MP
Minister for Transport and Regional Services
Deputy Leader National Party of Australia

Mr Dick Smith AO
Chairman
Civil Aviation Safety Authority
GPO Box 2005
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Dear Dick Smith

I am writing to seek your clarification on some aviation safety policy matters that have recently been brought to my attention.

As you are aware the introduction of the experimental aircraft category was a commitment this government gave to the industry in its 1996 election platform. The regulations introducing this category were enshrined in July 1998 and became effective in October 1998. However, CASA has still not produced advisory material and settled the processes necessary to ensure that experimental aircraft can actually operate in Australia. Considering that the category was enshrined eight months ago, and that its introduction had been extensively canvassed by the regulatory framework program (RFP), it is a matter of concern that the essential associated processes are still not in place. I fully sympathise with the frustration of people in the industry who expended considerable resources attempting to persuade CASA and its predecessors to introduce the experimental aircraft category.

It is difficult for me to understand why large numbers of amateur aircraft builders have been unable to obtain the necessary authorities to operate their aircraft, eight months after the Government's policy on experimental aircraft was implemented by the enshrinement of the CASR Parts 21-35 package. I would like to see a clear statement, which identifies the outstanding issues and sets out a timetable for their resolution next month.

The Government has given CASA a clear mandate to prepare a globally harmonised aviation safety regulatory framework. I am concerned at what appears to be CASA's use of the *Civil Aviation Orders* (which at the moment enables CASA to create legislation without seeking Government or Departmental clearance) to create a unique Australian standard by extending the definition of ultralights in Australia to include aircraft that belong to the general aviation sector in every other ICAO state.

I have had representations from the industry which point out that amendments to CAO 95:55 have the effect of creating dual flying training standards – the normal standards for GA participants, and relaxed standards for members of the Australian Ultralight Federation - for operating the same aircraft.

I am aware that ultralight aircraft are regulated to less onerous operational and airworthiness standards in other leading aviation nations such as the UK, the US and Canada. This is accepted by their National Airworthiness Authorities since ultralights are low energy aircraft. It would be entirely appropriate to have dual standards on the same basis that exists in our major aviation partners. However, the amendments to CAO 95:55 permit relaxed operational regulations for some aircraft that would be considered general aviation aircraft in every ICAO state, on the basis of membership in the Australian Ultralight Federation.

While CASA advised in November 1998 that errors had been made in making the October 1998 amendments, I am not aware of any steps to rectify them. I would be grateful for advice on CASA's intentions relating to corrective amendments that will be consistent with the Government's mandate to CASA.

I would like to reiterate the government's in-principle support for the parallel paths approach to administration of sport aviation safety regulation. In relation to Part 149 organisations, I would like to stress that the government's policy is that self administration should be confined to the sport aviation sectors, i.e the disciplines covered by the existing sport aviation bodies. The Government therefore welcomes in-principle the proposal to certificate Part 149 organisations on the lines of arrangements in New Zealand. However, this should not preclude efficient self-administration arrangements such as issuing delegations to suitably qualified persons where appropriate. Again, the Government's strongly held views on freedom of association need to be reflected in the Part 149 proposal. An update of CASA's current consideration of this issue is also required.

I am presently considering your proposal for consultation arrangements in relation to aviation safety. I am convinced there is a need for improved consultation with stakeholders and I am pleased that CASA has begun to recognise this too. In particular, I welcome the extension of time given for responding to NPRMs to two months. I am sure CASA will extend this still further if the NPRM is so complex that it would be difficult for stakeholders to prepare substantive responses within this period.

I have asked that officials of the Department meet with CASA officials to progress these matters so that you will be in a position to respond in April 1999.

Yours sincerely

JOHN ANDERSON