

1<sup>st</sup> February 2008

Cheryl Godfrey  
Airspace Project Specialist  
Office of Airspace Regulation  
Civil Aviation Safety Authority  
16 Furzer Street  
Phillip ACT 2606

Dear Cheryl,

**CRITERIA FOR ESTABLISHMENT  
AND  
DIS-ESTABLISHMENT OF CTAF (R)**

Thank you for the opportunity to comment on the subject discussion paper. The following comments are offered in the context of a widely held concern, noted also in the report on the NAS2c Post Implementation Review, that operations in the vicinity of non-towered aerodromes are inherently less safe than before the introduction of NAS2c, and that the risk created by the NAS2c changes is increasing as regional aviation activity increases.

**Over-riding Principle**

The Civil Aviation Act (1988) requires that “in exercising its powers and performing its functions, CASA must regard the safety of air navigation as the most important consideration.”

The Australian Airspace Act 2007 was developed “to ensure that Australian-administered airspace is administered and used safely, taking into account the following matters:

- (a) protection of the environment;
- (b) efficient use of that airspace;
- (c) equitable access to that airspace for all users of that airspace;
- (d) national security.”

The Australian Airspace Policy Statement, issued under the Airspace Act makes it clear that “safety of Passenger Transport operations is the most important consideration.”

Consequently, the over-riding principle in this discussion must be the safety of fare paying passengers. Equity of access, freedoms real or imagined to operate without radio or transponder, and other considerations must be subordinate to the need to safeguard commercial passenger carrying operations.

### **Is CTAF (R) the Best Solution?**

The RAAA position is that the CTAF (R) is very much a second rate solution to the problem of providing adequate safety for commercial passenger transport operations in the vicinity of non-towered aerodromes. A vastly preferred option would be for all passenger transport aircraft with 10 or more seats to carry and use TCAS. However such a solution could only be effective if all powered aircraft could be relied on to carry and use transponders, which in effect means mandating their carriage and use. To date several organisations have successfully opposed the carriage of transponders, which has resulted in the adoption of the CTAF (R) as the inferior fall-back position.

The CTAF (R) is itself at best a compromise between the MBZ generally favoured by commercial operators and airport owners, and the non-mandatory CTAF favoured by some recreational pilots and organisations.

It has been argued that the CTAF (R) does not provide for higher levels of safety, because failure to fit or use radio is just one potential reason why traffic may not receive radio broadcasts from an aircraft in the area. The latter assertion is undoubtedly true, but it is in itself no reason not to mandate the carriage and use of radio. The mandatory carriage and use of radio at least establishes the potential for aircraft crews to know the location and intentions of other possibly conflicting aircraft in the vicinity.

It has also been argued that the carriage of TCAS by RPT aircraft would obviate the risk inherent in operations in the vicinity of non-towered aerodromes, and that such carriage should be mandatory. The RAAA also supports the mandatory carriage and use of TCAS by all aircraft operating under CASR Part 121, provided that carriage and use of transponders by all powered aircraft is also mandated. Unless one can safely assume that all other potentially conflicting aircraft have operating transponders, TCAS is of extremely limited value.

Consequently, it would appear that without agreement on mandatory carriage and use of transponders by all powered aircraft, the TCAS solution is not viable and we are forced to rely on CTAF (R) as the next most appropriate solution.

## **Establishment and Dis-Establishment Criteria**

### Effect of CAO 82.0

Civil Aviation Order 82.0: Air Operators' Certificates – Applications for Certificates and General Requirements, which was amended in 2007 to take into account the introduction of Extended Diversion Time Operations in lieu of the former ETOPS, details certain aerodrome requirements relevant to this discussion. While the CAO is something of a drafting disaster, in that it is contradictory and quite possibly incapable of consistent interpretation, it introduces the concept of “EDTO Alternate Aerodromes” which, within Australian territory, must have a CTAF (R). The CAO defines both “adequate aerodrome”, which does not have to have a CTAF (R) and “EDTO Alternate Aerodrome”, which does have to have a CTAF (R), but seems unable to decide which type of aerodrome establishes the threshold distance for EDTO operations.

Because of the lack of clarity in the CAO, it is increasingly being interpreted to mean that for all non-EDTO aerial work and passenger transport operations involving twin turbine powered aeroplanes with more than 19 seats and with a payload of more than 3410 kg, an alternate aerodrome with a CTAF (R) is at all times required within 60 minutes flight time at one engine inoperative cruise speed. This apparent requirement adds a new dimension to the CTAF (R) debate, since there is now an apparently valid reason to introduce CTAF (R) other than to mitigate collision risk under normal operations. This apparent requirement in effect introduces a requirement for a network of CTAF (R) to support passenger transport in the more remote areas.

### Risk Assessment Criteria

The RAAA supports the AERU-developed concept of categorising non-towered aerodromes according to risk, and then requiring the conduct of aeronautical studies to whatever level was necessary to develop acceptably safe procedures for each airport in the higher risk category, as described in the discussion paper.

However the RAAA strongly opposes even the concept of including “at least one airprox type incident in preceding 18 months” as a requirement. Such a requirement is absolutely unacceptable. Any airprox incident should immediately trigger a review of the arrangements in place at that location.

CASA has recently decided to regulate all passenger transport aircraft with more than nine passenger seats under CASR Part 121. It “believes its position is justified on safety risk grounds as history has shown that the risks and consequences of an aeroplane accident with 10 or more passengers on board are of a magnitude that requires a higher level of regulatory and oversight compared to an aeroplane with fewer than 10 passengers on board.” Given this ruling, it would seem that the operation of any Part 121 aircraft should require CTAF (R) at the aerodromes to which the aircraft operate. It would be inconsistent to limit the qualitative trigger to “more than one jet or large turbo prop Passenger Transport Operations (PTO) per day”.

## Dis-establishment Criteria

The RAAA supports the use of criteria similar to those used to establish a CTAF (R) to also dis-establish a CTAF (R), but believes that the proposed drop of 20% below the criteria for establishment is too great. It proposes instead that where there is a sustained (for example over six months) upward or downward change of 10% or more in the criteria used to justify the establishment of the CTAF (R), an aeronautical study/field review should automatically be triggered to review whether or not a CTAF (R) is still appropriate.

## **Preferred Option**

The RAAA notes that while the report on the NAS2c PIR assumed that the provision of UNICOM would enhance safety in the vicinity of non-towered aerodromes, and that that assumption has been accepted by the authors of the discussion paper, no justification for that assumption has yet been offered. With the UNICOM trial still underway, it is evident that some fundamental decisions on the role and capabilities of the UNICOM are still to be decided. In any event, the CASA decision not to regulate UNICOM of itself removes any reasonable grounds for relying on the UNICOM for any safety related matter. Consequently it is not possible to agree to any proposal which relies on the supposed benefits which a UNICOM might introduce. The RAAA will await the results of the current UNICOM trial before adopting a formal position on UNICOM, but in the mean time has little confidence that such a system could bring much safety benefit (as distinct from administrative benefit) without regulation and without the mandatory carriage and use of radio.

Despite the concern expressed above, Option 3 has much to recommend it from a philosophical point of view.

However, given:

the reported safety benefit offered by Option 2 as reported in the summary at paragraph 25 b,

the Australian Airspace Policy Statement's direction that the "safety of Passenger Transport operations is the most important consideration", and

CASA's recent ruling on the risks and consequences of accidents involving aircraft with more than nine passengers,

Option 2 would now seem to be the preferred option. Mandating the carriage of transponders by all aircraft would make the use of TCAS in the smaller Part 121 aircraft viable, it would provide a much higher level of safety for passenger transport operations, and it would greatly simplify operations by creating a "one size fits all" approach to non-towered airports. That simple fact alone would add significantly to the safety of all airspace users. Based on informal contact with a large number of recreational pilots, equity of access would not be greatly affected as the majority of powered aircraft are already fitted with both radio and transponder, but in any event it might be argued that the desire for equity of access can not lawfully be used as an excuse to lower the standard of safety for passenger transport operations.

Nevertheless, a cost benefit analysis should be carried out before a final decision is made.

The RAAA supports the need for further consideration of alternative options for possible introduction in the future, but not at the expense of establishing a formal system now.

Thank you for the opportunity to comment on this matter.

Yours faithfully,

Terry Wesley-Smith  
Chief Executive Officer