**Introductory remarks to the" Mildura Sport Aviation's" (MSA's) response to the
"Australian Government Safety Regulation Review"**
"Where we sit in the scheme of things"

MSA Inc., is a regional Flying Club supporting Recreational Aviation. Whilst the Club is modest in size, its membership is representative of a broad cross section of community interests from farming, the trades, professional pursuits and aviation interests. The Club co-exists with the Sunraysia Flying School and is located airside at the Mildura Airport. Members are active in advocating on behalf of recreational flying and in encouraging the safe use of airspace within the Mildura CTAF and beyond. In their private lives, members make up/belong to the social matrix that encourages the liveability and sustainability of our regional community of Mildura.

Our Pilot members' aircraft are accommodated in a ten berth Club Hangar designed, fabricated and erected by MSA, at Mildura Airport. Because our flying occurs out of a busy regional Airport, it co-exists with Regular Public Transport (RPT) and other commercial and private flying operations.

The process used in developing this submission has been to discuss the issue of regional aviation safety - usually on a weekly basis at what is sometimes lightly referred to locally as "the oval table of wisdom", and also at formal monthly MSA meetings. All aspects of aviation safety are discussed in the context of relevance, effectiveness, cost to the taxpayers (us) and the cost to industry.

Our understanding of the ASIC card scheme is that it is a layer of security that ensures only people who have been background-checked to a certain level are permitted to be in the secure areas of airports without supervision. We also understand that the ASIC scheme aims to reduce the risk of unlawful interference with aviation, not just terrorism. We will however argue that this reactive urban approach to security is restrictive, and costly, to the government, the community as taxpayers, and to the aviation industry in general.

A common theme over the years since 9/11 is the overly simplistic way that security has been implemented at regional Australian airports. While punitive measures, such as the ASIC Card and the unenforceable security zoning of airports may have political appeal, and work to a degree at international airports, they are a blunt operational instrument when applied regionally.

In regional/rural areas, where it is in the interests of all citizens to be informed of, and involved in, the security and protection of their community assets, there are far better and more efficient ways to initiate and implement the necessary preventive, or when necessary, proactive programs involving community safety and security. Voluntary programs such as the SES, Rural Fire Brigades, St John Ambulance, Lifesaving Clubs - to mention just a few – would all be beyond the ability and capacity of governments to provide the necessary organisation, cost and manpower.

The voluntary capacity of regional communities is unsurpassed when a threat presents itself. It is no different when that threat is focused on national security and involves the potential for civil unrest or acts of terrorism.

We do not, in most instances, require a military type response to regional airport security. That option is of course there if needed. Nor should regional communities be restricted by regulation that assumes the worst possible scenario when the risk is low. It is known that local people provide the quickest response to a crisis and can, if organised, often defuse a problem before it escalates. Those who are resident at, working on, or conducting a business at a Regional Airport, not only have a vested interest the in threats that affect their lives and livelihoods, but a moral duty as Australian citizens to ensure that Australia is a safe place in which to reside.

In our response to the review, we propose developing a "first line of defence" with a program we have named *AirportWatch* – in a similar vein to Neighbourhood Watch or Crime Stoppers. This would be an opportunity to engage local community stake-holders across regional Australia in a most fundamental and practical way. Through this program, the intelligence gathered would be invaluable to all agencies, creating the opportunity for regulation based on evidence, rather than fear.

Prepared by Pete Greed, President, for Mildura Sport Aviation Inc.

In preparing this response to the Australian Government's Aviation Safety Regulation Review, the Executive of Mildura Sport Aviation Inc. reflects on the opening comments made by the Deputy Prime Minister and Minister for Infrastructure and Regional Development, the Hon Warren Truss MP, in launching the review.

"Madam Speaker, Australia has an enviable record in aviation safety – our safety performance is among the best in the world – and it is built on a strong regulatory system and the commitment to safety that is shared amongst the thousands of companies and the tens of thousands of individuals who make up our aviation industry.
Aviation is an essential part of our economy – it links our regions to our cities, our cities to the world. The industry employs tens of thousands of Australians and supports investment and innovation; but it is also an enabler for broader economic activity, particularly outside of our major population centres".

and

"Our aviation industry is growing strongly – and is expected to double in size in the next twenty years. We are also witnessing a myriad of changes:
- the growth of new routes and markets with resulting changes in risk;
- new air traffic management technology;
- the introduction of new aircraft types and larger aircraft, with more sophisticated technology on board, and more complex support requirements on the ground;
- the rapid growth of emerging segments of the industry such as recreational aviation;"

While we agree fully with the Minister's summary of the successful growth of the Australian Aviation Industry in terms of service and safety over many years, we do question some aspects of the regulatory system that has emerged since 9/11, and in particular the impact it is having on *"the rapid growth of emerging segments of the industry such as recreational aviation"*. With regard to increased risk, we would argue that the risk identified at International and capital city Airports is significantly disproportional to that of regional domestic Airports. For example, the construction of security fences at regional airports may be, in some instances, a means of deterring wild life and stock from straying on to runways but totally ineffective as a deterrent to potential terrorist attack. Currently, the more likely scenario we find at remote regional airports is a couple of hundred metres of security fence, with a coded gate, butting up to often unmanned terminals. For local citizens and pilots flying into regional airports, this approach to terrorism control is considered a joke.

Our approach to the *"Terms of Reference – Objectives"* of the Review are set out below.

The principal objectives of the review are to investigate:
- *the structures, effectiveness and processes of all agencies involved in aviation safety;*
  As we do not have detailed, qualified data on the performance of relevant agencies, our comments, while provided in good faith, should be considered anecdotal.

- *the relationship and interaction of those agencies with each other, as well as with the Department of Infrastructure and Regional Development (Infrastructure);*
  Again our comments are from our personal experiences in our dealings with Government Agencies and Airport Authorities.

- *the outcomes and direction of the regulatory reform process being undertaken by the Civil Aviation Safety Authority (CASA);*
  We will question and comment on the consultative processes available to the community based sector within the aviation industry. That is, the users and customers of the services provided by the Commonwealth Government, and the classification of pilots, that largely self-regulate the airspace around Regional Australia.

- *the suitability of Australia's aviation safety related regulations when benchmarked against comparable overseas jurisdictions;*
  Again this is academic research, and while our members would be keen to comment, that information is not easily accessible in a form that the ordinary citizen can interpret.

- *any other safety related matters.*
  In this response we intend to raise a number of safety issues and provide suggestions as to how the process of safety could be better managed. Our primary concern however, is the negative impact that the introduction of the ASIC card has had on regional aviators and aviation facilities/businesses, together with the poorly declared safety/security zones.

Our response to the review is based on our experience as a community-based organisation/Club, located airside at Mildura Airport – a CASA declared Commonwealth secure airport. Our self funded ten berth Hangar is on land leased from the Mildura Rural City Council (MRCC) under its Recreational, Non Commercial Lease policy. The airport is leased to Mildura Airport Pty Ltd (MAPL) by MRCC, and MRCC is the sole shareholder of MAPL.

Similar to AOPA we have concerns that a purely commercial, entrepreneurial approach to regional airport development, supported by ill-advised government regulation, will restrict growth of the aviation industry to just one category - that of Regular Public Transport (RPT). MSA believes that regional airports should be part of a national transport system that links the airways, be they for business and commerce or for recreational use. Like our highways and networks of regional roads, airports should continue to be part of our national transport infrastructure. Airports for all, not just the heavy lifters. Cost recovery could be achieved from the current tax on aviation fuel.

To illustrate the difficulties caused by the ASIC card we put forward the following Case Study explaining the way an ASIC card incident was played out. The case study demonstrates the inadequacies of the regulations that control regional airports. At the conclusion of the study we will make recommendations as to how we believe safety and security could be enhanced.

CASE STUDY

On Sunday the ………….. three members of MSA inc., the President, Secretary and an Executive Member were in the MSA Hangar discussing the sale of a light aircraft with a fourth person (a local, known paramedic who routinely transfers patients (airside) to the Air Ambulance).

Unannounced, an employee of MAPL (Truck one) entered the Hangar and demanded to see the ASIC cards of those present. Two members were displaying cards and immediately announced that the other two members present were their visitors.

This response did not satisfy the driver of Truck One, who then ordered the two members not displaying ASIC cards to leave the Airport.

The MSA members responded by saying that they had every right to be in the hangar and questioned the options should they decide to stay.

The driver of Truck One said that he would call the police. After a short discussion, he was invited by the MSA members to do so. The interactions were polite and orderly.

Twenty minutes later, two police officers arrived (one male, one female) prepared to eject our members. They were surprised at the calmness of the situation. A question was put to the police as to what jurisdiction they had when entering a Commonwealth controlled airport, given that as MSA members we had every right to be on site. One of the Officers retired to call his superiors. On returning, he announced that under the circumstances they did not have the authority to act on behalf of Airport Management. He intimated that Victorian police could only enter the airport (airside) if the was a civil disturbance.

The driver of Truck One left the scene, followed by the police officers. MSA members concluded their Club business and left the hangar.

At a briefing called by MAPL following the incident, MSA questioned the right of Airport Management to claim the interior of the MSA Hangar as "airside". MSA's response was that if this was so, MAPL would need to produce the appropriate insurance policies to cover all legal liability and insurance contingencies.

In analysing the events that make up the case study, it is not the intention of MSA to criticise the actions of the MAPL employee – he was doing his job, as instructed. What it does illustrate, however, is the unworkable tenets of the ASIC card and the need to declare a hangar "airside" to accommodate the regulation.

Points to be raised:
- The conditions of the ASIC can only be enforced by Commonwealth police or approved agents of CASA. These facilities do not exist at Mildura Airport. The regulation is therefore unenforceable unless the former is in place.
- The declaration by MAPL that the leased area inside the MSA hangar is designated "airside" raises serious issues of legal liability (and insurance implications) for a Commonwealth security-controlled Airport. (Who or what is liable?)
- The declaration of the current internal boundaries of Mildura Airport airside amount to increased cost and/or a restriction of trade for those utilising the Airport on a daily basis.
- Under current arrangements, non-RPT pilots and their passengers without ASIC cards are technically breaking the law if they disembark at Mildura for fuel or a toilet stop. This is a ridiculous situation, causing uncertainty, creating a reputation for regional unfriendliness and working against clients of businesses established on the Airport.
- For regional areas, the ASIC Card is anti-local recreational/GA flying, anti-airport business/ commerce, and anti-tourism - and all for seriously limited (if any) gains as a regional terrorism deterrent.
- For many in aviation, the ASIC card is seen as a money grab by the Government and an unnecessary impost on the Aviation industry, and in MSA's case especially, for those flying at the recreational level.

As stated at the beginning of our submission, there is a clear distinction between our International/Capital City Airports and the Airports that service regional Australia. It is not good enough to regulate regional communities based on the rendered-down academic research gathered for the former. The *one-size-fits-all* model struggles to meet the needs of the States, let alone the local interests of regional and rural Australia.

Recommendations:

1. That for regional airports the ASIC card be abandoned and replaced by an authority linked to the pilot certificate/licence;
2. That the authority be reviewed at five-yearly intervals, and included in that review, its appropriateness to current aviation culture and safety standards;
3. That a once only minimum fee be applied on gaining the initial Pilot certificate/licence, and then upon review;
4. That the Pilot certificate/licence provides entry to CASA declared areas on Commonwealth Security Airports;
5. That the declared "*airside*" and "*security designated areas*" on regional Commonwealth Airports be totally reviewed with the aim of providing greater flexibility for local and visiting pilots and commercial and recreational interests. (The current excessive entrepreneurial regulation and management of Airport infrastructure is a barrier to both private commercial operations and community access.)
6. That to improve security at Commonwealth Security Controlled Airports, a local program incorporating Airport users be established under the name of "AirportWatch"
7. AirportWatch would be a voluntary incorporated organisation reporting to the Commonwealth and State Police and to other authorised agencies, including Airport Management.
8. A primary function of AirportWatch would be to provide surveillance in a similar way to that of Neighbourhood Watch/Crime Stoppers.
9. Incorporated into "AirportWatch" would be a local safety committee made up of Aviation interests including Flying Schools, Flying Clubs, RPT's and Airport management. The structure of the association should be appropriate to the size and scale of the Airport concerned and would consider, in particular, local safety and training issues within the Airport CTAF/operational zone.

Unless the regulations controlling Aviation in Australia can be simplified and based in current and real aviation practice, regional Airports will not be returned to the citizens of Australia as community assets, (assets that the community cares for and about). This will see the further decline of General Aviation (GA), local flight training schools, and the significant gains made by Recreational Aviation Australia (RAAus) in recent years.

Not all is bad, but without local input, continued over-regulation will soon destroy what should be an exciting period in Australia's Aviation history - a history that will reflect the dual interests of both business/commerce and that of "recreation" as a significant player in Australia's cultural growth and development as a nation.

A recent safety meeting convened by CASA in Mildura cited a spike in reported safety incidents within the Mildura CTAF. It was revealed during the course of the meeting that all incidents were related to RPT operations, providing a strong case (as in point 9 above) for a collective forensic response to what is often a local issue.

End.