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Friday, 7 February 2014

Mr David Forsyth AM
Chair – Review Panel
Aviation Safety Regulation Review
Department of Infrastructure and Regional Development
CANBERRA ACT 2601

Via email asrr@infrastructure.gov.au | ASRR Portal Submission

Dear Mr Forsyth AM

ASTRA Council Aviation Safety Regulation Review Submission

Please find attached The Australian Strategic Air Traffic Management Group's formal submission to the Aviation Safety Regulation Review Panel.

On behalf the ASTRA Council, thank you for allowing an extension of time to lodge our formal submission via the ASRR Portal prior to close of business today.

I wish to convey that the views expressed in this submission do not necessarily represent those of ASTRA Council member, Airservices Australia, who have made a separate submission to the Review. Airservices Australia has however expressed their continuing strong support for ASTRA.

Thank you for the opportunity to lodge the ASTRA Council's ASRR submission.

Should you have any questions or enquiries, please do not hesitate to contact Ms Tiffany Klease, ASTRA Secretariat via email tiffany.kleese@airservicesaustralia.com, or direct telephone (07) 3866 3508.

Yours sincerely

A black rectangular box redacting the signature of Bruce Gemmell.

Bruce Gemmell
Chair – ASTRA

The Australian Strategic Air Traffic Management Group (ASTRA)

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Aviation Safety Regulation Review

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1.0 Introduction

The Australian Strategic Air Traffic Management Group (ASTRA Council) represents a broad cross section of the aviation industry, and is responsible for the development and reporting of industry policy advice in relation to Air Traffic Management (ATM) matters, and for the running of ASTRA.

The Aviation Policy Group (APG) – comprising the heads of the Department of Infrastructure and Transport (now the Department of Infrastructure and Regional Affairs), Civil Aviation Safety Agency (CASA), Airservices Australia (AA) and the Royal Australian Air Force (RAAF) – facilitates interaction and mutual understanding coordinated action between government agencies on aviation issues, while respecting the agencies respective roles

The Aviation Implementation Group (AIG) supports the APG in the implementation of cross agency strategies; the AIG is chaired by the Department of Infrastructure and Regional Development.

The APG and the AIG receive advice from the Australian Strategic Air Traffic Management Group (ASTRA) as it is a collaboration of aviation organisations well placed to coordinate industry policy advice to government on ATM.

ASTRA has established a charter¹ that defines the role, structure and necessary business rules to provide broadly reviewed, thoroughly considered, and formally agreed industry policy advice on ATM.

The Council reports to industry through its members (Refer to ASTRA Charter). The Council members are individually responsible for reporting and representing their constituents' views.

ASTRA, as such, is the “Peak Body” for providing advice on the direction of ATM. It follows that it has integral role in laying out the requirements for aviation safety regulation related to ATM matters and, it is on this basis, that the Council makes this submission to the Aviation Safety Regulations Review (ASRR).

2.0 Background

The Australian Strategic Air Traffic Management Group (ASTRA) was established in 1999 by a number of industry and government stakeholders to collaboratively plan and coordinate the implementation of the ATM system across all of the aviation industry. The output is the Australian ATM Strategic Plan

ASTRA provides a forum to coordinate the implementation of strategies and initiatives in the Plan. While it performed well, and gained significant credibility within industry, it lacked any formally recognised access to government and the decision making process.

In December 2009, Government Policy laid out the role of the Aviation Policy Group (APG) and Aviation Implementation Group (AIG) and recognised the position of the ASTRA Council:

“The Government recognises there can be different views on air traffic management issues from major international and domestic airlines as compared with the general aviation sector. However, the benefits of having consistent, coordinated and timely

¹ ASTRA Charter Version 2.3, 2011 - http://www.astra.aero/astracouncil/docs/astra_charter.pdf

advice through one body, ASTRA, rather than a piecemeal approach, will help the Government deliver its strategic ATM policy directions and objectives.”

3.0 Terminology

For ASTRA purposes, certain terms have specific meanings as follows:

Air Traffic Management

The term “Air Traffic Management” (ATM) is defined as “the dynamic, integrated management of air traffic, airspace and supporting infrastructure — safely, economically and efficiently — through the provision of facilities and seamless services in collaboration with all parties.”

ATM includes all traffic in any airspace, as well as the infrastructure, people, procedures and technology involved in aircraft operations.

Industry

The term “industry” includes commercial, private and recreational sectors, airports and some Government owned participants such as Airservices Australia, the Australian Defence Force and the Bureau of Meteorology.

General Aviation

The term “General Aviation” for convenience includes operations in smaller aircraft whether regulated directly by CASA or by a self-administering organisation under CASA, and whether recreational, private, or commercial in nature.

4.0 The Role of ASTRA

According to its Charter, *“the role of ASTRA is to:*

- 1. Develop whole-of-industry position on the development, implementation and periodic review of the Australian Air Traffic Management Strategic Plan and related technologies and procedures,*
- 2. Assist with coordinating the activities of all stakeholders in the implementation of the Australian Air Traffic Management Strategic Plan, and*
- 3. Provide Government and industry with well-considered strategic industry advice on ATM related matters.”*

5.0 Guiding Principles

“In developing its positions and providing its advice, ASTRA will:

- 1. Take into account the views of all sections of the industry, including the ADF, commercial, private and recreational operators and service providers, while recognising that consensus may not always be possible due to the differing requirements of the different sectors of the industry,*
- 2. Make recommendations aimed at ensuring that Australia’s ATM infrastructure meets the operational needs of all sectors of the aviation community,*

3. *Ensure that its advice is consistent with Australia's commitment to the ICAO Global Operating Concept for ATM and, where appropriate, approaches adopted by other leading aviation countries,*
4. *Carefully consider the safety, efficiency and environmental benefits offered by each proposal together with industry's capacity to absorb additional costs, in accordance with the Aviation Policy Group's "Common Risk Management Framework for New and Changed Requirements within Aviation", and*
5. *Carefully consider industry's capacity to absorb change."*

"In order to fulfil its role, two of ASTRA's specific tasks are to:

1. *Develop a recommended Target Operational Concept to form the basis of the Australian Air Traffic Management Strategic Plan,*
2. *Identify the required policy, investment, service, regulatory and procedural changes needed to implement the Target Operational Concept."*

ASTRA therefore has a direct role in the Aviation Safety Regulatory process as it relates to Air Traffic Management. Furthermore, as the only body that has representatives from all the key stakeholders, it plays an essential role in proposing regulatory change to implement the future ATM strategy to meet the industry's needs, as well as compliance with Australia's obligations as an ICAO Contracting State.

6.0 ASTRA Relationship with Government

ASTRA provides formal industry advice to the Government via the ASTRA Council through the Aviation Implementation Group (AIG). Such advice is provided in writing and, where appropriate, supported by briefings at AIG meetings or of individual members of the AIG, APG, or its constituent agencies.

Each recommendation by the ASTRA Council arising out of the agreed Work Program which requires action by, or has implications for, AIG agencies, will receive a formal written response from AIG. For ASTRA recommendations supported by AIG, an AIG representative will provide an implementation progress report at each ASTRA Council meeting.

Although the statement above is quite explicit, in practice there appears to be a disconnect between ASTRA and AIG/APG, and the process outlined above. There are two areas of concern, namely:

1. The advice formally submitted by the ASTRA Council appears to have no more weight than any other submission, despite the Government's acknowledgement of its broad representation of the industry's key stakeholders.
2. There is often a significant delay in receiving feedback from the AIG/APG.
3. The process of aviation policy development by government agencies is not transparent, and hence the influence of ASTRA advice is not visible.
4. Coordination of policy implementation across government aviation agencies is absent.

7.0 ASTRA's Present Working Methods

The ASTRA Council has formed a number of working groups to undertake different functions related to ATM. The Working Groups are as follows:

- (1) Future ATM Requirements Working Group (FARWG),
- (2) Surveillance Technologies Working Group (STWG),
- (3) Performance Based Navigation Working Group (PBNWG),
- (4) ATM Performance Management Working Group (ATMWG), and
- (5) Strategic Plan Development Working Group (SPDWG)².

These Working Groups are programmed to meet quarterly to address the assigned work programme and to develop draft industry policy for endorsement by the full ASTRA Council.

In developing industry policy, the working groups take into account Australia's commitments to the International Civil Aviation Organisation (ICAO), regional agreements, government policies and the needs of the industry. Policy is also based on risk assessment, cost effective/cost benefit solutions and on developed and emerging technologies. The working groups also act as a "sounding board" for CASA and other agencies in respect to proposed regulation or new/amended procedures and equipage affecting ATM.

The working groups, like the ASTRA Council, consist of representatives from the member organisations; most with considerable experience and expertise. It should be remembered that the industry participants attend "free of charge" to the government. ASTRA receives funding from Airservices, which is industry funded.

In the past few years, these working groups have produced a number of exceptional documents and have been pivotal in the development and implementation of ATM mandates and the underlying regulations.

These include, but are not limited to:

1. Strategic Technology Vision Statement (2020 and beyond).
2. The suite of ADS-B, TCAS and navigation mandates (with the first fitment mandate affecting aircraft flying between FL290 and FL410 becoming active on 12 December 2013.)
3. ASTRA ATM Strategic Plan (effectively the "National Plan".)
4. *CNS/ATM Plan for this Decade Aircraft Avionics equipage mandates for satellite-based IFR navigation, Mode S/ADS-B transponders and forward fitment of TCAS II Version 7.1 (CAO 20.18) February 2014 – February 2016.*

The draft policies developed by the working groups are considered by the Council at its quarterly meetings and are voted on by the full members. Observers may only comment on proposals. Representatives are required to vote according to their organisations' position on

² The Strategic Plan Development Working Group, responsible for writing or amending the ASTRA Strategic Plan, remains established but is only activated as and when required.

the issue³. The resulting consensus, therefore, is representative of the “industry’s view” as well as allowing the Department, CASA, Airservices and Defence to express their views.

The ASTRA Council also invites guest speakers, including Government ministers and officials, vendors, agencies’ experts and project leaders, researchers from technology and other organisations and anyone of interest to the Council as a whole. This means that the ASTRA Council members have a continuing exposure to ATM international regulations and best practice, Government policy, innovation and other information and educational material that will assist them in ATM policy development.

8.0 ASTRA’s Future

The chair of ASTRA, Bruce Gemmill, has commented on the unique nature of the Council and how diverse industry interests can be brought together to reach consensus. This is no better illustrated than in the recent suite of mandates that have been issued in regards to ADS-B, TCAS and navigation, which will bring about safety and operational efficiencies to Australian airspace. This consensus has not been achieved “overnight”, but by the building of trust between the members and observers to serve the “common good”.

It should be noted that participants are funded by their respective organisations or, in some case, self-funded. It follows that the organisations must see a clear cost benefit. In order to achieve this, the recommendations and advice emanating from the ASTRA Council, which in turn is supported by the participating organisations, must be acted upon unless there are overriding reasons to the contrary. Such reasons need to be clearly articulated and a “right of appeal” instigated.

At present, the ASTRA Council has a “semi-formalised” position, as outlined in the Charter (extracts of which are contained in this submission). There is, however, a genuine concern amongst the ASTRA members that the advice and recommendations provided to the AIG/APG do not receive the pre-eminence that they deserve. No other body in Australia, considering ATM matters, has the broad representation from industry; and, the expectation is that this should be recognised in terms of the response to ASTRA’s recommendations and advice.

If this is not forthcoming, the active participation in the Council and its working groups by members may be curtailed or even stopped by their respective organisations. This would not only be a significant loss to the Council, but may also result in polarised positions replacing consensus. This, in turn, could lead to opposition to innovations and proposed regulatory change.

The answer is to recognise ASTRA formally as the “Peak Body” for the direction of ATM and to formalise the process from its recommendation/advice to the implementation of the regulatory requirements. The Council has seen on a few occasions where ASTRA has made recommendations and then CASA have made that recommendation in regulation only for the rule to not entirely meet the intent of the original recommendation. To prevent this consideration might be given to ASTRA having a formal role in the rule making process relating to ATM matters.

The present “semi-official” position of the ASTRA Council is not sufficient.

In addition, as well as contribution from all of industry, ASTRA is only effective if there is full participation from all government agencies associated with ATM. These agencies currently attend ASTRA as permanent observers. While that has worked, there have been occasions

³ ASTRA Council decisions are referred back to member organisations for agreement.

where questions have been raised about the continuing support for ASTRA from government agencies. It is important that there be no reduction in the levels of participation and support received from all government agencies.

One particular issue which has been discussed by ASTRA is worthy of specific consideration by the ASSR. That is the issue of the Satellite Based Augmentation System (SBAS) for Australia. Lack of vertical guidance has resulted in many accidents worldwide, with controlled flight into terrain being the outcome in many cases. Recent examples include the crash of a Metroliner in May 2005, a few miles north-west of Lockhart River Airport in Queensland. This accident resulted in all 15 people on board being killed.

The Satellite Based Augmentation System is in operation in Europe, USA, Canada and Mexico. Australia has a short window of opportunity to contract the use of available satellites, as it appears that South Korea is close to doing so. ASTRA has been advised of economic studies which indicate a positive return to Australia from SBAS from a range of industries (including aviation).

As SBAS would also benefit other sectors of the Australian economy such as agriculture and mining, ASTRA has suggested that a whole-of-government approach is appropriate and that any investment in this infrastructure should be considered as investment in national infrastructure.

It should be noted that ICAO has mandated the application of vertical guidance. Major Australian airlines are proceeding with the option of Baro-VNAV, which can be deployed (at a cost) at particular locations but is not economic to deploy at more remote locations. SBAS is the only option which would provide national coverage for all operations and locations.

9.0 Recommendations

ASTRA Council submits the following recommendations to the ASRR:

1. The position of ASTRA as the “Peak Body” for advising on the development of regulations related to ATM is formalised (by legislation), such that the recommendations provided to the AIG and APG have primacy over other submissions and such advice is acted upon, unless there are overwhelming reasons to the contrary. Such reasons need to be communicated to the Council by a timely written response.
2. ASTRA be formalised as a reviewer of any proposed regulation made as a result of its recommendations.
3. A formal process is developed whereby the advice/recommendations given to the AIG/APG and endorsed by the same is translated into regulation and/or is implemented in the most appropriate manner.
4. Government agencies reaffirm their commitment to ASTRA and full participation in its activities.
5. Consideration is given to support ASTRA’s position on Satellite Based Augmentation System (SBAS).

References

1. *National Aviation Policy White Paper issued on December 16th, 2009*
2. ASTRA Council Charter Version 2.3, 2011