

Draft Minutes of the NTCA Workgroup

Held on 25 April 2017 at 10h00

RAASA Boardroom, Hangar 50, Rand Airport

Present:

N de Lange	RAASA	NdL
Pierre Laubscher	RAASA	PL
Rowena Kraidy	MISASA	RK
Ivan Hancock	SSSA	IH
Gary Whitecross	MOGAS	GW
Mark Howse	SSSA	MH
Bonita Muthien	RAASA	BM
Richard Becker	AeCSA	RB
Dirk Smit	SSSA	DSm
Rob Verseput	SSSA	RV
Kevin Storie	CAASA	KS
James Pitman	Airplane Factory	JP
Mark Ferreira	Airplane Factory	MF
David Swanepoel	legal	DSw
Manfred Springer	SSSA/MISASA	MS

Apologies:

Graham Field	PASA
Simon Segwabe	SACAA
Eric Torr	SAGPA
Weide Voster	SAGPA
Yolande Combrink	SAGPA
Mike Blythe	Airplane Factory

Opening/welcome/apologies:

The chairman opened the meeting and thanked everybody for attending and were asked to sign the attendance register. The chairman asked everybody to introduce themselves. NdL asked for any apologies which were duly noted.

Adoption of the Agenda:

NdL asked whether the agenda can be adopted. The agenda items were read out. DSm brought up the matter that there was no provision for the acceptance of previous minutes and matters arising out of previous minutes. NdL advised those present that this meeting is not a follow up meeting for the previous NTCA WG meetings but rather a special NTCA WG meeting and therefore no previous minutes exist. NdL gave the background to this meeting being that the ASO Subcommittee gave the NTCA WG a mandate to discuss particular matters. The next NTCA WG meeting will then deal with those issues. DSm was under the impression that the minutes from the ASO Subcommittee meeting would be discussed at the meeting. A meeting was held by the ASO Subcommittee as directed by CARCom to deal with the comments received after Part 55 and 56 were published for comment. A number of issues arose at the meeting and the Chairman referred the matter to the NTCA WG for further deliberation. Draft notes from the CAA had been received from the ASO Subcommittee meeting. From these notes it was understood that the mandate for the meeting would be to discuss the following:

A. Proposal for the amendment of Regulation 94.06.1 by Mr R van Zyl

Issues under discussion

1. There is a need for the AROs but who should belong to the ARO and
2. Should individuals be compelled to belong to AROs.

Decision taken at ASO Subcommittee meeting: comments received and proposal should be deliberated at the NTCA WG and that the Part 149 review be part of the Project 24 review. Feedback to be given back to the ASO Subcommittee.

B. Proposal for the amendment of CARS and CATS 55 and 56 by Mr N de Lange

Issues under discussion

1. Transparencies of Project 24 (dissemination of information, accuracy of minutes, versions and wording of documents allegedly changed)
2. Philosophy and principle of Project 24 of what parties are trying to achieve (terms of engagement)
3. There is need for further deliberations

Suggestions: The regulations should be referred back to the NTCA WG and that terms of engagement should be enforced

Decision: proposal is deferred to NTCA WG Project 24
SACAA involvement, Cathy and team
Issue and problems first needs to be resolved
Select way forward
RAASA report to the next ASO Subcommittee

C. Proposal for amendment of Part 187 by Mr N de Lange

D. Proposal for amendment of CAR 1.01.1 (Definitions) by Mr N de Lange

Decision: 3 and 4 to be dealt with together

This is the summary of the notes from the ASO Subcommittee meeting. RB requested a copy of the summary be sent to him. NdL asked whether the meeting can proceed. DSm advised that there was a problem with Project 24 and that this meeting would be to come up with principles and philosophies on the approach to Project 24. DSm

wanted to know what the aim of the meeting was and whether the proposals of amendments to the regulations Part 55 and 56 were going to be discussed. DS_m asked whether the regulations were going to be deliberated. NdL advised that only the comments received after publication were going to be discussed. JP dissatisfied in the way RAASA is conducting its affairs. JP is happy with agenda. JP said that the amendments to the regulations cannot be discussed in detail if people are not happy with the fundamental approach to the amendments is incorrect. If no progress is achieved by 13h00 then such feedback will be given back to the ASO Subcommittee. NdL advised that consultation had taken place outside of this framework and there is agreement that regulations should not be honourous. KS suggested that principles and philosophy of Project 24 be added to point 3 of the agenda and further suggested that items 4 and 5 be swapped around. He suggested that items DS_m agrees that point 3 is pertinent to the meeting and stated that the process is flawed and is being rushed and he does not want to go into the detail of the amendments of Part 55 and Part 56 during this meeting. DS_m will adopt the agenda on condition that the approach of Project 24 is sorted first. NdL advised that the word “approach” would be changed to “principle and philosophy” on the agenda and items 4 and 5 be swapped around. The agenda as such was then adopted.

3. Discussion on the background, principles and philosophy of Project 24:

NdL gave the following information. In 2014 Project 24 was suggested to the industry as type certified regulations do not fit NTCA. Over time changes to the regulations had taken place. Part 24 and 94 introduced to deal with NTCA which stands instead of Part 21 and 91. Part 62 was created to stand instead of Part 61. Gliders were covered in Part 68 and balloons in Part 69. This was to replace the old LS1 document. However, with the commercialisation of the industry, the regulations were not adequate. CAA relied then on type certified regulations when there was no provision for NTCA. Part 44 for NTCA was then created to replace Part 43. There were still gaps in the regulations. Part 66.4 was not suitable for approved persons. Suggestion was made to have a complete separate set of regulations specific for NTCA. 12 regulations were created for this purpose. Focus groups were created to deal with the drafting of the 12 regulations. This was supposed to happen as a bulk process where all the regulations should have been submitted at the same time. Unfortunately the CAA decided to fast track Part 55 and Part 56. These were then published for comment over the December period. Comments were received and the time for submissions was then extended. No further comments received during extension. These comments have been referred to the NTCA WG for discussion. Part 1, 187, 55 and 56 referred to the WG for discussion. It was hoped for the regulations to be simpler and less onerous.

PL said that the philosophy of Project 24 was not to have more regulations but to have an alternate full set of regulations for NTCA to enable and empower recreation aviation. It was stated that many of the regulations currently being applied to NTCA are not suitable. There were no regulations to allow for adventure flying and commercial operations e.g. APs. PL also gave further clarification of the facility for APs to allow for commercial APs and for doing overhauls was given to the meeting. Demand by industry has given rise to the creation of the regulations. The intention was to enable and grow NTCA.

JP endorses the principles of Project 24. It is necessary that the organisation and organisation is extracted from the SACAA. The agreed outcomes to be achieved should be clarified. People need to be informed on how the regulations are going to work. The principles of Project 24 are good. Need to look at applicability and how it is going to function. Implementation of Part 55 and 56 is too complex.

DS_m agrees that the philosophy of Project 24 is a good one. He also brought up the matter of the AP Scheme and SSSA’s involvement in the process. SSSA was concerned about submissions that they had made, changes in minutes and that changes were made without further consultation. This feedback showed inconsistencies in the project. The matter of the takeover of the AP Scheme brought up. SSSA is sceptical about process of Project 24 and made allegations that the minutes had been changed after meetings.

RB suggests that Project 24 needs to be looked at again. Too much emphasis is being given to regulating recreation aviation. Recreation aviation is to be made simpler and less onerous. Project 24 in its current form is over regulating the industry.

JP says feels that the people in the industry feel that the new regulations are too complex. Important to know who and what the draft regulations apply to. More peer review and discretion required in the regulations.

IH says that we need to have concise principles to forward with. Commercialism is part of our industry. Recreation aviation cannot be around without a degree of commercialism. He wants to be allowed to take an acceptable risk and doesn't want officialdom to take a duty of care. Another principle would be to keep document keeping down to a minimum and be done digitally with respect to maintenance and training. He also suggested to revert to peer review system for AP approval. He understood Part 55 to state that all APs had to have a facility.

MS suggested that commercial schools and clubs be differentiated and that they be told what is required from them specifically.

JP suggested that the two regulations be simplified in a guidance documents to the aviation industry as to who, what and how the regulations apply to them. Maybe this would increase participation there was communication in simpler terminology on how the regulations work. The principles need to be created first and then the regulations should be created on that model.

MH mentioned that the fees for training aircraft, inspections and facilities for gliding clubs will cause the industry to collapse as they are already operating at the limit. SSSA sees that all APs have a high standard and there should not be two levels of APs. High fees are not in the interest of the sport.

RV gave information regarding a PILL (patient information leaflet) which was brought out to help people understand the use of medicines resulting in poor medication compliance. It was realised that compliance by the consumer was poor and the PILL addressed the understanding of the consumer which resulted in increased compliance. This is similar in our industry where better understanding will lead to better compliance. He also suggested that we look at other legislation (NZ) and compare for simplicity.

GW is concerned that the industry is demanding self-regulation but we can't seem to follow it.

NdL appreciated the frank comments from the industry and noted that this was absent from the original process. There is a need for the clarification of the information. Participation dwindled because of not understanding. The regulations were given to the industry without any clarification. He suggested that simpler regulations will have more restrictions. He further gave examples on how the duty of care cannot be dismissed. He stated that as your privilege goes up the legal requirements need to go up as well. The regulations should allow for this.

KS said that regulations can't write out any information that is included in the Act. Training is not regarded as a commercial activity in the Act. Aircraft used in this sector then should also not be treated as aircraft used commercially. Maybe this should be embellished in the Act to say as much. The principles for the regulations that are being drafted should be looked at often so that they continually comply with them. The NCAP and Air Services Licence Act should be considered.

JP says that the level of complexity of the regulations should be applicable to industry requirements.

AP Scheme discussion:

DSm would like to know how the current AP Scheme is going to fit in in the future. NdL agreed that the AROs should be involved with the AP scheme. The AP Scheme should be a group who has the best interest of the APs at heart. RAASA has no jurisdiction over the AP Scheme. RB stated that previously the AP Scheme did the original approval of the AP applicants. This was then stopped. KS understood that the peer review process for the approval of an AP was taken away from the scheme. If this peer review process has not been removed from the scheme by RAASA, then all is well because this was one of the fundamental functions of the AP Scheme.

JP stated that RAASA decides on how things work and who is given an AP rating. In his opinion RAASA has two advisory panels which advise them on applications and then RAASA makes a decision on it. The quality of the examinations is absurd and delays required between rewriting of examinations are unworkable.

NdL replied saying that RAASA has no authority over the AP Scheme. RAASA is required to have control over the appointment of approved persons. This committee will advise them accordingly. The AROs will be required to give input on applications.

DSm in his opinion perceived that the AP Scheme was originally advisory to RAASA. Should the Aero Club AP Scheme have an agreement with RAASA to work together in the future as was perceived in the past.

PL advised those present that RAASA required a panel of experts to help them from time to time. AP Scheme is a function of Aero Club where the AROs can have input. The law doesn't allow for a peer review process during the application process to become an AP. If the application complies with the legal requirements he should be issued with the rating. PL also advised that RAASA is considering requesting CAA to give them extra functions for which a Technical Advisory Committee is required. The technical advisory committee was also founded to stop any industry perceived buddy buddy issues with regard to AP application approvals who attack the integrity of the Aero Club AP Scheme. The technical advisory committee has the expertise which RAASA requires for the approval of AP applications.

MS requires clarity on the roles of Aero Club AP Scheme, the AP Technical Committee and RAASA. He suggests that the Aero Club AP committee should be advising the applicant on outstanding requirements, if any, not RAASA. NdL explained the current process being that RAASA receives the application and the technical committee will then advise whether the application can be approved.

RB queried why Aero Club cannot get a list of the current APs from RAASA. NdL to look into this matter. Ron Wheeldon to contact NdL on this matter. MH also asked this question. MH stated that he was unaware of any preferences given in fact he thought that the committee was very fair during the process.

JP enquired whether RAASA and the technical advisory committee operate under an approved manual of procedures. PL stated that RAASA approves, issues and renews AP applications in terms of the regulations. PL advised that RAASA has an internal document on how AP applications are treated. This is merely office procedures. NdL advised that JP can have access to the manual outside of the meeting.

DSm said that SSSA would have given different submissions to Part 55 and Part 56 should they have realised that the AP Scheme system was going to change. The SSSA is sceptical of the process because minutes were changed during the Project 24 process and they do not trust RAASA and the process. They were under the impression that the AP Scheme was supplying RAASA with the expertise required.

IH asked what technical expertise RAASA has to assist them. NdL advised that RAASA approached the industry to nominate experts for the Technical Advisory Committee to provide the expertise as they did not have any of their own expertise. The AROs have the technical expertise to adjudicate the applications.

KS said that industry wants to be part of the process of going forward. A way to fix the industry is to sort out the issues between RAASA and the industry.

This meeting was given a mandate by the ASO subcommittee to deal with certain matters but the meeting kept moving away from these points.

The following points were suggested at the meeting:

IH:

1. The word commercialism be removed from recreation aviation. There should be no differentiation between commercial and private operations. Training and introductory flights should not be a commercial exercise.
2. The duty of care needs to disappear towards recreation aviation.
3. Instructors and APs must be appointed by peer review system.

DSm:

1. Will there be a relationship between the AP scheme and RAASA.
2. AROs need to develop their manual of procedures to accommodate APs.
3. Should the technical advisory committee not act as an ARO? Detail on how the technical advisory committee will be operating. Guidance document required on how to become an AP e.g. in the form of a manual of procedures.

RK:

1. The AP technical scheme would have to redraft their MOP as the current MOP does not refer to the current systems that are in place.

KS:

1. It was understood that the AP technical scheme, made up from the different AROs, would advise RAASA. This is now not the case as RAASA only deals with the AROs and not the AP technical scheme.
2. AROs are going to have to look at how they are going to cater for their APs.
3. What is a fair cost recovery system for APs?

PL:

1. Will there be two AP schemes: will there be (i) non-commercial peer to peer review (ii) commercial APs.

JP:

1. Why must there be a differentiation between commercial and non-commercial APs.
2. Should not have two technical advisory committees.
3. Current system on how APs qualify must be transparent and clearly detailed.
4. Possibly have a recommendation/approval from the ARO for the appointment of an AP.
5. System applied and requirements need to be simple and clear.
6. When a regulation is drafted it is important to know what is covered by the regulation and the content needs to be conveyed in simple language.
7. Delays between examinations are too long and need to be reviewed.
8. Need to update the examinations.
9. Need to communicate effectively with industry for further input for the regulations and how the system is going to work in the future.

GW:

1. A set of technical standards should be drafted to clarify the AP application process and requirements.

NdL:

1. Better guidance material for all the regulations is required.

MH:

1. Time frames and appeal process for unsuccessful applications required.

MF:

1. Simplification of qualifications for APs. APs with A and C ratings should be able to sign out the complete aircraft. PL to make a table available so that APs can find out what is required if you want to sign an aircraft out to try and make it simpler to see what requirements are necessary for the AP.
2. Better use of the website by RAASA. RK replied that the website was used during the project 24 process.
3. Links to be sent out for new items on the website.

JP:

1. Need a practical way forward for Project 24. The effects and workings of Part 55 and Part 56 needs to be drafted in easy language to explain how these two parts are going to work practically.

4. Proposal for the amendment of Regulation 94.06.1 by Mr R van Zyl

NdL gave a brief outline on what the proposal entails. Regulation 94.06.1 deals with operational matters with respect to NTCA. Regulation says that the operator is required to be a member of an applicable ARO and if no ARO is available then the operator is required to be a member of Aero Club. Mr Van Zyl wants to delete the compulsory ARO membership requirement. Meetings have been called and Mr Van Zyl has not been present at any of the meetings to discuss his proposal. Written objections to the proposal were received from the AROs. RAASA's objection together with an alternative proposal for the regulation was read out to those present. Mr Van Zyl declined to attend this meeting to further discuss his proposal.

RB read out a view from Ron Wheeldon which was not applicable to this point on the agenda.

It was agreed that it is not unreasonable to request a pilot of an NTCA to be a member of an applicable ARO when flying a NTCA for recreational purposes.

It was further agreed by those present that the motivation for removing the regulation is not sufficient.

The meeting did not get as far as completing the agenda.

Newest draft of Part 149 will be sent to all.

5. Part 187 and Part 1

The amendment to these parts will follow once Part 55 and Part 56 have been completed.

General:

For minute purposes the following needs to be noted:

KS stated that the TAP manual and application forms need to be amended where the Aero Club membership is a mandatory requirement. The TAP manual also refers to a responsible person. Nowhere in the manual is there information on the responsible person. The responsible person in the manual (which was originally the manual of procedures for the Aero Club AP Scheme) refers to the chairman of the Aero Club AP Scheme. Reference to this should then be removed from the RAASA TAP manual of procedures.

It was suggested by PL that the final TAP manual become an appendix to the CATS 56.

RK wanted it noted that if the manual becomes an appendix it can be changed without a formal change approval process as is currently the case when CARS and CATS are amended. A formal procedure for any changes to be published for comment needs to be formulated should the manual of procedures become an appendix to the CATS.

Meeting closed 13h41.