

Report from Patrick H. Floyd (Chair of Regulatory Committee) For the 2019 CSPA AGM

There are four areas of concern:

- The Appeal to the Supreme Court involving the Ville de Levis;
- The increased opposition to skydiving in controlled airspace by Nav Canada;
- The increase in parachuting litigation; and
- Crew Resource Management.

Supreme Court:

The appeal to the Supreme Court from the Quebec Court of Appeal. The Quebec Court of Appeal ruled that the lower judge's ruling was correct that parachuting is an aviation activity and therefore fell in exclusive federal jurisdiction. The exclusive federal jurisdiction has been the protection of skydiving from the whims of Municipalities and Provincial authorities.

This could have serious consequences if the Supreme Court rules that parachuting is not an exclusive federal jurisdiction. There are a few steps before this matter would be heard, the biggest is that the other side need leave from the Supreme Court to bring the appeal to the Supreme Court. The Supreme Court only decides case of "national importance" and only if they want to change the existing status quo. In my opinion there is not enough "national importance" to change the existing law that parachuting is an exclusive federal concern. We are monitoring the situation and if leave to appeal is granted CSPA will take an active role in the case.

Nav Canada:

In British Columbia a change of management staff in Vancouver has led to Nav Canada actually taking an active role to prevent parachuting activity when it is not in their operational interest. This has happened in Pitt Meadows (now closed), Campbell River and Victoria.

This matter should be elevated to have a higher-level discussion with Nav Canada to address parachute restrictions.

Litigation:

There are two active court cases and one pending court case involving skydiving incidents.

CRM:

Crew Resource Management (CRM) is a philosophy of utilizing all of the decision makers in your management and operational team to assist in the management of the aviation activity. It is a method to identify and correct safety concerns. Most of the mechanisms of CRM are used by the existing DZs. A formalized manual (or chapter in the existing Ops Manual) has to be produced and approved by each operator. CSPA is working with our Members to provide templates to other dropzones to assist in this implementation. This is a member-driven initiative.

In my opinion this is not a major endeavour, since we all review and correct safety matters on a daily basis. It is just a more formalized mechanism to document such activity.

It is a good platform and most of the tools exist in our policy and procedures, the hard part is educating Transport Canada so the DZ can get the CRM part of their Operations Manual approved. Transport Canada will be busy, since this requirement applies to every flying school, aerial survey, crop spraying, helicopter power-line construction, and firefighting operation in Canada. This was a policy (regulatory) change to expand the requirement that was in place for the air-taxi operators.