Tranche 2 - Proposed new Part 121 MOS – Australian Air Transport Operations - Larger Aeroplanes – (CD 2010OS)

# Overview

Part 121 of the *Civil Aviation Safety Regulations 1998 (CASR) – Australian air transport operations – larger aeroplanes,* and its Manual of Standards (MOS) will contain the specific safety rules for air transport operations in larger aeroplanes.

The rules in this consultation will apply to persons and operators who conduct multi-engine aeroplane air transport operations (including passenger, cargo and medical transport operations) with a maximum operational passenger seating capacity of more than nine seats or a maximum take-off weight of more than 8,618 kgs. The proposed rules in this consultation do not affect the single-engine aeroplanes operated under Subpart 121.Z.

The standards in the Part 121 MOS are derived mainly from existing standards which are in the *Civil Aviation Regulations 1988* (CAR), multiple Civil Aviation Orders (CAO) and various instruments. Where appropriate for Australian operations, these standards have been aligned to international best practice and the standards and recommended practices published by the International Civil Aviation Organization (ICAO).

Consultation on the Part 121 MOS is being conducted in three tranches that are likely to overlap. This is the second tranche and covers the following chapters and topics:

* Chapter 9 – performance
* Chapter 12 – flight crew training and checking
* Chapter 13 – cabin crew training and checking
* Chapter 14 – emergency evacuation demonstrations and procedural requirements.

### Key changes at a glance

This public consultation seeks feedback on:

* proposed amendments to Part 121 regulations which were made in 2018 and commence in December 2021
* tranche 2 of the proposed Part 121 MOS
* any additional feedback on tranche 1 not provided as part of the earlier tranche 1 consultation activity.

There are a number of differences between current requirements and those requirements contained in this draft of the Part 121 MOS. CASA has deliberately designed the majority of these requirements to be compatible with existing operator practices. The changes relate to:

* Introduction of a requirement to extinguish a fire during flight crew and cabin crew initial training.
* Introduction of a requirement for flight crew and cabin crew, during initial training and 3-yearly training, to conduct a fire drill in a smoke-filled (or simulated smoke-filled) environment.
* Introduction of outcome-based standards for training facilities and training devices (not including flight simulators and flight training devices which are covered by Part 60 of CASR).
* Alleviation from the existing CAO 20.11 requirements to conduct all safety and emergency training annually – these requirements are now split into annual and 3-yearly requirements.

The regulation changes outlined in this consultation, propose the deletion of six regulations and changes to 15 regulations and the addition of one regulation. All these changes, aside from the proposed additional regulation and its two interrelated regulations proposed to be deleted, are legally technical amendments and are not amendments that change the aviation safety outcome or standard. The technical amendments are included in this consultation to ensure the industry is aware of the possible changes and have an opportunity to provide feedback. However, it should be noted that the exact phrasing of the changes may differ from those outlined in this consultation. The proposed regulation amendments relevant to tranche 1 are outlined in the tranche 1 consultation documents and amendments relevant to tranche 3 will be consulted during that consultation activity.

### Consultation on the rest of the Part 121 MOS

The remaining five chapters of the MOS not yet released for comment will be the subject of a future public consultation. During this consultation and the next there is an opportunity to provide additional comments on earlier tranches.

Subject to further discussions with the [Aviation Safety Advisory Panel’s](https://www.casa.gov.au/about-us/working-industry/aviation-safety-advisory-panel/part-121-twg-australian-air-transport-operations-large-aeroplane-operations) Part 121 Technical Working Group (TWG) and the progress of legal drafting, CASA is aiming is to conclude consultation on the Part 121 MOS by the end of August 2020. This will allow time to analyse all the feedback, discuss changes with the TWG and undertake the administrative processes associated with making the MOS into law, and amending any regulations where this is necessary.

**How Part 121 works in conjunction with Part 91 general operating and flight rules**

Regulation 91.035 contains a table that 'turns off' or disapplies certain Part 91 requirements in favour of Part 121 requirements. In relation to air transport operations, certain Part 91 rules are turned off because either the Part 121 rules have specified a higher safety standard or the requirement to hold an AOC has put in place system-based safety defences that achieve the safety standards by alternative means.

**How Part 121 works in conjunction with Part 119 (air transport certification requirements)**

Part 119 outlines the rules for applicants and holders of Air Operators’ Certificates (AOCs). Part 121 operations are not authorised to be conducted unless an operator meets the requirements in Part 119 for the issue of an Australian air transport AOC. Generally, Part 119 of CASR will specify the organisational requirement and the specific air transport operational Part (i.e. Part 121 in this case) will state the operational standard. Both CASR parts must be read in conjunction to gain a full understanding of a topic. One example of this kind of interaction is:

* Part 119 requires an Australian air transport operator to have a training and checking system and specifies the broad requirements and characteristics of that system; but
* Subparts 121.N and 121.P specify the operational requirements for that system specific to Part 121 operators and include the detailed rules for the training and checking of an operator’s flight crew members and cabin crew members.

**Overlap with Part 135 - Australian air transport operations – smaller aeroplanes**

Subpart 121.Z specifies that certain single-engine aeroplanes used in air transport operations must comply with Part 135 of CASR and a small number of additional requirements. Outside of the regulations contained in subpart 121.Z, none of the other regulations within Part 121 or any of the Part 121 MOS content applies to the operation of these aeroplanes during an air transport operation.

**Previous consultations**

CASA publicly consulted the Part 121 regulations in 2015. An indicative only version of the Part 121 MOS accompanied that consultation. Multiple industry working group sessions provided feedback on the Part 121 regulations prior to that consultation but did not provide detailed feedback on the indicative MOS. CASA again conducted a similar public consultation of the regulations in 2018 due to significant changes to match the new Part 91. The indicative MOS was again provided and similar to previous iterations, the new TWG did not provide detailed feedback. On isolated occasions in early and late 2019, CASA engaged with the TWG on specific MOS topics that are not part of this first tranche. In the second quarter of 2020, CASA and the TWG have frequently discussed chapters 13 and 14 of tranche 2 but have had minimal discussion on chapters 9 and 12. A large number of individual alterations were made to the draft MOS as a result of these consultations.

# Why we are consulting

This consultation seeks feedback on the proposed Part 121 MOS and a number of proposed changes to the Part 121 regulations made into law in December 2018 (where these are not related to tranches 1 or 3 of the MOS). The survey has been designed to give you the option to provide feedback on the survey in its entirety or to provide feedback on the policy topics applicable to you.

We are consulting to ensure that the proposed new standards in the Part 121 MOS are clearly articulated and will work in practice. Your feedback will make a valuable contribution to our standards development and making process and help to inform any future regulatory change.  Comments on the CD 2010OS should be submitted through the online response form.

**Documents for review and reference**

All documents related to this consultation are attached in the ‘related’ section at the bottom of the page. They are:

* Summary of proposed change on CD 2010OS, which provides background on the proposed standards
* Exposure Draft Part 121 MOS – new chapters 9, 12, 13 and 14 (for completeness the draft also includes the tranche 1 chapters)
* Civil Aviation Safety Amendment (Part 121) Regulations 2018 (F2018L01784)
* Civil Aviation Safety Amendment (Operations Definitions) Regulations 2019 (F2019L00557)
* Civil Aviation Safety Amendment (Part 91) Regulations 2018 (F2018L01783)
* Unofficial consolidated CASR Dictionary – (combines the official CASR Dictionary and the official amendment regulation incorporating the operations definitions)
* MS Word copy of this consultation for ease of distribution and feedback within your organisation.

Note: The Word document is not to be used as an emailed submission, unless there are extenuating circumstances and this form of submission has been agreed to by the consultation project lead.

Please read the Summary of proposed change (CD 2010OS) consultation document before providing your feedback in the online survey.

CASA highly recommends the use of the ‘unofficial consolidated CASR dictionary’. Some minor differences exist between this document and the ‘Operations Definitions’ regulation however these are isolated to the sport and recreation sectors and do not affect any of the content of this proposed MOS.

Information about how we consult and how to make a confidential submission is available on the [**CASA website.**](https://www.casa.gov.au/rules-and-regulations/changing-rules/consultation-and-project-history/consultation-industry-and-public)  *https://www.casa.gov.au/rules-and-regulations/changing-rules/consultation-and-project-history/consultation-industry-and-public*

To be notified of any future consultations, you can subscribe to our [**consultation and rulemaking mailing list**](https://mailinglist.casa.gov.au/lists/?p=subscribe&id=3) *.* *https://mailinglist.casa.gov.au/lists/?p=subscribe&id=3*

**File upload option**

*Note: CASA can no longer offer the option to upload files because of the potential risk of malware.*

## **Using an iPad**

If you are using an iPad to complete the survey you will be asked to 'download the relevant PDF'. Depending on the software you have on your iPad you may need to download the free viewer to review the single document PDF files. Where a file is a 'multi-file or portfolio PDF you will need to source the Adobe free view - available from iTunes.

# What happens next

# [This section will become available online when the consultation closes]

At the end of the response period for public comment, we will review each comment and submission received. All comments will be considered. We will make all submissions publicly available on the CASA website, unless you request your submission remain confidential. Relevant feedback that improves upon the proposed standards and is consistent with the regulations and other CASA policy, will be incorporated into the final MOS.

At the conclusion of the third tranche of consultation, we will publish a Summary of Consultation which summarises the feedback received across all three tranches, outlines any intended changes and details the next steps for the MOS and the proposed regulation changes. The Part 121 MOS will come into effect on 2 December 2021 when the Part 121 regulations also start.

Information about how we consult and how to make a confidential submission is available on the [**CASA website**](https://www.casa.gov.au/rules-and-regulations/changing-rules/consultation-and-project-history/consultation-industry-and-public) **.**

To be notified of any future consultations, you can subscribe to our [**consultation and rulemaking mailing list**](https://mailinglist.casa.gov.au/lists/?p=subscribe&id=3).

Give Us Your Views

[Online Survey](https://consultation.casa.gov.au/regulatory-program/pp1816us/consultation/)

**Related**

List of documents to attach to the consultation

* Summary of proposed change on CD 2010OS, which provides background on the proposed standards
* Exposure Draft Part 121 MOS – new chapters 9, 12, 13 and 14
* Unofficial consolidated CASR Dictionary – (combines the official CASR Dictionary and the official amendment regulation incorporating the operations definitions
* MS Word copy of this consultation for ease of distribution and feedback within your organisation.

Links:

1. [Civil Aviation Safety Amendment (Part 121) Regulations 2018 (F2018L01784)](https://www.legislation.gov.au/Details/F2018L01784)
2. [Civil Aviation Safety Amendment (Operations Definitions) Regulations 2019 (F2019L00557)](https://www.legislation.gov.au/Details/F2019L00557)
3. [Civil Aviation Safety Amendment (Part 91) Regulations 2018 (F2018L01783)](https://www.legislation.gov.au/Details/F2018L01783)
4. [Civil Aviation Safety Amendment (Part 119) Regulations 2018 (F2018L01787)](https://www.legislation.gov.au/Details/F2018L01787)

## Audiences

* Aerodrome operators
* Air operators
* Pilots
* Traveling public / passengers
* Operations Control/Flight Dispatch
* Aircraft owner/operator
* CASA Staff

## Interests

* Air travel
* Human factors
* Safety management systems
* Operational standards
* Cabin safety
* Airworthiness/maintenance (CAR 30 and CASR Part 145 maintenance orgs)
* Training and checking systems

Page: Consultation Contents

### Proposed policy – Part 121 Manual of Standards tranche 2 and certain Part 121 regulation changes

This consultation is seeking feedback on the proposed chapters of the Part 121 Manual of Standards (MOS) contained in the second of three tranches, and on possible changes to the made Part 121 regulations.

**Fact Bank:** The Part 121 MOS is planned to comprise 14 chapters as follows:

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| Fact bank Content* Chapter 1 – preliminary
* Chapter 2 – extended diversion time operations
* Chapter 3 – carriage of documents and emergency and survival equipment information
* Chapter 4 – alternate aerodromes
* chapter 5 – operational flight plans
* Chapter 6 – narrow runway width calculations
* Chapter 7 – fuel requirements
* Chapter 8 – safety briefings and instructions
* Chapter 9 – performance
* Chapter 10 – weight and balance
* Chapter 11 – equipment
* Chapter 12 – flight crew
* Chapter 13 – cabin crew
* Chapter 14 – emergency evacuation
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**MOS elements in this consultation**

The MOS elements of this consultation covers the second tranche of the following 3 tranches:

* Tranche 1 – chapters 3, 5, 6, 8 and 10
* Tranche 2 – chapters 9, 12, 13 and 14 (this consultation)
* Tranche 3 – chapters 2, 4, 7 and 11.

This consultation is comprised of 11 pages. The first two pages contain questions that are administrative in nature, enabling us to protect your privacy and ensure we have obtained feedback from all stakeholders. The nine pages that follow request feedback on the proposed chapters of the Part 121 MOS and of the possible regulation changes. These nine pages are as identified below.

The survey has been designed to give you the option to provide feedback on the survey in its entirety or to provide feedback on the policy topics applicable to you.

When you have completed the sections on which you wish to provide feedback on each page, select next and the consultation will move you to the next page.

Our [website](https://www.casa.gov.au/rules-and-regulations/changing-rules/consultation-and-project-history/consultation-industry-and-public) contains more information on making a submission and what we do with your feedback.

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| --- | --- |
| Page | Content |
| 1 | Personal Information (required) |
| 2 | Consent to publish your submission (required) |
| 3 | Chapter 9 – Performance |
| 4 | Chapter 12 – Flight crew – specific changes to current standards |
| 5 | Chapter 12 – Flight crew – not changing from current standards |
| 6 | Chapter 13 – Cabin crew – specific changes to current standards |
| 7 | Chapter 13 – Cabin crew – not changing from current standards |
| 8 | Chapter 14 – Emergency evacuation |
| 9 | Possible changes to the made Part 121 regulations |
| 10 | Further feedback on tranche 1 chapters |
| 11 | Your Priorities  |

Page 1: Personal information

## First name

(Required)

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## Last name

(Required)

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## Email address

If you enter your email address you will automatically receive an acknowledgement email when you submit your response.

## Email

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## Do your views officially represent those of an organisation?

(Required)

*Please select only one item*

[ ]  Yes, I am authorised to submit feedback on behalf of an organisation

[ ]  No, these are my personal views.

## If yes, please specify the name of your organisation.

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Which of the following best describes the group you represent?

*Please select only one item*

[ ]  Aircraft operator

[ ]  Chief pilot / Head of operations

[ ]  Head of training and checking

[ ]  Quality or Safety manager

[ ]  Flight crew

[ ]  Cabin crew

[ ]  Ground crew

[ ]  Passenger

[ ]  Cargo shipper

[ ]  Medical transport personnel

[ ]  Other

Please specify “Other” if selected.

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## Have you submitted a response to the tranche 1 consultation activity?

(Optional)

*Please select only one item*

[ ]  Yes - I have already submitted a response to the tranche 1 consultation.

[ ]  No - I have not yet submitted a response to the tranche 1 consultation.

[ ]  No – I will be submitting a response to the tranche 1 chapters as part of this consultation.

[ ]  No - I will not be submitting a response to the tranche 1 consultation.

Page 2: Consent to publish submission

In order to provide transparency and promote debate, we intend to publish all responses to this consultation. This may include both detailed responses/submissions in full and aggregated data drawn from the responses received.

Where you consent to publication, we will include:

* **your last name**, if the submission is made by you as an individual
* **the name of the organisation** on whose behalf the submission has been made
* **your responses** and comments

We **will not** include any other personal or demographic information in a published response.

Information about how we consult and how to make a confidential submission is available on the [**CASA website**](https://www.casa.gov.au/rules-and-regulations/changing-rules/consultation-and-project-history/consultation-industry-and-public)[*<https://www.casa.gov.au/rules-and-regulations/landing-*](http://www.casa.gov.au/rules-and-regulations/landing-) *page/consultation-process>* .

## Do you give permission for your response to be published?

(Required)

*Please select only one item*

[ ]  Yes - I give permission for my response/submission to be published.

[ ]  No - I would like my response/submission to remain confidential but understand that de-identified aggregate data may be published.

[ ]  I am a CASA officer.

Page 3: Chapter 9 – Performance

Chapter 9 of the Part 121 MOS prescribes the performance rules for Part 121 operations and indirectly or directly supports the regulations contained within Subpart 121.F of CASR. Note that page 9 of this consultation outlines changes to some of these regulations.

### Policy proposal

The requirements in Chapter 9 carry across the requirements currently in CAO 20.7.1B. The content of CAO 20.7.2 has not been carried across into Part 121. CASA has assessed that the requirements of this chapter should be able to be met by the very small number of Part 121 aeroplanes with a MTOW below 5700kg.

### Policy aim

The aim is to modernise the current requirements of CAO 20.7.1B without requiring operators to make changes of significance to their current performance calculations. The requirements should put in place a set of performance rules generally harmonised, but not entirely identical to other regulators such as: the FAA, EASA and CAA NZ. Putting in place requirements identical to other regulators would generate a larger amount of change from the current rules that is not desirable in this policy space.

### Question – Do the proposed requirements achieve the aim?

Please provide any comments you may have on the principal changes proposed.

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Page 4: Chapter 12 – Flight crew – specific changes to current standards

Chapter 12 of the Part 121 MOS prescribes requirements to support regulations contained within Subpart 121.N of CASR. Note that page 9 of this consultation outlines changes to some of these regulations.

### Policy proposal

The standards for flight crew training and checking are aligned to existing practices with a small number of exceptions.

Currently, CAO 20.11 requires all emergency training requirements to be conducted annually. In the Part 121 regulations, these requirements were divided into annual training requirements and 3 yearly training requirements. This change provides significant alleviations from current standards and enables some training to be completed at significantly reduced frequencies.

Noting the increasing range of training simulation options due to the technological advancements of recent decades, and to enable complete transparency of requirements, division 3 of Chapter 13 proposes the introduction of outcome-based training facility and device standards. Whilst these standards are contained in the cabin crew chapter, they are also relevant to specific kinds of flight crew training. The relevant provisions of Chapter 12 specifically state when they must be used.

There are two proposals related to fire-fighting training during initial training.

Firstly, it is proposed that during initial training, flight crew will have to extinguish an actual fire. Many operators within Australia currently conduct this training already and this requirement is aligned with both the FAA and EASA requirements. The Australian fire seasons often results in total fire bans being put in place. These bans are generally applicable to ‘fires in the open’. Training activities are not generally the subject of standard exemptions to these bans. For complete scheduling flexibility, operators would need to consider having an ability to conduct the relevant training not in the open.

Secondly, it is proposed that during initial and 3-yearly training, flight crew will need to use the fire-fighting equipment specified in the operator’s exposition, in a smoke-filled or simulated smoke-filled, environment. Proposed sections 13.08 and 13.09 of the MOS contain the outcome-based standards for training facilities and devices that would be relevant to this requirement. The policy intent is for a crew member to experience the difficulties of fire-fighting using the appropriate equipment, in a visually constrained environment that could occur during a fire-fighting situation onboard an aeroplane.

### Policy aim

Appropriately and reasonably modernise flight crew training standards and introduce outcome-based training facility and device standards.

### Question – Do the proposed requirements achieve the aim?

Please provide any comments you may have on the proposed policy.

*(Please note, this should not include points you have already raised)*

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Page 5: Chapter 12 – Flight crew – not changing from current standards

Chapter 12 of the Part 121 MOS prescribes requirements to support regulations contained within Subpart 121.N of CASR. Note that page 9 of this consultation outlines changes to some of these regulations.

### Policy proposal

Aside from the changes outlined in the previous question on page 4, Chapter 12 should reflect existing operator practices under regulation 217 of CAR.

If changes within the chapter are identified that were not mentioned by the previous question on page 6, CASA will discuss those matters with the TWG after the conclusion of the consultation.

### Policy aim

Appropriately continue existing flight crew training and checking standards into Chapter 12 of the Part 121 MOS where specific changes have not been identified in Part 121.

### Question – Do the proposed requirements achieve the aim?

Please provide any comments you may have on the proposed policy.

*(Please note, this should not include points you have already raised)*

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Page 6: Chapter 13 – Cabin crew – specific changes to current standards

Chapter 13 of the Part 121 MOS prescribes requirements to support regulations contained within Subpart 121.P of CASR. Note that page 9 of this consultation outlines changes to some of these regulations.

### Policy proposal

The standards for cabin crew training and checking are aligned to existing practices with a small number of exceptions.

Currently, CAO 20.11 requires all emergency training requirements to be conducted annually. In the Part 121 regulations, these requirements were divided into annual training requirements and 3 yearly training requirements. This change provides significant alleviations from current standards and enables some training to be completed at significantly reduced frequencies.

Noting the increasing range of training simulation options due to the technological advancements of recent decades, and to enable complete transparency of requirements, division 3 of this MOS proposes the introduction of outcome-based training facility and device standards. These standards are not only used for cabin crew training but are also required for certain kinds of flight crew training (see Chapter 12 of the MOS for the specific kinds of flight crew training to which these standards are applicable).

There are two proposals related to fire-fighting training during initial training.

Firstly, it is proposed that during initial training cabin crew will have to extinguish an actual fire. Many operators within Australia currently conduct this training already and this requirement is aligned with both the FAA and EASA requirements. The Australian fire seasons often results in total fire bans being put in place. These bans are generally applicable to ‘fires in the open’. Training activities are not generally the subject of standard exemptions to these bans. For complete scheduling flexibility, operators would need to consider having an ability to conduct the relevant training not in the open.

Secondly, it is proposed that during initial and 3-yearly training, cabin crew will need to use the fire-fighting equipment specified in the operator’s exposition, in a smoke-filled or simulated smoke-filled, environment. Proposed sections 13.08 and 13.09 of the MOS contain the outcome-based standards for training facilities and devices that would be relevant to this requirement. The policy intent is for a crew member to experience the difficulties of fire-fighting using the appropriate equipment, in a visually constrained environment that could occur during a fire-fighting situation onboard an aeroplane.

### Policy aim

Appropriately and reasonably modernise cabin crew training standards and introduce outcome-based training facility and device standards.

### Question – Do the proposed requirements achieve the aim?

Please provide any comments you may have on the proposed policy.

*(Please note, this should not include points you have already raised)*

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Page 7: Chapter 13 – Cabin crew – not changing from current standards

Chapter 13 of the Part 121 MOS prescribes requirements to support regulations contained within Subpart 121.P of CASR. Note that page 9 of this consultation outlines changes to some of these regulations.

### Policy proposal

Aside from the changes outlined in the previous question on page 6, Chapter 13 should reflect existing operator practices under regulation 217 of CAR.

If changes within the Chapter are identified that were not mentioned by the previous question on page 6, CASA will discuss those matters with the TWG after the conclusion of the consultation.

All cabin crew members that have already completed initial training prior to the start of the new regulations on 2 December 2021 will be deemed to have met the initial training requirements. For crew members currently undergoing conversion training, the requirements for conversion training within this MOS should not require the completion of any additional training or checking compared to current practices.

Operators are able to design their training flow and curricula to meet their requirements, provided the overall requirements of this proposed chapter are satisfied. For example, many operators don’t assign cabin crew to an aircraft type during initial training, yet some of the MOS initial training requirements relate to the aeroplane type to which a cabin crew member is assigned. For clarity, as the regulations don't specifically state that initial training must be completed as a single block, an operator can move initial training requirements into their conversion training curriculum, provided that checks of the crew member's competency meet the requirements outlined under the relevant initial training section. Therefore, how an operator structures these requirements is up to the operator.

Similarly, the regulations require the completion of annual and 3 yearly training and checking, before a cabin crew member conducts an air transport flight. For a new cabin crew member conducting initial training and conversion training, there is some overlap between the training sequences in these 2 kinds of training and the requirements specified as “annual training” or “3 yearly training”. For clarity, if there is overlap, there is no requirement to conduct a training sequence or a check sequence twice.

The kinds of training and checking sequences specified by the subpart 121.P regulations include:

* Senior cabin crew member training and checking – non-recurrent (regulation 121.665 and included in this MOS Chapter 13 Division 2)
* Initial training and check – non-recurrent (regulation 121.710 and included in this MOS Chapter 13 Division 4)
* Conversion training and check prior to supervised line flying – non-recurrent (subregulation 121.715(2) and included in this MOS Chapter 13 Division 5)
* Conversion training that is supervised line flying – non-recurrent (subregulation 121.715(3), not in the MOS)
* Differences training – non-recurrent (regulation 121.730, not in the MOS)
* Annual training and check – recurrent (regulation 121.725 and included in this MOS Chapter 13 Division 6)
* Line check – recurrent (regulation 121.730, not in the MOS)
* 3 yearly training and check – recurrent (regulation 121.735 and included in this MOS Chapter 13 Division 7).

### Policy aim

Appropriately continue existing cabin crew training and checking standards into Chapter 13 of the Part 121 MOS where specific changes have not been identified.

### Question – Do the proposed requirements achieve the aim?

Please provide any comments you may have on the proposed policy.

*(Please note, this should not include points you have already raised)*

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Page 8: Chapter 14 – Emergency evacuation

Chapter 14 of the Part 121 MOS prescribes requirements to support regulations contained within Subpart 121.V of CASR. Note that page 9 of this consultation outlines changes to some of these regulations.

### Policy proposal

This consultation proposes to amend Regulation 121.755 to permit the MOS to specify requirements relating to emergency evacuation procedures and the demonstration of emergency evacuation procedures. This proposed chapter of the MOS has been drafted to reflect the proposed regulation changes.

The requirements in this chapter are intended to replace and better outline the requirements currently contained within clauses 10, 11 and 15 of CAO 20.11 and Appendix II of CAO 20.11. They have been benchmarked against FAA and EASA requirements.

### Policy aim

Codify and modernise the existing emergency evacuation procedures and partial emergency evacuation demonstration requirements.

### Question – Do the proposed requirements achieve the aim?

Please provide any comments you may have on the proposed policy.

*(Please note, this should not include points you have already raised)*

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Page 9: Possible changes to the made Part 121 regulations

Since the Part 121 regulations were made into law in December 2018 (note that the start date of these regulations is not until 2 December 2021), CASA has been conducting detailed drafting of the Part 121 MOS and has been involved in multiple working group discussions.

### Policy proposal

As a result of the working group discussions, it has become apparent that multiple Part 121 regulations may need to be modified. In this consultation, CASA is highlighting and requesting feedback on possible changes to Part 121 of CASR (see the fact bank for a deeper level of detail).

Except for the proposed additional regulation and its two interrelated regulations proposed to be deleted, the rest of the amendments are legally technical in nature and are not amendments that change the aviation safety outcome or standard. The technical amendments are included in this consultation to ensure the industry is aware of the possible changes and has an opportunity to provide feedback. However, it should be noted that the exact phrasing of the changes may differ from those outlined in this consultation.

These changes may:

* amend regulation 121.395 in a technical way to simply MOS drafting
* delete regulation 121.400 as it will be unnecessary once 121.395 is amended
* delete regulation 121.405 as it will be unnecessary once 121.395 is amended
* delete regulation 121.410 as it will be unnecessary once 121.405 is deleted
* amend regulation 121.415 in a technical way to simply MOS drafting
* delete regulation 121.420 as it will be unnecessary once 121.415 is amended
* delete regulations 121.425 and 121.450 as the prescriptive EFB standards are not appropriately flexible in this regulatory space
* insert 2 new regulatory requirements related to EFBs:
	+ a new Part 121 regulation containing outcome based EFB requirements
	+ a new Part 119 mandatory significant change for an operator commencing the use of EFBs
* amend regulation 121.475 to insert a new ability for CASA to approve exceptions to certain flight crew training and checking requirements, and fix an editorial error in paragraph (2)(f)
* amend regulations 121.500 and 121.505 to fix an unintended consequence of the drafting on the conduct of flight crew supervised line flying
* amend regulation 121.510 to fix an unintended consequence of the drafting that would require supervised line flying and line checks to be done in simulators for certain aeroplanes
* amend regulations 121.555, 121.610 and 121.620 in a technical way to simply MOS drafting
* amend regulation 121.705 in a technical way to avoid an operator having to create equivalences between supervised line flying and refresher training for cabin crew
* amend regulations 121.710, 121.715, 121.725 and 121.735 in a technical way to simply MOS drafting
* amend regulation 121.755 in a technical way to correctly empower the MOS drafting and to create a new ability for CASA to approve exceptions to the requirements for emergency evacuation demonstrations

### Policy aim

Ensure that the Part 121 regulations prescribe proportionate and appropriate requirements that reflect, where appropriate, international best practice and the practices of comparable regulators, and ensure that the Part 121 MOS can prescribe the requirements necessary to ensure the intended aviation safety outcomes are achieved.

**Fact Bank:** Possible amendments to specific Part 121 Regulations

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| Fact Bank content* Regulation 121.395
	+ The legal structure of this regulation, where the MOS must specify specific circumstances when take-off performance must be calculated, and then must specify the "method" by which the performance is to be calculated, creates unnecessary complexity for the legal drafting of the MOS performance chapter.
	+ It is proposed that these convoluted MOS powers be replaced with an ability for the MOS to prescribe "requirements related to aeroplane take-off performance", in a structural manner similar to that for fuel within regulation 121.235.
	+ The performance chapter of the MOS contained in this proposed tranche (chapter 9) has not been drafted to encompass this proposed regulatory change.
* Regulation 121.400
	+ Assuming that regulation 121.395 is amended as proposed above, then this regulation becomes redundant and unnecessary.
	+ It is proposed that this regulation be deleted (provided regulation 121.395 is also amended).
* Regulation 121.405
	+ This entire regulation is redundant as it creates an offence for a landing weight to be above a certain amount at the beginning of a flight, i.e. it places limitations on the take-off weight. Regulation 121.395 already has the ability to cover these specific circumstances as the weight limitations for take-off, similar to the current rules, are set as being the lowest of the aircraft MTOW, the aircraft MLW, the weight which meets the take-off distance and take-off obstacle clearance requirements, the weight that meets en-route obstacle clearance requirements, the weight that enables a landing missed approach to avoid obstacles and the weight which enables landing distance requirements to be met.
	+ The alternative to deleting this regulation entirely is that it be modified similar to regulation 121.395 by permitting the MOS to prescribe requirements related to planned landing weights instead of having to prescribe circumstances for when to calculated a planned landing weight and the methods of calculation that must be used.
	+ The performance chapter of the MOS contained in this proposed tranche (chapter 9) has not been drafted to encompass the amended version of this regulation.
	+ It is proposed that this regulation be deleted.
* Regulation 121.410
	+ Assuming that regulation 121.405 is either deleted or amended as outlined above, then this regulation becomes redundant and unnecessary.
	+ It is proposed that this regulation be deleted (provided regulation 121.405 is deleted or amended).
* Regulation 121.415
	+ The legal structure of this regulation, where the MOS must specify specific circumstances when landing performance must be calculated in-flight, and then must specify the "method" by which the performance is to be calculated, creates unnecessary complexity for the legal drafting of the MOS performance chapter.
	+ It is proposed that these convoluted MOS powers be replaced with an ability for the MOS to prescribe "requirements related to aeroplane landing performance", in a structural manner similar to that for fuel within regulation 121.235.
	+ The performance chapter of the MOS contained in this proposed tranche (chapter 9) has not been drafted to encompass this proposed regulatory change.
* Regulation 121.420
	+ Assuming that regulation 121.415 is amended as outlined above, then this regulation becomes redundant and unnecessary.
	+ It is proposed that this regulation be deleted (provided regulation 121.415 is amended).
* Regulations 121.425 and 121.450
	+ These regulations were originally intended to permit the MOS to carry-over, in a prescriptive fashion, the existing electronic flight bag (EFB) requirements from Appendix 9 to CAO 82.0.
	+ CASA has conducted further analysis on the manner in which ICAO and other comparable regulators outline rules for the use of EFBs and has determined that prescriptively outlining requirements, when the EFB technology is rapidly changing and maturing, would not efficiently achieve the requisite aviation safety outcomes.
	+ It is proposed to:
		- Delete regulation 121.425.
		- Delete regulation 121.450.
		- Insert a new regulation within Division 121.D.9 requiring an operator's exposition to include procedures for the use of EFB by flight crew members and the management of EFB by the operator. CASA would issue an Advisory Circular outlining similar information related to EFBs as contained within FAA, NZ and EASA guidance materials.
		- Insert a requirement, within paragraph (a) of regulation 119.020 (the definition of significant change for Australian air transport operators), that an operator commencing the use of EFBs would require pre-approval from CASA.
			1. For existing charter and RPT operators, this would have no effect as if existing operators are using EFBs prior to commencement, they would have already complied with clause 11 of CAO 82.0 and Appendix 9 of CAO 82.0 and therefore would not be "commencing using an EFB".
			2. For an operator applying for an air transport AOC after the start of the Parts 119 and 121, they would not require any specific approval as their procedures for EFB usage and management would be included within their proposed exposition and, if the AOC was granted, then their procedures would have been accepted by CASA.
			3. If an existing operator, or a new operator, proposes to commence for the first time the use of EFBs after the start of Parts 119 and 121, this would require an application to CASA and the issuance of a one-off approval. There would be a cost, in line with that required to obtain individual, topic specific approvals under existing regulations.
			4. This would align CASA with ICAO Annex 6 Part I standard 6.25.22 which states "The State of the Operator shall approve the operational use of EFB functions to be used for the safe operation of aeroplanes."
			5. An EFB approval would be recorded on the operator's operations specifications document.
* Regulation 121.475 - new subregulation
	+ Subpart 121.N, unlike subpart 121.P (see subregulation 121.640(4)), does not contain an ability for an operator to be issued an approval for their flight crew training and checking requirements to use alternative methods other than those required by the subpart 121.N regulations and the Chapter 12 of the Part 121 MOS.
	+ It is proposed that a new subregulation be added to this regulation that enables the issuance of such an approval and replicates the outcome of subregulation 121.640(4) but for flight crew training.
	+ The addition of this subregulation does not have an impact on the drafting of Chapter 12 of the MOS.
* Regulation 121.475 - amendment to paragraph (2)(f)
	+ Paragraph 121.475(2)(f) specifies that a flight crew member must be qualified in accordance with the requirements of either regulations 121.490, 121.495 or 121.500.
	+ However, an editorial error has occurred and these references should instead state that a flight crew member must be qualified in accordance with the requirements of either regulations 121.495, 121.500 or 121.505, i.e. the current regulation wording has left out the cruise relief qualification requirements. This is due to regulation renumbering activities that occurred prior to making and this editorial mistake was not identified at the time.
	+ It is proposed to amend this paragraph as outlined.
* Regulations 121.500 and 121.505
	+ Paragraph 121.475(2)(f), once amended as outlined above, will require flight crew members who are co-pilots or cruise relief co-pilots, to be qualified in accordance with regulations 121.500 and 121.505.
	+ However, these regulations do not deem a co-pilot or cruise relief co-pilot undertaking supervised line flying to be "qualified" for the purposes of the regulation. If these regulations are not amended, this would require operators to have an safety pilot on every co-pilot or cruise relief co-pilot line training flight. This is not the regulatory intent.
	+ It is proposed that regulations 121.500 and 121.505 are appropriately amended to provide for co-pilots and cruise relief co-pilots (as appropriate), that are conducting supervised line flying, to be deemed to be flight crew members for the purposes of paragraph 121.475(2)(f).
* Regulation 121.510
	+ The intent of this regulation was to continue the requirements of clause 7 of CAO 82.0, i.e. the mandatory simulator rule.
	+ However, the wording of paragraph (2)(a), which does not constrain the application of the regulation to training and checking events where the handling qualities of the aeroplane are affected, currently has the outcome of requiring all flight crew training and checking events (other than annual or 3-yearly safety and emergency equipment training and checking), to be done in the simulator if the aircraft hits seating capacity trigger mechanism. Theoretically, a line check would have to be done in the simulator under this regulation as currently written. This is not the policy intent.
	+ It is proposed that this regulation be amended to achieve the same policy outcome of clause 7 of CAO 82.0 whereby training and checking is required for non-normal exercises (which would be interpreted by CASA in the same manner as that outlined in the definition of non-normal exercise within paragraph 7.1 of CAO 82.0 and the Note following this definition).
* Regulation 121.555
	+ The legal structure of this regulation permits the MOS to prescribe matters to be included in initial training. Recent legal advice has interpreted this wording in a very limited fashion beyond that intended when the regulation was drafted.
	+ It is proposed that this regulation be amended to permit the MOS to prescribe requirements that must be met for initial training, instead of matters that must be included in initial training. This would result in wording similar to that contained within paragraph 121.560(1)(a) (but for initial training instead of conversion training).
	+ There would be no changes to the proposed flight crew chapter included in this consultation from an outcomes perspective however there would be some minor editorial changes.
* Regulation 121.610
	+ The legal structure of this regulation permits the MOS to prescribe matters to be included in flight crew annual emergency and safety equipment training. Recent legal advice has interpreted this wording in a very limited fashion beyond that intended when the regulation was drafted.
	+ It is proposed that this regulation be amended to permit the MOS to prescribe requirements that must be met for flight crew annual emergency and safety equipment training, instead of matters that must be included in the training. This would result in wording similar to that contained within paragraph 121.560(1)(a) (but for annual emergency and safety equipment training instead of conversion training).
	+ There would be no changes to the proposed flight crew chapter included in this consultation from an outcomes perspective however there would be some minor editorial changes.
* Regulation 121.620
	+ The legal structure of this regulation permits the MOS to prescribe matters to be included in flight crew 3 yearly emergency and safety equipment training. Recent legal advice has interpreted this wording in a very limited fashion beyond that intended when the regulation was drafted.
	+ It is proposed that this regulation be amended to permit the MOS to prescribe requirements that must be met for flight crew 3 yearly emergency and safety equipment training, instead of matters that must be included in the training. This would result in wording similar to that contained within paragraph 121.560(1)(a) (but for 3 yearly emergency and safety equipment training instead of conversion training).
	+ There would be no changes to the proposed flight crew chapter included in this consultation from an outcomes perspective however there would be some minor editorial changes.
* Regulation 121.705
	+ Paragraph 121.640(2)(a) requires a cabin crew member to have the recent experience required by regulation 121.705 prior to beginning a flight. The operator commits an offence if a cabin crew member does not have this required experience. One of kinds of allowable recent experience is the completion of an operator's refresher training. The minimum requirements for refresher training are not specified in the regulations and an operator would propose these requirements in their exposition.
	+ However, as regulation 121.705 does not allow for a cabin crew member to be conducting supervised line flying and meet the "recent experience requirements", for an operator to avoid committing an offence their exposition would need to state that supervised line flying meets the requirements for refresher training. This is an illogical outcome of the regulatory structure.
	+ It is proposed to amend regulation 121.705 (or paragraph 121.640(2)(a)) so that supervised line flying is an exception to the recent experience requirement.
* Regulation 121.710
	+ The legal structure of this regulation permits the MOS to prescribe matters to be included in initial training. Recent legal advice has interpreted this wording in a very limited fashion beyond that intended when the regulation was drafted.
	+ It is proposed that this regulation be amended to permit the MOS to prescribe requirements that must be met for initial training, instead of matters that must be included in the training. This would result in wording similar to that contained within paragraph 121.560(1)(a) (but for initial training instead of conversion training).
	+ There would be no changes to the proposed cabin crew chapter included in this consultation from an outcomes perspective however there would be some minor editorial changes.
* Regulation 121.715
	+ The legal structure of this regulation permits the MOS to prescribe matters to be included in conversion training. Recent legal advice has interpreted this wording in a very limited fashion beyond that intended when the regulation was drafted.
	+ It is proposed that this regulation be amended to permit the MOS to prescribe requirements that must be met for conversion training, instead of matters that must be included in the training. This would result in wording similar to that contained within paragraph 121.560(1)(a) (but for cabin crew conversion training instead of flight crew conversion training).
	+ There would be no changes to the proposed cabin crew chapter included in this consultation from an outcomes perspective however there would be some minor editorial changes.
* Regulation 121.725
	+ The legal structure of this regulation permits the MOS to prescribe matters to be included in cabin crew annual training. Recent legal advice has interpreted this wording in a very limited fashion beyond that intended when the regulation was drafted.
	+ It is proposed that this regulation be amended to permit the MOS to prescribe requirements that must be met for cabin crew annual training, instead of matters that must be included in the training. This would result in wording similar to that contained within paragraph 121.560(1)(a) (but for cabin crew annual training instead of flight crew conversion training).
	+ There would be no changes to the proposed cabin crew chapter included in this consultation from an outcomes perspective however there would be some minor editorial changes.
* Regulation 121.735
	+ The legal structure of this regulation permits the MOS to prescribe matters to be included in cabin crew 3 yearly training. Recent legal advice has interpreted this wording in a very limited fashion beyond that intended when the regulation was drafted.
	+ It is proposed that this regulation be amended to permit the MOS to prescribe requirements that must be met for cabin crew 3 yearly training, instead of matters that must be included in the training. This would result in wording similar to that contained within paragraph 121.560(1)(a) (but for cabin crew 3 yearly training instead of flight crew conversion training).
	+ There would be no changes to the proposed cabin crew chapter included in this consultation from an outcomes perspective however there would be some minor editorial changes.
* Regulation 121.755
	+ The legal structure of this regulation permits the MOS to prescribe requirements that must be met by the operator's emergency evacuation procedures. Recent legal advice has interpreted this wording in a limited fashion beyond that intended when the regulation was drafted. Specifically, the MOS was intended to be able to include requirements for the demonstrations of emergency evacuations procedures, in a similar fashion to those currently required by clause 15 of CAO 20.11 and long-standing practice.
	+ It is proposed that this regulation be amended to:
		- permit the MOS to prescribe requirements related to emergency evacuation procedures and the demonstration of emergency evacuation procedures; and
		- include an ability for an operator to gain an approval to not conduct the demonstration of emergency evacuation procedures as is currently outlined in subsections 2A and 2B of the proposed Chapter 14 of the MOS.
			1. These two subsections were deliberately included in the drafting of the MOS so that respondents had completely visibility of the kinds of circumstances in which CASA would consider granting an approval not to conduct a demonstration of emergency evacuation procedures.
	+ Chapter 14 of the MOS has been drafted to encompass this proposed regulatory change.

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### Question – Do the proposed amendments achieve the aim?

Please provide any comments you may have on the proposed policy.

*(Please note, this should not include points you have already raised)*

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Page 10: Further feedback on tranche 1 chapters

This consultation is on the second tranche of the Part 121 MOS. As the MOS is being split into three tranches, respondents may only identify linkages and issues as additional chapters are published for consultation.

**Please use this page to provide any further comments you may have on tranche 1.**

Tranche 1 of the Part 121 MOS public consultations encompassed the following chapters:

* Chapter 3 – carriage of documents and emergency and survival equipment information
* Chapter 5 – operational flight plans
* Chapter 6 – narrow runway width calculations
* Chapter 8 – safety briefings and instructions
* Chapter 10 – weight and balance

Please provide any comments you may have on the tranche 1 MOS chapters not already provided as part of the tranche 1 consultation activity.

*(If possible, avoid repeating points already made elsewhere in this consultation)*

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Page 11: Your priorities

When you reflect on the feedback you have provided throughout this consultation, what are the three matters you consider most important?

Priority 1

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Priority 2

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Priority 3

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