

# Proposed changes to the rules for smaller aeroplanes air transport operations - Part 119 and 135 of CASR (CD 1805OS)

## Overview

The proposed rule changes for smaller aeroplane air transport operations aim to improve safety and consolidate requirements to make them more operationally focused and easier to use.

The smaller aeroplane rules are applicable to aeroplanes that weight less than 8,618kg maximum take-off weight (MTOW) and have a maximum operational passenger seating configuration (MOPSC) of nine or less.

In 2016, CASA conducted a sector risk profile for this sector. It found that the charter accident rate is eleven times higher than public transport (RPT) based on analysis of data from 2006 to 2013. The average annual cost of accidents and fatalities was estimated to be about \$15.3 million. The leading accident category was collision with terrain and a common contributor was ineffective or inadequate monitoring and checking.

The new rules aim to:

- reduce the safety differential between charter and regular public transport operations through common rules that apply to all air transport operations but are scaled for size and / or complexity
- apply certain safety enhancements across all air transport operations such as crew training and checking requirements, human factors training, terrain avoidance warning systems for some aircraft in line with common regulatory requirements internationally and a scalable safety management system
- permit existing charter operators to conduct fixed scheduled flights for the general public (an ability currently requiring an RPT AOC)
- introduce medical transport requirements to replace the current ambulance function aerial work requirements in line with international best practice and industry feedback

- establish higher levels of International Civil Aviation Organization compliance to make operating internationally simpler

There are two Civil Aviation Safety Regulations 1998 (CASR) Parts relevant to smaller aeroplane air transport operators:

- Part 119 – baseline certification standards and general rules for air transport operations
- Part 135 – operating rules for smaller aeroplane air transport operators.

The rules are contained in both the 135 CASR part and its associated manual of standards (MOS).

All aircraft will also operate under CASR Part 91, the general operating and flight rules, which was consulted in March/April 2018.

### **What Happens Next**

Parts 119 and 135 form part of the suite of six interlinked and interdependent certification and flight operating regulations (the other elements of this suite are Parts 91, 133, 121 and 138). Consultation for Part 133 – rotorcraft air transport operations, is open and closes on 21 August 2018. Consultation for Part 121 – larger aeroplane air transport operations, is open and closes on 2 September 2018. These consultations will also include further consultation on Part 119.

It is proposed that the certification and flight operations regulations will be made in late 2018. Following this, CASA proposes to commence the flight operations regulations in early 2021, with the commencement date aligned with the Aeronautical Information Regulation and Control (AIRAC) cycle and Aeronautical Information Publication (AIP) update. However, we are aware that some changes will have greater industry impact than others. Therefore, we are seeking industry feedback to help identify specific changes where you may need additional time to comply.

## Why we are consulting

As part of the development of the smaller aeroplane air transport rules, we are consulting with the aviation community to ensure the rules will work in practice as they are intended.

### How this consultation works

You will be asked to comment on Part 119, Part 135 and the Part 135 MOS. We have included a series of documents to help navigate through the regulations which are attached in the 'Related' section at the bottom of this page. In particular, the Summary of Proposed Changes (SPC) outlines how the proposed regulations will work together and the specific changes in each document. There are also draft Acceptable Means of Compliance and Guidance Materials that will give greater context to the proposed changes.

We have also provided a guide to the main changes on the pages where you can comment, with references to where they appear in the regulations.

### Recent industry feedback

Last year CASA established an **Aviation Safety Advisory Panel** made up of industry representatives. In June, the panel convened a technical working group (TWG) to evaluate drafts of the rules.

The group made a number of suggestions and highlighted issues which CASA has sought to address in these consultation drafts. The specific issues raised and the preliminary CASA response to these issues can be found at:

**<https://www.casa.gov.au/about-us/standard-page/part-135-twg-australian-air-transport-operations-small-aeroplane-operations>** CASA has refined the draft regulations based on feedback.

Part 135 has been extensively consulted throughout its development. Draft regulations were first published in 2003, again in 2009 and most recently in 2012. In 2013 there was additional consultation in relation to air ambulance flights. The current draft has been revised to reduce industry impact and reflect changes in International Civil Aviation Organization (ICAO) standards.

The most recent comprehensive consultation on Part 119 was conducted during 2012 with additional consultation in 2014–15 on scenic flights and small cargo operations.

Please note: The draft of Part 119 attached to this consultation does not incorporate any changes proposed or resulting from the scenic flight and small cargo consultations. As CASA proposes to commence the flight operations regulations in early 2021, we plan to consult further with the aviation community regarding scenic flights and small cargo operations in 2019 to finalise policy in this area.

## 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. More information on the 'how to' is available below in 'related' section below.**

## Introductory text

This consultation asks for your feedback on the proposed Parts 119 of CASR and Part 135 of CASR and the Part 135 MOS.

We will ask you for:

- personal information, such as your name, any organisation you represent, and your email address
- your consent to publish your submission
- your responses to the proposed regulations
- basic demographic information.

Our website contains more information on making a submission and what we do with your feedback.

When you have completed the consultation, click the **'Finish'** button at the bottom right of this page.

## Personal information

First name

(Required)

Last name

(Required)

Email address

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

Email

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

(Required)

*Please select only one item*

- Yes
- No

If yes, please specify the name of the organisation.

## Where do you operate from?

Please enter your postcode below.

## Consent to publish your submission

To promote debate and transparency, 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 name, if the submission is made by you as an individual or the name of the organisation on whose behalf the submission has been made
- your comments
- basic demographic information, that is, the area from which you operate.

## 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.

## Part 119 – air transport certification and management

Part 119 of the Civil Aviation Safety Regulations 1998 (CASR) deals with the certification and management for air transport operators. Therefore, it applies to all smaller aeroplane operators with an Air Operator's Certificate (AOC) that currently authorises charter, RPT or air ambulance operations.

We recommend you read the draft regulations and guidance material (GM) to fully understand the changes. You will find links to these documents further down the page.

However, we've also included a list of main changes with the regulatory references below, so you can quickly navigate to a specific area of interest.

**Please note there may be other changes that impact on your operations.**

### General - definitions

Significant differences exist between the demonstrated aviation safety standards of charter and regular public transport (RPT) operations.

A principal aim of Part 119, from a certification and management perspective, is to reduce the safety differential between charter and RPT.

A key aspect of the changes is to introduce an appropriately graduated regulatory structure that removes the separate concepts of charter and RPT and replaces them with the single concept of air transport. The rules broadly apply to all air transport operators, but the implementation of these requirements will be appropriately scaled to the size and/or complexity of an operator's operations.

Reg 119.010 of CASR and GM 119.010 Definition of Australian air transport operation,

Reg 119.015 Definitions of Australian air transport AOC and Australian air transport operator.

## Personnel

A requirement for all air transport operators to have specific key personnel – for example, the CEO, HOFO, HOTC and a safety manager. In small, non-complex operations, this safety manager role could be part-time, so it may not require additional resources.

Reg 119.045 of CASR and GM 119.045 Prescribed position for certain operators-safety manager,

Reg 119.165 of CASR and GM 119.165 Safety manager-experience,

Reg 119.170 of CASR and GM 119.170 Safety manager-responsibilities,

Reg 119.140 and GM 119.140 Chief executive officer—responsibilities and accountabilities.

## SMS

Operators are required to have a scalable safety management system which is tailored to the size and complexity of your organisation. This is not a 'one size fits all' requirement. Small air transport operators are not required to have the same complex safety systems as large airlines.

A Safety Manager is required for all operators (reg 119.045 of CASR) however the Part 119 AMC/GM document explains that the safety manager does not need to be either a full-time position or even a direct employee of the company depending on the size and / or complexity of the operator.

Subpart 119.F and GM 119.F—Safety management.

## Exposition

Specific content requirements for an exposition. Operators may choose to structure their exposition as a series of volumes or modules (more complex operations) or for a simple organisation the exposition might be a single document.

Subpart 119.H of CASR lists the exposition content common for all air transport operators. The specific CASR part applicable to a particular air transport operator (either Parts 121, 133 or 135 of CASR) also require multiple matters to be included in an operator's exposition.

Subpart 119.H of CASR and GM Subpart 119.H—Expositions for Australian air transport operators, GM Appendix B. Parts 121, 133 or 135 of CASR as appropriate.



The exposition must also include a description of the operator's process for making changes.

Reg 119.025 of CASR Definition of significant change for Part 119,

GM 119.025,

Subpart 119.C of CASR Changes relating to Australian air transport operators

GM Subpart 119.C and

GM Appendix A.

### **Records**

Operators to keep records, provide crew with records of their training and checking if they ask for them and provide those records to other air transport operators who have the authority.

Subpart 119.J and GM subpart 119.J Records and documents.

### **Use of foreign aircraft**

A maximum period for the use of foreign registered aircraft for air transport operations in Australian Territory.

Reg 119.325 and GM 119.325 Maximum period for use of foreign registered aircraft in Australian territory.

Draft regulations and guidance material:

### **Draft Part 119 of CASR**

Draft Part 119 of CASR

### **Summary of Proposed Change - Part 119 of CASR on CD 1805OS**

Summary of Proposed Change Part 119 of CASR on CD 1804OS

### **Draft guidance material - AMC/GM Part 119 of CASR Australian air transport operators - certification and management**

Draft guidance material - AMC/GM Part 119 of CASR Australian air transport operators - certification and management PDF

Please provide your comments below. Specify the relevant regulation number and any change that you believe will add value to the proposed regulations.

**Please attach a copy of any documents you wish to include to this printout.**

You may wish to upload a file as part of your submission. Select 'Browse' below and navigate to the file you wish to include. Please note pdf is preferred.

## **Part 135 – smaller aeroplane air transport operations**

Part 135 of the Civil Aviation Safety Regulations 1998 (CASR) and the associated Manual of Standards deal with the operating rules for smaller aeroplane air transport operations.

We recommend you read the draft regulations and guidance material (GM) to fully understand the changes. You will find links to these documents further down the page.

However, we've also included a list of main changes with the regulatory references below, so you can quickly navigate to a specific area of interest.

**Please note there may be other changes that impact on your operations.**

### **Flight manual**

Requirements or limitations can be varied if the manufacturer of the aeroplane has certified in writing to the operator that the aeroplane can be operated in a way that contravenes the requirement or limitation. (reg 135.045 of CASR)

### **Take-off and landing areas**

An aerodrome is defined in its broadest meaning for places to and from which an aeroplane may operate. This is backed up by a requirement in reg 135.200 of CASR for the operator and the pilot in command to ensure a place is suitable for the take-off or landing of the aeroplane and the applicable performance requirements in subpart 135.F of CASR and the chapters 4 and 5 of the 135.MOS.

Suitable forced landing areas are defined which include areas of ground and for prescribed single engine aeroplanes areas of water with specific conditions. (reg 135.025 of CASR)

Sterile cockpit operations are introduced during take-off, initial climb, final approach or landing of the aeroplane for a flight. (reg 135.110 of CASR)

Introduces the concept of an approach ban to certain specific operations at aerodromes where ATS/ATC is operating. (reg 135.195 of CASR)

Introduces a requirement for a take-off alternate however medical transport operations have an exception. (reg 135.160 of CASR)

## **Types of aeroplanes that can conduct different flight rules**

For passenger transport and medical transport operations, IFR operations must be in either a multi-engine aeroplane or a prescribed single engine aeroplane (PSEA - formerly known as ASETPA).

For passenger transport and medical transport operations, VFR operations at night must be in either a multi-engine aeroplane or a prescribed single engine aeroplane (PSEA - formerly known as ASETPA) and the aircraft must not have a MTOW in excess of 5 700kg. The practical effect of this provision is that operations at night in aeroplanes with a MTOW greater than 5 700kg must be conducted under the IFR.

## **Over water operations**

These limitations are only applicable to passenger transport and medical transport operations.

Single engine aeroplanes other than prescribed single engine aeroplanes are limited to no more than 25nm over water from a suitable forced landing area on land. (reg 135.310 of CASR)

For prescribed single engine aeroplanes, the aeroplane may be flown more than 25nm over water from a suitable forced landing area on land provided that the operator has procedures in their exposition to mitigate the risk to passengers associated with landing elsewhere other than a suitable forced landing area on land. Refer to the definition of “suitable forced landing area” in reg 135.025 of CASR (paras (3) and (4) of reg 135.025 of CASR in particular). (reg 135.310 of CASR)

The requirements for life jacket and life raft carriage have been modified compared to existing requirements to match the ability for single engine aircraft to proceed beyond glide range from land under certain circumstances. Refer to the equipment section below for specific references.

## **Equipment**

Minimum Equipment Lists (MELs) for all aircraft operated under the IFR or internationally which have a master MEL. (reg 135.050 of CASR)

Weather radar to be fitted for IFR flights or VFR flight at night conducting passenger transport or medical transport operations (section 105 of the 135.MOS):

- a pressurised turbine-engine aeroplane
- a pressurised piston engine aeroplane with a MTOW of more than 5 700kg which is required by the regulations or the aeroplane flight manual to be flown

by 2 or more pilots.

Aeroplanes fitted with airborne weather radar are required to have procedures for using the radar in the exposition and procedures for operations without the equipment if it is inoperative. (reg 135.315 of CASR)

Aeroplanes fitted with head up displays (HUDs), enhanced vision systems (EVS) and synthetic vision systems (SVS) to have procedures in their exposition for using each system when it is both operative and inoperative. (reg 135.325 of CASR)

Provisions for oxygen equipment and supplies added and standardised with Part 133. These include first aid oxygen and protective breathing equipment requirements. Notably, in accordance with ICAO Annex 6 Part I standards, for flights of unpressurized aircraft between 10 000 feet and flight level 130 for a duration of no longer than 30 minutes, oxygen does not need to be carried or used (regs 135.330, 135.335, 135.340, 135.345 and 135.620 of CASR and division 7 of chapter 6 of the 135.MOS)

Terrain Awareness and Warning System (TAWS) for IFR or night VFR passenger flights conducting passenger transport or medical transport operations with a MTOW greater than 5 700kg (reg 135.540 of CASR, section 81 of the 135.MOS). Turbine engine aeroplanes require TAWS-Class A and piston engine aeroplanes require TAWS-Class B. See the draft CASR dictionary for definitions of TAWS-Class A and TAWS-Class B.

Flight Data Recorder (FDR) for a turbine-engine aeroplane which has a MTOW of more than 5 700 kg OR for any aeroplane which has a MTOW of more than 5 700 kg and was first issued with a certificate of airworthiness on or after 1 January 1965. (reg 135.535 of CASR, division 3 of chapter 6 of the 135.MOS)

Cockpit Voice Recorder (CVR) for a turbine-engine aeroplane which has a MTOW of more than 5 700 kg OR for any aeroplane which has a MTOW of more than 5 700 kg and which was first issued with a certificate of airworthiness on or after 1 January 1965. (reg 135.535 of CASR, division 3 of chapter 6 of the 135.MOS)

Standardised communication system requirements across operational categories. (reg 135.540 of CASR, section 98 of the 135.MOS)

Hand held fire extinguisher requirements standardised between Parts 133 and 135. (reg 135.685 of CASR, section 124 of the 135.MOS)

Performance based provisions for first aid kits and survival equipment introduced. (reg 135.685 of CASR, section 125 of the 135.MOS)

Life raft provisions for single-engine aeroplanes are enhanced compared to CAO 20.11 (reg 135.685 of CASR, section 128 of the 135.MOS). A life raft is required to be carried when the single engine aeroplane is flown more than the glide distance to land plus a distance equivalent to 5 minutes at normal cruising speed in still air. If operating beyond glide range the operator must have procedures in their exposition to mitigate the risk to passengers associated with landing elsewhere other than a suitable forced landing area. Life raft provisions for multi-engine aeroplanes are unchanged from CAO 20.11 (reg 135.685 of CASR, section 127 of the 135.MOS).

Life jacket provisions are unchanged from CAO 20.11 (reg 135.685 of CASR, section 126 of the 135.MOS).

## **Performance**

Performance provisions for the full range of Part 135 operations, largely drawn from existing CAOs but modified to account for the amalgamation of charter and RPT operations into air transport while cognisant of the kinds of aeroplanes operated under Part 135 of CASR (subpart 135.F of CASR and chapters 4 and 5 of the 135.MOS).

## **Training and checking**

All flight crew:

- Conversion training and operator proficiency checking requirements of the aeroplane's operator (reg 135.745 of CASR, section 131 of the 135.MOS)
- Differences training requirements of the aeroplane's operator and for the aeroplane (reg 135.745 of CASR, section 132 of the 135.MOS)
- Line training and operator proficiency checking requirements of the aeroplane's operator, and for the aeroplane (reg 135.745 of CASR, section 133 of the 135.MOS)
- Recurrent training and operator proficiency checking requirements of the aeroplane's operator, and for the aeroplane (reg 135.745 of CASR, section 134 of the 135.MOS)
- Emergency and safety equipment training for the operator's aeroplane (reg 135.745 of CASR, sections 131 and 134 of the 135.MOS)

Flight crew day VFR only:

- Operator proficiency checks at intervals of not more than 12 months after the previous operator proficiency check (reg 135.745 of CASR, section 134 of the 135.MOS)

Flight crew other than day VFR only:

- Operator proficiency checks at intervals of not more than 6 months after the previous operator proficiency check (reg 135.745 of CASR, section 134 of the 135.MOS)

Medical transport:

- Training and checking for medical transport specialists (reg 135.835 of CASR, division 2 of part 7 of the 135.MOS)
- Definition of medical transport specialists (see the draft CASR dictionary attached to this consultation)

Air crew member:

- Training and checking for air crew members (reg 135.820 of CASR, division 1 of chapter 7 of the 135.MOS)
- Definition of air crew member (see the draft CASR dictionary attached to this consultation)

New flight crew requirements for specific flights are:

- For night VFR- a member of the aeroplane's flight crew must be authorised under Part 61 to conduct an IFR flight in an aeroplane. (note - this is outlined in reg 135.250 of CASR not subpart 135.N of CASR).
- For pilots who are rostered to carry out duties from the non-command seat—non-command seat proficiency check requirements (reg 135.780 of CASR).
- Procedural requirements for assignment of flight crew to aeroplanes of different types or with different type ratings (division 135.N.2 and division 135.N.3 of CASR).

## **Records**

A journey log and passenger lists (passenger transport flights only for passenger lists) are required for each flight. (regs 135.135 and 135.140 of CASR)

Information about search and rescue services is to be readily accessible to flight crew members and information about emergency and survival equipment on an aircraft to be available to a rescue coordination centre by the operator. (division 135.C.5 of CASR)

Updated information in relation to the flight must be relayed to a person on the ground (reg 135.085 of CASR)

Draft regulations and guidance material:

**Draft CASR Part 135**

**Draft Part 135 Manual of Standards**

**Summary of Proposed Change Part 135 (CD 1805OS)**

**Draft guidance material AMC/GM Part 135 of CASR Australian air transport operations – smaller aeroplanes**

**Draft Part 91 of CASR**

Please provide feedback below. Specify the relevant regulation number and any change that you believe will add value to the proposed regulations.

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