
Proposed changes to the rules for rotorcraft air transport operations – Part 119 and 133 of CASR (CD 1804OS)

Overview

CASA has been progressively transitioning the Civil Aviation Regulations 1988 (CAR) to the Civil Aviation Safety Regulations 1998 (CASR).

This public consultation is a combined consultation of Parts 119 and 133 of CASR.

The proposed rule changes for rotorcraft air transport operations will create a specific set of operating rules for the first time.

The new rules aim to:

- minimise the safety differential between charter and regular public transport (RPT), with rules that broadly apply to all air transport operations but are scaled for size and/or complexity
- introduce safety enhancements such as an adaptable rotorcraft code of performance, flight and other crew member training and checking requirements and scalable safety management systems
- introduce a rotorcraft specific mandatory simulator flight crew training requirement for certain rotorcraft
- provide a more active regulatory focus on managing the safety risks associated with passenger transport operations
- introduce medical transport requirements in line with international best practice and industry feedback
- establish higher levels of International Civil Aviation Organization compliance to make operating internationally simpler
- include operational rules for emerging technologies such as the tiltrotor power lift aircraft.

There are two Civil Aviation Safety Regulations 1998 (CASR) Parts and one Manual of Standards (MOS) relevant to rotorcraft air transport operators:

- Part 119 – the certification and management for all Australian air transport Air Operator's Certificate (AOC) holders
- Part 133 – the operating rules for rotorcraft conducting air transport operations
- Part 133 MOS – the standards and instructions on how operations must be carried out or what requirements must be met.

Unless otherwise stated in CASR Part 133, operators will also be required to comply with CASR Part 91, the general operating and flight rules, which was consulted in March-April 2018.

Please note: This consultation focuses on Part 133 and the Part 119 implications for rotorcraft air transport operations. CASA will be seeking feedback on the Part 119 impacts for aeroplane air transport operators in separate consultations beginning shortly.

Sign up for a special webinar on the proposed new rules for rotorcraft air transport operations on 2 August 2018. See 'Events' at the bottom of this page.

Why we are consulting

We are consulting with the aviation community on the rotorcraft air transport rules to ensure they will work in practice as they are intended.

How this consultation works

You will be asked to comment on Part 119, Part 133 and the Part 133 MOS. We have included a number of documents to help you 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 specific changes.

These documents are also available on the pages where you will be asked to provide feedback, along with a list of the main changes.

Recent industry feedback

Last year CASA established an **Aviation Safety Advisory Panel**

<https://www.casa.gov.au/rules-and-regulations/standard-page/aviation-safety-advisory-panel> made up of industry representatives. In June 2018, the panel convened a technical working group (TWG) to evaluate drafts of the Part 119 and 133 rules.

The group made several suggestions and highlighted potential issues. CASA has refined the draft regulations based on this feedback.

In addition, Parts 133 and 119 have been extensively consulted throughout their development. The most recent consultations on Part 133 were in 2012 and 2013 with further consultation on air ambulance operations in 2014.

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 currently plan to consult further with industry regarding scenic flights and small cargo operations in 2019 to finalise policy in this area.

What happens next

Parts 119 and 133 form part of the suite of six interlinked and interdependent certification and flight operating regulations (the other elements of this suite are Parts 91, 135, 121 and 138). Consultation for Part 135 – smaller aeroplane air transport operations, and Part 121 – larger aeroplane air transport operations, will open in the near future. These consultations will also include further consultation on Part 119. Part 138 – aerial work operations, will be consulted later in 2018.

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

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 Part 119 of CASR, Part 133 of CASR and the Part 133 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 requirements for air transport operators. Therefore, it applies to rotorcraft operators with an Air Operators Certificate (AOC) that currently authorises charter operations.

We recommend you read the draft regulations, Manual of Standards (MOS) 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, Part 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.

Training and checking

A training and checking system is required for all air transport operators either via an in-house arrangement or provided by a Part 142 training and checking provider. Training and checking systems are scalable and, although the fundamentals are the same, will vary in implementation according to the size and complexity of the organisation.

Subpart 119.E and GM subpart 119.E Training and checking for operational safety-critical personnel.

A program for training and assessing operational safety-critical personnel in human factors principles and non-technical skills. This is scalable according to the size and complexity of the organisation.

Division 119.E.2 and GM Division 119.E.2—Training and assessment in human factors principles and non-technical skills.

SMS

A safety management system (SMS) is required for all air transport operators. This is scalable to match the size and complexity of the operator – it 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.

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 and GM Subpart 119.H—Expositions for Australian air transport operators, GM Appendix B.

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, 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 1804OS

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 133 – rotorcraft air transport operations

Part 133 of the Civil Aviation Safety Regulations 1998 (CASR) and the associated Manual of Standards deal with the operating rules for rotorcraft 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.

Equipment

Minimum Equipment Lists (MELs) for aircraft operated under the IFR and any aircraft operated internationally which have a master MEL.

Reg 133.045 of CASR Operator to have minimum equipment list for IFR flights, Subpart 91.Y of CASR Minimum Equipment Lists (CASR Part 91 as publicly consulted in March / April 2018 is also attached below).

Rotorcraft fitted with airborne weather radar must have procedures for using the radar in the exposition and procedures for operations without the equipment if it is inoperative. Reg 133.140 of CASR Availability of flight planning information.

Weather radar must be fitted to a rotorcraft that has a MTOW of more than 5 700 kg for an IFR flight that is a passenger transport or medical transport operation. Section 116 of the Part 133 MOS Airborne weather radar equipment.

Rotorcraft fitted with head up displays (HUDs), enhanced vision systems (EVS) and synthetic vision systems (SVS) must have procedures in their exposition. Reg 133.285 of CASR Head-up displays, enhanced vision systems and synthetic vision systems.

Dedicated requirements for oxygen equipment and systems and supplement oxygen amounts for unpressured and pressurised rotorcraft. This is primarily to future proof for powered lift aircraft operations. Reg 133.290 of CASR Checking oxygen and equipment etc. Chapter 5 division 7 of the Part 133 MOS oxygen equipment and supplies.

2 years after commencement of Part 133, IFR rotorcraft with a maximum operational passenger seating capacity of more than nine must be fitted with an approved Helicopter Terrain Awareness Warning System (HTAWS). Reg 133.545 of CASR Ancillary or auxiliary equipment, section 92 of the Part 133 MOS Helicopter terrain awareness and warning systems.

Disapplication provisions to allow the winching of persons during medical transport operations. Reg 133.375 of CASR Flight in a performance class.

Flight Data Recorder (FDR) weight break for transport category multi engine rotorcraft. Reg 133.540 of CASR Flight recording equipment. Section 81 of the Part 133 MOS Flight data recorder.

Additional Cockpit Voice Recorder (CVR) requirements for some multi-engine rotorcraft. Reg 133.540 of CASR Flight recording equipment. Section 82 of the Part 133 MOS Cockpit voice recorder.

Standardised communication system requirements across operational categories. Reg 133.585 of CASR In-flight communication systems. Chapter 5 division 6 of the Part 133 MOS In-flight communication systems.

Hand held fire extinguisher requirements standardised with Part 135 – smaller aeroplanes. Section 137 of the Part 133 MOS Hand-held fire extinguishers.

Performance based provisions for first aid kits and survival equipment introduced. Section 138 of the Part 133 MOS First aid kit.

Enhanced life jacket and life raft requirements introduced. Section 139 of the Part 133 MOS Life jackets etc and section 140 of the Part 133 MOS Life rafts.

Place holders inserted for future requirements for a usage monitoring system for rotorcraft. Section 48 of the Part 133 MOS Usage monitoring system.

Performance

Rotorcraft performance standards based on International Civil Aviation Organization requirements with unique Australian operational considerations addressed.

The codes are modernised and include approved ground level and elevated operations with exposure for a multi engine rotorcraft and risk management processes for single engine and low performing multi engine rotorcraft. Subpart 133.F Performance, Chapter 4 of the Part 133 MOS Performance.

Defining suitable forced landing areas which include areas of ground and water with specific conditions. You may need this definition to better understand it's use in some of the performance provisions and some over water air transport operations. Reg 133.020 of CASR Definition of suitable forced landing area for rotorcraft flights.

Flight crew- general

Flight crew must include two pilots if the rotorcraft has a maximum operational passenger seat configuration of more than nine. Reg 133.670 of CASR Composition, number, qualifications and training.

Each flight crew member must hold an instrument rating for passenger VFR flight at night. Reg 133.670 of CASR Composition, number, qualifications and training.

Non-command seat proficiency check requirements for pilots who are rostered to carry out duties from the non-command seat. Reg 133.705 of CASR Pilot in command in non- command pilot's seat.

Procedural requirements for assignment of flight crew to different multi- engine rotorcraft. Reg 133.710 of CASR Assignment of flight crew to different multi-engine rotorcraft.

Updated requirements for use of approved flight simulators for training and checking. Reg 133.715 of CASR Use of approved flight simulators for training or checking. Section 149 of the Part 133 MOS.

Flight crew training and checking

Conversion training and operator proficiency checking requirements of the rotorcraft's operator. Section 145 of the Part 133 MOS Conversion training and operator proficiency checking requirements.

Differences training requirements of the rotorcraft's operator and for the rotorcraft. Section 146 of the Part 133 MOS Differences training requirements.

Line training and operator proficiency checking requirements of the rotorcraft's operator, and for the rotorcraft. Section 147 of the Part 133 MOS Line training and operator proficiency checking requirements.

Recurrent training and operator proficiency checking requirements of the rotorcraft's operator, and for the rotorcraft. Section 148 of the Part 133 MOS Recurrent training and operator proficiency checking requirements.

Introduces a transportable mandatory Helicopter Underwater Escape Training (HUET) with 3 yearly recurrent training requirements for certain operations. Para 148(4) of the Part 133 MOS Recurrent training and operator proficiency checking requirements.

Operator proficiency checks which must be undertaken:

- for a person who is a flight crew member only for VFR flights by day—at intervals of not more than 12 months after the previous operator proficiency check; or
- otherwise— at intervals of not more than 6 months after the previous operator proficiency check. Section 148 of the Part 133 MOS Recurrent training and operator proficiency checking requirements.

Training and checking requirements for crew other than flight crew. Subpart 133.P—Crew other than flight crew.

Documents

Flight manual compliance provisions allow for requirements or limitations to be varied without additional CASA exemptions required, if the manufacturer of the rotorcraft has certified in writing that the rotorcraft can be operated in a way that contravenes the requirement or limitation. Reg 133.040 of CASR Compliance with flight manual.

Variations to flight manual requirements or limitations is allowed if prescribed by the Part 133 Manual of Standards. This includes alleviations for penetration of the avoid area of the HV diagram for transport category helicopters conducting:

- operations into and out of medical transport operating sites
- conducting air transport winching operations
- conducting medical transport winching operations
- when a rotorcraft is being flown in performance class 2 with exposure during the take-off, or landing stage of a flight.

Section 5 of the Part 133 MOS Requirement or limitation in flight manual.

Updated information in relation to the flight can be provided to a person on the ground if:

- the flight is part of a multi-flight journey
- a copy of a document for the flight has been kept on the ground in relation to an earlier flight that is part of the multi-flight journey
- the information in the document requires updating
- it is not practicable to keep a copy of the updated document on the ground.

Reg 133.080 of CASR Keeping and updating documents etc.

Information about search and rescue services must be readily accessible to flight crew members and an operator must be able to provide information about the aircraft's emergency and survival equipment to a rescue coordination centre. Division 133.C.5—Search and rescue services and emergency and survival equipment.

Sterile cockpit operations must be observed during the take-off, initial climb, final approach or landing of the rotorcraft for a flight. Reg 133.105 of CASR Crew activities necessary for safe operation.

The exposition must include procedures for determining how operational control for a flight of the rotorcraft is to be exercised and by whom, noting that this requirement

does not detract from the pilot in commands ultimate responsibility under reg 91.100 of CASR. Reg 133.120 of CASR Operational control.

A journey log and passenger lists for each flight with flexibility in the construction of these documents provided the necessary information is collected and maintained.
Reg 133.130 of CASR Journey logs.

Draft regulations and guidance material:

Draft CASR Part 133

Draft CASR Part 133 PDF

Draft Part 133 Manual of Standards

Part 133 Manual of Standards pdf

Summary of Proposed Change Part 133 (CD 1804OS)

Summary of Proposed Change (xxxx)

Draft CASR Part 91

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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