




SUMMARY OF CONSULTATION



Proposed rules for Australian air transport operators - certification and management

Civil Aviation Safety Amendment (Part 119) Regulations 2018



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Overview

CASA published a public consultation draft of the proposed Part 119 of CASR — Australian air transport operations - certifications and operating requirements — on the CASA website from 24 July to 2 September 2018. The consultation draft was accompanied by early, small in scope indicative guidance material and the consultation on Part 119 of CASR was done in combination with consultations on drafts of Parts 121, 133 and 135 of CASR. These were made available on the Consultation Hub:

- Part 119 and 133 of CASR - Proposed changes to the rules for rotorcraft air transport operations
 - Published on 24 July 2018
 - Comments closed on 21 August 2018
- Part 119 and 121 of CASR - Proposed amendments to the rules for larger aeroplanes air transport operations
 - Published on 3 August 2018
 - Comments closed on 2 September 2018
- Part 119 and 135 of CASR - Proposed amendments to the rules for smaller aeroplanes air transport operations
 - Published on 3 August 2018
 - Comments closed on 2 September 2018.

This SOC focuses on comments received from the consultation on Part 119 of CASR. Separate summary of consultation documents are being published for Parts 121, 133 and 135 of CASR.

The consultation documents provided an overview of the main changes to current rules relating to the certification and management of charter and regular public transport. In addition to the main changes, Part 119 of CASR consolidates requirements from multiple existing rules and CASA recommended industry participants conduct a detailed review of the proposal. Feedback was then requested on the proposed Part 119 of CASR regulations.

In 2017 CASA established an Aviation Safety Advisory Panel (ASAP) made up of industry representatives. In late June 2018, the panel convened technical working groups (TWG) to evaluate drafts of Parts 121, 133 and 135 of CASR, each in combination with the draft of Part 119 of CASR.

The TWGs made several suggestions and highlighted issues, the majority of which CASA sought to address in the public consultation draft. Feedback on Part 119 of CASR from previous consultations was also considered and incorporated into the 2018 public consultation draft, as relevant.

At the request of the ASAP, CASA convened a TWG meeting in October 2018 focused solely on how CASA intended to respond to comments received on Part 119 of CASR from the public consultation. At this meeting TWG members also identified a small number of new issues for CASA to address.

This document provides a summary of the main themes and issues that emerged from the responses received from the public consultations and Part 119 TWG meeting deliberations, and

how they are being addressed, both in general terms and in relation to specific provisions of Part 119 of CASR.

Respondents

CASA received a total of 15 submissions across the three combined public consultations that specifically commented on Part 119 of CASR. Nine respondents consented to having their comments attributed to them for publication on the CASA website.

Industry

Representative	Organisation
Tom Smallwood	Cobham Aviation Services
Andrew Eldridge	The Royal Federation of Aero Clubs of Australia
Adam Holt	1981
Lachlan Gray	The Australian Airline Pilots Association (AusALPA)
Richard Nest	Northern NSW Helicopter Rescue Service

Individuals

Warrick Palmer
Mark Munn
Peter Harris
Daniel Tyler

Key proposals

The Summary of Proposed Change—Australian air transport operations - certification and operating requirements, published by CASA in July 2018, outlined the following key proposals for Part 119 of CASR:

- Change – a single definition of an “air transport operation” to replace charter and RPT operations.
- Change – the introduction of “medical transport operations” as part of air transport operations to align with common international standards for medical transport. CASR Part 138 will maintain standards for search and rescue operations and will introduce the concept of operational differentiation based on the tasking authority for an operation.
- A requirement for every air transport operator to have an appropriately scaled training and checking system (currently not required for charter < 5700kg unless specifically required for an operator by CASA) either manned and provided by the operator or manned and provided by a Part 142 operator using the operator’s systems and standard operating procedures (SOPs).

- Training and checking for all air transport operators is required by the FAA, EASA, Transport Canada and New Zealand.
- Change – all air transport operators to have a safety management system (currently limited to RPT) appropriately scaled to the operator's size and complexity of operations.
 - Safety management systems are required for all air transport operators by EASA, Transport Canada and New Zealand. The FAA requires a safety management system for Part 121 operators.
- Change – all air transport operators to have a Safety Manager although dependant on the size, scale and complexity of the operation this person does not have to be full-time and may be a contractor (see the draft Part 119 AMC/GM document for further explanation).
 - Other national aviation authorities also permit the assignment of management responsibilities for safety management to existing managers and guidance material explains potential conflicts of interest (similar to the draft Part 119 AMC/GM document).
- All air transport operators (currently limited to RPT) to implement human factors and non-technical skills training, appropriately scaled to the size and complexity of the operation, for all operational safety-critical personnel (see the proposed regulations and the draft Part 119 AMC/GM document for a definition of this term and further explanation).
 - Human factors and non-technical skills training are required for all air transport operators by the FAA (called crew resource management training [CRM]), EASA, Transport Canada (also called CRM) and New Zealand.

Requirements

- Key personnel qualifications, experience and responsibilities (see the draft Part 119 AMC/GM document for further explanation of these matters) for:
 - the CEO
 - the Head of Flying Operations
 - the Head of Training and Checking, and
 - Safety manager.
- All air transport operators to have an exposition¹ which stipulates the way the operator manages their business, their operational procedures and satisfies the regulatory requirements.

Key feedback

Comments were received on all of the key proposals for Part 119 of the CASR, as well as on several other provisions of the draft regulations and guidance material. The feedback highlighted a need to simplify the Part and make it less prescriptive, consolidate some of its requirements, remove or revise some provisions that were considered unnecessary and/or out of scope, and

¹ The exposition may consist of a single document or a collection of documents. The Part 119 draft AMC/GM document provides further explanation.

reduce the number of changes defined as a 'significant change' that required CASA approval prior to implementation by operators. Operators flagged the need for a change management process that did not impede operator innovation and inhibit their response to new or changing operational and business requirements.

Many respondents identified a need for additional guidance material to explain some new requirements and how CASA would interpret and apply certain requirements in a way that was appropriate to the nature and complexity of an operation. Respondents sought assurance that CASA would limit its oversight of operators to matters relating to aviation safety and not intrude otherwise in their business affairs.

One provision in the consultation draft of Part 119 that attracted significant negative comment was proposed regulation 119.225, under which CASA could, in the interests of aviation safety, issue a direction to the provider of a flight data analysis program to disclose to CASA the source of stated operational flight data.

There were also several comments about the absence of the specific treatment of local scenic flights in the consultation draft, including a comment regarding which aircraft certification categories could be used for a scenic flight.

CASA has provided detailed responses and planned actions to the consultation feedback in Appendix A. It should be noted that the legislative drafting process will result in some renumbering of the provisions of Part 119 of CASR. Appendix A identifies the Exposure Draft number references, which may differ from the number references in the final rules.

Notice of final rulemaking

CASA has already or will be taking the actions indicated at Appendix A. Other editorial changes will be made as necessary to finalise the draft of Part 119 of CASR.

CASA will now proceed to make Part 119 of CASR. Commencement is slated for 25 March 2021, in conjunction with the commencement of Parts 91, 121, 133, 135 and 138 of CASR.

Future direction

CASA intends to address the standards for local scenic flights in 2019.

Part 119 of CASR is one piece of a suite of six interlinked operational regulations. The other pieces are Parts 91 / 121 / 133 / 135 /138 of CASR. Many operators will conduct operations across multiple CASR parts and therefore clear guidance is necessary to outline how the different parts interrelate and what requirements in one part would satisfy the requirements in another. CASA intends to have this guidance available by early 2020, well in advance of the commencement date of 25 March 2021.

In 2019, CASA will conduct a detailed analysis of existing AOC permissions, approvals, authorisations etc. to determine which current regulatory requirements can be deemed equivalent to future requirements. CASA intends to use regulatory provisions to save current permissions and approvals or that deem a current approval to be equivalent to a future requirement, to the maximum extent possible. This will minimise the burden of regulatory change on both industry and CASA.

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In early 2019 CASA will be also be publishing and making as law amendments to the CASR Dictionary. It will include new terms and provide updated definitions that are applicable to the six interlinked operational regulations.

Appendix A

Consolidated summary of comments received, CASA response and planned action

Regulation 119.010 Definition of "Australian air transport operation"

Comment

One respondent sought clarification of when an air transport operation conducted by a foreign operator is not undertaken as part of a flight into or out of Australian territory, as referred to in subparagraph (1)(d)(iii) of the definition of 'Australian air transport operation'.

A small number of respondents questioned the inclusion of medical transport operations as a kind of air transport operation (as per the associated Dictionary Part 2 draft definition of 'air transport operation'). One of these respondents suggested removing subregulations (1)(a)(iii) and (iv) from the definition of medical transport operation, regarding the transport of blood, tissue or organs and of medical supplies, and clarifying that these kinds of operations would still be an aerial work operation if the transport was via an external load or dropping operation.

CASA response

As regards paragraph (1)(d) of the definition of Australian air transport operation, this relates to flights on foreign registered aircraft conducted wholly within Australia for the transport of passengers and/or cargo between points in Australia, where this does not also involve the passengers and/or cargo being transported on an inbound or outbound international segment. In economic regulation terms, this concept refers to cabotage operations.

As regards the comments on the definition of medical transport operation, CASA can confirm that external load and dropping operations would be conducted under Part 138 of CASR. It is CASA policy otherwise that medical transport operations will be regulated in the CASRs as a kind of air transport operation.

CASA action

No further action by CASA is required at this time.

Regulation 119.020 Definition of "key personnel"

Comment

Two respondents queried why the head of aircraft airworthiness and maintenance control (HAAMC) is not included in Part 119 of CASR as one of the key personnel.

CASA response

Regulatory oversight of this person and their functions is currently provided under Part 42 of CASR for RPT operators. Subject to future policy and regulatory decisions regarding the management and conduct of maintenance of current charter aircraft engaged in air transport operations, CASA will regulate the HAAMC functions under the *Civil Aviation Act 1988 (the Act)*, Part 42 of CASR, any other regulations relating to air transport maintenance / continuing airworthiness and the relevant CAR and CAO provisions, as applicable.

CASA action

No further action by CASA is required at this time.

Regulation 119.025 Definition of "significant change"

Comment

The definition of 'significant change' attracted the most comments from consultation respondents. Operators sought clarification of the meaning of certain subparagraphs, and/or recommended some subparagraphs be revised to refer explicitly to safety matters, and/or recommended that some subparagraphs be removed entirely, combined with other subparagraphs or moved to paragraph (b) of the definition under which pre-approval by CASA is not required if the change does not have or is likely not to have an adverse effect on aviation safety.

One respondent stated that some of the significant changes that would be managed under the operator's exposition under Part 119 of CASR, would be better managed by CASA by means of the AOC and operations specifications.

CASA response

In relation to the comment about managing change via the operations specifications, CASA's response is that operations specifications reflect the authorities/approvals granted under an AOC and specific regulatory provisions. They are evidence of an authority/approval otherwise granted, but they are not the approval itself. Operations specifications are issued primarily for administrative convenience, obviating the need to carry copies of the approval instruments on board the aircraft.

CASA has assessed the various comments and agrees with the respondents that simplification regarding significant changes is warranted and appropriate.

CASA action

CASA will simplify the definition of 'significant change' with a view further to ensure that it does not impose unnecessary and/or unreasonable administrative burdens on operators.

More specifically, the following changes will be made to the definition:

- subparagraph (a)(iv) – this subparagraph will be revised to refer only to reporting lines to key personnel from managers and other persons who have safety functions and responsibilities
- subparagraph (a)(v) – this subparagraph will be revised to clarify that the only changes referred to here are changes that relate to the safe conduct and management of the operator's air transport operations
- subparagraph (a)(vi) – this subparagraph will be revised to refer to the kinds of air transport operation that the operator is authorised to conduct under its AOC; see also the definition of *air transport operation*
- subparagraph (a)(vii) – this subparagraph will be revised to clarify that it does not include ceasing to operate in an area or on a route
- subparagraph (a)(viii) – this subparagraph will be revised to clarify that it does not include ceasing to operate a type or model of aeroplane or rotorcraft used in the operator's operations

- subparagraph (a)(ix) will be moved under paragraph (b) of the definition, to reflect that this would only be a significant change if this has or would be likely to have an adverse effect on the safety of aviation
- subparagraph (a)(x) will be deleted
- subparagraph (a)(xi) will be moved under paragraph (b) of the definition, to reflect that a change to leasing or other arrangements for the supply of aircraft would only be a significant change if this has or would be likely to have an adverse effect on the safety of aviation
- subparagraph (a)(xii) was intended in the consultation draft to mean a change of the maintenance provider. The subparagraph will be deleted
- subparagraph (b)(i) – to be consistent internally with Subpart 119.H and to clarify that this subparagraph relates to safety matters, this subparagraph will be revised to refer to the operator's 'plans, processes, procedures, programs and systems for the safe conduct and management 'of its operations. This includes training and checking activities
- Subparagraphs (b)(iii), (iv) and (v) will be deleted, as being redundant to subparagraph (b)(i)
- Subparagraph (b)(vi) will be revised to refer to aviation safety services
- Subparagraphs (b)(vii), (viii), (ix), (x) and (xi) will be deleted, as being redundant to subparagraph (b)(i).

Regulation 119.050 Required material for reference library

Comment

One respondent asked that CASA clarify if documents in the library could be electronic documents. Another asked whether the documents provided by commercial aeronautical information providers must/should be part of the library.

CASA response

Electronic documents can comprise/be part of the library.

The Act (section 28BH) requires that the library include all operational documents. This includes operational documents provided by commercial data service providers.

CASA action

The regulation will be revised to make it clear and avoid doubt that electronic documents may be provided, in the same way the other operational parts do this for documents that must be carried on a flight (see for example regulation 121.053 of CASR).

Regulation 119.030 Definition of "officer"

Comment

One respondent asked for more information on the meaning of "executive officer" within the definition of 'officer' and how far down into an operator's management structure this might go.

CASA response

CASA agrees that the definition as drafted may extend too far into an operator's organisational structure.

CASA action

CASA will remove the definition of 'officer' from Part 119 of CASR, as the Part will not refer to an officer (other than the chief executive officer). See the sections in this appendix on regulations 119.075 and 119.080.

Regulation 119.030 Definition of "operational safety-critical personnel"

Comment

Some comments were received to the effect that the definition of "operational safety-critical personnel" was broader/less clear than the definition of 'safety sensitive aviation personnel' in Part 99 of CASR and that guidance material was required in order to facilitate operator understanding and compliance.

CASA response

CASA notes the comment that additional guidance material is required on this topic.

CASA action

CASA will address these questions/concerns in guidance material, as required.

Regulation 119.075 Application

Comment

See 119.030 Definition of "officer".

CASA response

See previous response in relation to this matter.

CASA action

CASA will revise paragraph 119.075(2)(d) to refer to the name of each of the directors of the corporation. There is no need for the AOC application to include other 'officers' of the corporation. Directors of a corporate operator have legislated responsibilities under the *Civil Aviation Act 1988*.

Regulation 119.080 Conditions for issue

Comment

See 119.030 and 119.075 above as regards use of the term "officer".

A respondent also asked why paragraph 119.080(3)(e) and (f) refer to 'transport' safety rather than 'aviation' safety.

CASA response

See earlier comments relating to the definition of "officer".

Regarding paragraphs 119.080(3)(e) and (f), these are consistent with Part 11 of CASR which applies to authorisations other than AOCs and to approvals issued under an AOC.

CASA action

Consequential to the deletion of the term 'officer', CASA will revise paragraph 119.080(1)(d) to refer to each director of the corporation. Related consequential amendments will be made in subregulation (3).

Regulation 119.100 Application for approval of significant changes

Comment

One respondent recommended that the reference to 3 days in subregulation 119.100((3)(b) should be changed to read 7 business days.

CASA response

This comment caused CASA to review the requirements of 119.100(2) and (3), in the context of the definition of "significant change", regulation 119.125 and the exposition content requirements in regulation 119.275. As a result of this review, it was determined that:

- A temporary/acting appointment of a person previously authorised to carry out the responsibilities of the key position for a period up to and including 35 days should not require CASA approval, but rather notification of the change (notification timing to be addressed in operator's change management process).
- A permanent appointment, or a temporary/acting appointment of a person previously authorised to carry out the responsibilities of the key person for a period of longer than 35 days, should require CASA approval (7-day period for operator to apply for the change).
- The temporary/acting or permanent appointment of any other person for any period of time should not be allowed without a prior assessment by CASA of the person's experience and qualifications and the issuance of a CASA approval.

CASA action

CASA will revise regulation 119.100 to reflect the policy above. This will involve the deletion of subregulation 119.100(3) and modifications to subregulation (2). The deletion of subregulation

119.100(3) makes unnecessary any consideration of lengthening the application period in current draft paragraph 119.100 (3)(b).

Regulation 119.115 CASA directions relating to exposition or key personnel

Comment

One respondent commented that paragraph (2)(b) should refer to aviation safety matters or responsibilities under the civil aviation legislation.

Clarification was also sought as whether directions under this section would be reviewable/appealable.

CASA response

CASA agrees with the comment regarding paragraph (2)(b).

Regarding whether a person can seek a review of, or appeal, a direction under this regulation, CASA will be considering whether these directions should be added to regulation 201.004 of CASR, in respect of which an application for review may be made to the Administrative Appeals Tribunal. It is noted that regulation 201.004 of CASR currently lists some CASA decisions which are comparable to the decisions CASA would be making under proposed regulation 119.115 of CASR.

CASA action

CASA will revise paragraph (2)(b) as recommended.

CASA will consider the matter regarding review / appeal as part of the transitional / consequential drafting to be conducted in early 2019.

Regulation 119.135 Chief executive officer - experience

Comment

One respondent stated that this provision restricts the appointment of CEOs to individuals that have an aviation background.

CASA response

The *Civil Aviation Act 1988* requires all key personnel in the organisation to "have appropriate experience in air operations to conduct or to carry out the AOC operations safely" (subparagraph 28(1)(b)(iv)). The definition of key personnel within the Act specifically includes the person that holds, or carries out the duties of, the chief executive officer. Therefore, this proposed regulation in Part 119 of CASR is describing what type of broad experience is appropriate.

CASA action

To ensure commonality across CASR parts that have AOCs, CASA will standardise the wording of the experience requirement for CEOs as per regulation 142.175 of CASR.

Regulation 119.140 Chief executive officer – responsibilities and accountabilities

Comment

In respect of subparagraph 119(1)(b)(vii), some respondents stated that leasing arrangements were business arrangements that were beyond the purview of the safety legislation and should be removed from this provision.

CASA response

The *Civil Aviation Act 1988* requires operators to provide CASA with copies of aircraft leasing arrangements in certain cases.

CASA action

CASA will delete subparagraph (vii) but will retain subparagraphs (vii) and (viii), as regards leasing or other aircraft supply arrangements.

CASA will also add words in subparagraph (x) to clarify that the applicable maintenance standards for a foreign aircraft may be subject to the requirements of any related Article 83 bis agreement.

Regulation 119.145 Head of flying operations - qualifications and experience

Comment

One respondent stated that the minimum 500 flight time hours of experience requirement in subregulation 119.145(4) is too onerous. This issue was also raised by the Part 119 TWG meeting.

CASA response

With one exception (single engine/one aircraft), the minimum flight time hours of experience requirement generally reflects current regulatory requirements, although the current requirements refer to the experience being on "relevant" aircraft.

CASA action

CASA will revise the provision to reflect that the minimum 500 hours of experience must be on an aircraft type that is the same as, or substantially similar to, a type of aircraft that is used to conduct a significant portion of the operator's operations.

CASA will also be providing guidance material on the potential for exceptions to be made to this minimum requirement.

Regulation 119.155 Head of training and checking - qualifications and experience

Comment

One respondent stated that the minimum 500 flight time hours of experience requirement in subregulation 119.155(4) is too onerous.

CASA's action

The proposed baseline experience requirement is less onerous than current requirements. CASA considers that the requirement is appropriate as to the minimum number of flight time hours, but experience on substantially similar aircraft should be recognised.

CASA action

CASA will revise the provision to reflect that the minimum 500 hours of experience must be on an aircraft type that is the same as, or substantially similar to, a type of aircraft that is used to conduct a significant portion of the operator's operations.

CASA will also be providing guidance material on the potential for exceptions to be made to this minimum requirement.

Regulation 119.170 Safety manager – responsibilities and accountabilities

Comment

One respondent asked why the safety manager should be responsible under paragraph (2)(d) for ensuring that the operator's HF/NTS training is adequate and effective.

Another respondent commented on the absence of qualifications, training or competency requirements for the safety manager.

There were discussions at the Part 119 TWG meeting about whether safety managers should be *key personnel*, whether this needed to be a full-time appointment, and whether the head of flying operations could take on these responsibilities.

CASA response

CASA believes that, for most operators, the safety manager would have the experience necessary to make the assessments referred to in regulation 119.170. CASA acknowledges, however, that other key persons/managers could also have some responsibilities in this regard.

CASA notes the comment regarding the absence of qualifications, training or competency requirements for the safety manager. The *Civil Aviation Act 1988* requires all key personnel to have appropriate experience and for all employees to be suitably qualified and competent. CASA considers that identifying a specific qualification could reduce industry flexibility however will further consider this matter as it develops guidance material throughout 2019. At the same time, CASA notes that this could be a challenging undertaking, considering the nature of the safety manager's responsibilities.

CASA confirms that the safety manager need not necessarily be a full-time position. Part 119 of CASR also provides an avenue for the head of flying operations to take on the role of the safety manager.

CASA action

CASA will delete paragraph (2)(d).

CASA will also add a reference in paragraph (2)(c) to the operator's fatigue risk management system, if any, to reflect the arrangements in Part 142 of CASR.

Subpart 119.E - Training and checking for operational safety-critical personnel (119.180 - 119.195)

Comment

One respondent raised a definitional issue with this subpart, specifically in relation to 'conversion training'.

Another respondent asked about the purpose of regulation 119.195.

CASA response

This section of Part 119 of CASR lays out the broad requirements and scope of a training and checking system - noting that this remains scalable to an organisation depending on size and/or complexity. The specific types of training and their requirements will be described in more detail in the relevant operational CASR part and the respective MOS, including in relation to 'conversion training'.

The intent of regulation 119.195 of CASR is to require operators to use company employees to conduct the checking activities for the specified larger aircraft, as opposed to using contracted third parties (Part 142 organisations) to conduct the checking. This reflects current policy.

CASA action

CASA will revise the structure of Subpart 119.E to make it easier to read and understand. These revisions do not change the policy set out in the consultation draft, but rather consolidate some common provisions as they apply to flight crew, cabin crew and other operational safety-critical personnel.

CASA will review the requirement for company employees to conduct the checking for the larger aircraft, when a post implementation review is conducted for Part 119.

Subpart 119.F – Safety management (119.220 and 119.225)

Comments

CASA received a small number of comments on 119.220 and 119.225 which comprise Subpart 119.F, most significantly in respect of the flight data analysis program (FDAP) requirements, protections from disclosure of the identify of a data source, the disclosure of the data source to CASA, and the circumstance under which the operator could take punitive action against the

data source. Most of the comments received recommended further consultation on these provisions. These additional consultations were undertaken with respondents who asked to meet with CASA, and with the TWG meeting for Part 119 of CASR. At the TWG meeting it was also noted that the FDAP mandate extended to some helicopters that were not required under current or proposed new legislation to be fitted with an FDR.

CASA response

CASA notes the complexity of the SMS regulations and agrees with comments that it could be simplified.

As regards the taking of punitive action against a data source, CASA agrees that the regulation could reflect a better balance between protecting the identify of the data source and when punitive action may be taken by the operator against the data source. CASA also agrees that the FDAP provisions must be consistent with the FDR fitment mandate for smaller rotorcraft.

CASA action

In response to comments received, CASA will make the following changes to Subpart F:

- The FDAP requirements will be extracted from regulation 119.200 and set out in a separate regulation;
- The mandated components and elements of the safety management system in 119.220 will be modified to reflect the ICAO components and elements, without including sub- and/or related elements that could be or are addressed in guidance material. This involves the deletion of subregulation (2), paragraph (3)(a), subparagraphs (3)(b)(iii), (v), (vi) and (vii), subparagraph (3)(d)(ii) and paragraph (3)(d).
- CASA will remove subregulation 119.220(6) from the regulation, pending consideration in 2019 of how the regulation could better reflect the balance between protection principles and punitive action (or exception as per ICAO) principles, in accordance with ICAO guidance.
- CASA will revise the FDAP mandate for rotorcraft. Operators of rotorcraft configured to carry more than 9 passengers but having a maximum take-off weight less than 7,000 kg would only be required to provide an FDAP if the rotorcraft is fitted with an FDR.
- CASA will remove regulation 119.225, as CASA already has other legislative means to require the name of a data source.

Regulation 119.275 Content of exposition

Comments

Respondents made numerous recommendations to delete exposition content requirements, where these are duplicated, considered unnecessary, or not related to safety.

CASA response

CASA agrees that this regulation can be simplified.

CASA action

CASA will make the following revisions to regulation 119.275:

- delete paragraph (1)(h)
- reword paragraph (1)(i) to read 'details of each plan, process, procedure, program and system implemented by the operator to safely conduct and manage their air transport operations, in compliance with the civil aviation legislation; add a note for this paragraph to the effect that the plans, processes, procedures, programs and systems may be set out in one or more operator manuals
- delete paragraph (1)(k)
- reword paragraph (1)(o) to state that this relates to operational control and maintenance of the aircraft or other safety consideration
- delete subparagraph (1)(p)
- delete subparagraph (1)(q)
- delete subparagraph (1)(r)
- delete subregulation (2)
- delete subregulation (3).

Regulation 119.300 Copies of flight crew licences and medical certificates

Comment

One respondent stated that subparagraph (1)(b)(ii) should refer to a person's current medical certificate.

CASA response

CASA discussed this drafting point with the Office of Parliamentary Counsel who advised that the regulation as drafted could only be read to mean the current certificate.

CASA action

No further action by CASA is required at this time.

Regulation 119.305 Retention periods for personnel records

Comment

One respondent recommended a significantly longer period for the retention of records for cosmic radiation doses (Item 7 in the table **Retention periods—personnel records**).

CASA response

CASA considers that this regulation is appropriate as it simply mandates operator records. Flight crew members may retain their own records for whatever shorter or longer period they consider appropriate.

CASA action

No further action by CASA is required at this time.

Regulation 119.315 Retention periods for other flight-related records

Comment

One respondent said that the journey log record retention period should be 3 months rather than 6 months.

CASA response

ICAO SARPs recommend a six-month retention period, as the regulation provides. CASA considers that this is appropriate.

CASA action

No further action by CASA is required at this time.

Regulation 119.320 Dealings in relation to cancelled, suspended, varied, pending or refused civil aviation authorisations

Comments

Two respondents sought clarification of the meaning and intent of this regulation.

CASA response

The intent of regulation 119.320 of CASR was to carry over the requirements of subsection 3 of Civil Aviation Order (CAO) 82.0. This intent was lost somewhat in the re-drafting. It was not transparent in that the cancelled authorisation, suspended/varied authorisation, pending application or refused application being referred to is the authorisation or application of another operator.

CASA action

CASA will revise the regulation to clarify its intent, as per the current CAO 82.0.