



## SUMMARY OF CONSULTATION

# Proposed rules for air transport operations - larger aeroplanes

Civil Aviation Legislation Amendment (Part 121) Regulation 2018

<b>Date</b>	June 2019
<b>Project number</b>	OS 99/44
<b>File ref</b>	D18/497615

## Overview

CASA published Proposed amendments to the rules for larger aeroplanes air transport operations - Part 119 and 121 of CASR - (CD 1806OS) on the CASA Consultation Hub from 3 August to 2 September 2018.

This consultation activity, and separate consultation activities for Parts 133 and 135 of the *Civil Aviation Safety Regulations 1998 (CASR)*, all involved consultation on the proposed Part 119 of the *Civil Aviation Safety Regulations 1998 (CASR)*. As feedback on Part 119 of CASR was spread across these three activities, CASA will publish a dedicated Part 119 Summary of Consultation (SOC) document.

This document solely focuses on Part 121 of CASR.

The consultation provided an overview of the main changes to the current rules for larger aeroplane charter and regular public transport. It identified the new rules for each of the main changes, advised that other changes may be applicable to industry participants and recommended an additional review of the materials provided. Feedback was sought from industry on the proposed regulations.

On 1 July 2017, CASA established an Aviation Safety Advisory Panel (ASAP) made up of industry representatives. In late June 2018, the panel convened a technical working group (TWG) to evaluate drafts of the Part 119 regulations and the Part 121 regulations.

The TWG made several suggestions and highlighted 64 specific issues, the majority of which CASA sought to address in this consultation draft. Feedback on Part 121 of CASR from previous consultations was also considered and incorporated into the 2018 consultation drafts. A small number of TWG recommendations were still under active consideration by CASA prior to the consultation.

This SOC provides a summary of the main themes that emerged from a review of the consultation responses.

For information purposes and to assist in contextualising the draft regulations, a technical draft of the Part 121 Manual of Standards (MOS) and a draft of the Part 121 acceptable means of compliance and guidance material (AMC/GM) documents were also published<sup>1</sup>.

The Part 121 of CASR Summary of Proposed Changes (SPC) document advised industry that a separate working group meeting and public consultation to evaluate the future legal draft of the Part 121 MOS would be conducted in 2019.

## Respondents

Part 121 has been the subject of multiple previous public consultations. CASA received seven submissions in response to this public consultation on the proposed rules for larger aeroplane air transport operations. Six responses were received from organisations or operators and one response was received from an individual. Two respondents consented to having their comments attributed to them including publication on the on the [CASA Consultation Hub](#).

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<sup>1</sup> These documents were not the subject of the consultation.

## Organisations / operators

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Representative	Organisation
T. Smallwood	Cobham Aviation Services

## Individuals

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Name
R. Palmer

## Key proposals

The document titled "Summary of Proposed Change - Australian air transport operations - larger aeroplanes", published in August 2018, outlined the following key proposals:

- Part 121 operations are to be flown only under instrument flight rules.
- The proposed regulations, where possible, allow for an outcomes-based approach to be adopted in the operator's exposition procedures.
- New terminology and rules are proposed to be introduced for Extended Diversion Time Operations (EDTO), including increased flexibility for certain aeroplanes.
- Fuel and alternate aerodromes requirements are adopted from the International Civil Aviation Organization (ICAO) Annex 6 Part 1, International Commercial Air Transport — Aeroplanes, with the Part 121 MOS or AMC to provide operators with various means of complying with those requirements by adopting risk mitigation strategies, in line with operator's current practices.
- Allowances for operators using advanced technologies—such as head-up display (HUD), synthetic vision systems (SVS) and enhanced vision systems (EVS)—to gain operational credits that will permit a lower aerodrome operating-minimum.
- The provision of clearer rules for operations conducted on narrow runways.
- New datalink recording requirements.
- New requirements for underwater locating devices to be carried on flights that require life rafts and on larger aeroplanes.
- New requirements for carriage of additional medical equipment.
- Align with ICAO standards and alleviate existing requirements for the carriage and use of oxygen by non-pressurised aeroplanes when operating for no longer than 30 minutes between 10 000 ft and FL130.
- New restrictions on rostering of inexperienced flight crew.
- Provision for recurrent training and checking requirements to be met by alternative means acceptable to CASA, to allow for future training and checking programs (e.g. evidence-based training).
- Simplified recency requirements.

- Cabin crew to passenger seat ratio of 1:50 to align with the manufacturer's certification standards.
- New training and checking requirements for cabin crew to align with the new ICAO training and checking manual.
- Changed life raft training requirements (for all crew) so that wet drills only need to be completed during initial training.
- Training for cabin crew in the use of slides would only be required at initial training or when converting to a significantly different aeroplane type (e.g. B737 to B747).
- New requirements for cabin crew to maintain recency on an aeroplane type within 6 months.
- Clearer articulation of the different training and checking requirements for cabin crew who are carried but not required for a flight.

### Key feedback

Aside from comments on the proposed change to the cabin crew to passenger seat ratio of 1:50, CASA received little direct feedback on the stated key proposals.

Many comments were received on the content of the technical draft of the Part 121 MOS and the early, incomplete draft of the Part 121 AMC/GM document. CASA values the industry input on these documents and will consider the suggestions and recommendations as these documents are developed further.

Multiple consultation responses acknowledged the long history of the Part 121 development, the consultation effort that has taken place and that the proposed regulations are largely supported.

Specific feedback along with indicative CASA actions is provided at Appendix A.

### Notice of final rulemaking

CASA has undertaken the actions related to the Part 121 regulations indicated at Appendix A. CASA will work to complete the actions related to the Part 121 MOS prior to the planned Part 121 MOS TWG meeting in 2019.

The modified [Part 121](#) regulations were made on 6 December 2018 and are available on the [Federal Register of Legislation](#) website. Commencement is planned for 25 March 2021 except for identified provisions that have a delayed commencement date. The specific delayed commencement dates and the specific provisions will be developed and discussed appropriately with industry throughout 2019. CASA does not intend to have a transition period for the Part 121 regulations in their entirety.

### Future direction

The ASAP endorsed the making of Part 121 in 2018 provided that certain concerns raised by the Part 135 TWG are addressed prior to implementation and, where necessary, further discussions are held with industry. The Part 135 TWG report is available on the CASA website <<https://www.casa.gov.au/about-us/standard-page/part-135-twg-australian-air-transport-operations-small-aeroplane-operations>>. In responding to the concerns raised by the ASAP, CASA will be, in 2019, undertaking a review of the Part 121 and Part 135 passenger limit. The terms of reference for this review will be determined in consultation with the ASAP prior to

review commencement. To enable legislative amendments to be implemented, where these are determined by CASA as appropriate, the review is intended to be completed in 2019.

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

CASA intends to put in place regulatory provisions that deem current authorisations to be equivalent to future requirements to the maximum extent possible to minimize the burden of regulatory change applicable to both industry and CASA. Commencing 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.

## **Appendix A**

### **Consolidated summary of comments received, CASA response and planned action**

## 121.010 Approvals by CASA for Part 121

### Comment

Comments were received that the regulations will require many operators to receive approvals and therefore CASA needs to provide clarity as to how the approval process will be conducted fairly and equitably between CASA offices.

### CASA response

CASA notes this comment.

### CASA action

CASA's intent is to provide an increased number of acceptable means of compliance (AMC) where appropriate and feasible for the future operations regulations.

## 121.035 Compliance with exposition

### Comment

Several comments were received suggesting this regulation could be better located in Part 119.

### CASA response

CASA agrees with this suggestion.

### CASA action

Parts 121, 133 and 135 to be amended to remove these regulations. They will be replaced by a singular provision in Part 119

## 121.040 Duty statement to be available to crew

### Comment

Comments were received that the meaning of this regulation is not immediately clear. More detail regarding CASA's intent would benefit understanding. An additional comment received also indicated that the AMC was not clear.

### CASA response

CASA notes these requests for additional guidance.

### CASA action

To be further assessed during development of guidance material in 2019.

## 121.080 Reporting and recording incidents

### Comment

A comment was received indicating the reference to the SMS slightly overlaps with other requirements.

### CASA response

CASA agrees and will amend this regulation.

### CASA action

Regulation to be amended to remove the reference to the SMS.

## 121.085 Information about search and rescue services

### Comment

Comments were received that the meaning of this regulation is not immediately clear. More detail regarding CASA's intent would improve understanding. An additional comment indicated that the requirement is overly burdensome for those operators who have widespread operations.

### CASA response

CASA considers that it is fundamental that the flight crew understand the services available to them in the area of operation for specific flights. The methodology of "readily accessible" is deliberately not specified and is left up to the discretion of the operator.

### CASA action

No change to be made.

## 121.095 Crew activities necessary for safe operation

### Comment

A comment was received indicating that the terms "initial climb" etc are not defined.

### CASA response

CASA has designed this regulation to be outcome based and is allowing the operator to propose how they treat these terms based on the type and nature of their operations.

### CASA action

No change to be made.



## 121.100 Competence of ground support personnel

### Comment

A comment was received regarding how this regulation will work with third-party contractors.

### CASA response

CASA considers that it is up to the individual operator to determine the method through which they will assure themselves of the competence of their contractors and, by extension, assure the regulator of their competence.

### CASA action

No change to be made.

## 121.120 Aircraft to be flown under the IFR

### Comment

A comment was received that it would be useful to clarify how this rule applies to Subpart 121.Z operations.

### CASA response

The application of Subpart 121.Z is defined in regulation 121.005. For those aeroplanes, ONLY subpart 121.Z applies—none of the other subparts apply. Therefore, this rule does not apply to a Subpart 121.Z aeroplane.

### CASA action

No change to be made.

## 121.125 Establishing lowest safe altitudes etc

### Comment

A comment was received regarding the need to provide advanced operators with an ability to vary the calculation methods for lowest safe altitudes.

### CASA response

CASA notes the definition of the term "lowest safe altitude" includes an ability for the operator to define the means they use to calculate lowest safe altitude in their exposition.

### CASA action

No change to be made.

## 121.130 / 121.135 Flights further than 60 minute distance / Flights further than the threshold distance

### Comment

A comment was received regarding the clarification of what "necessary services and facilities" meant in the context of the definition of an "adequate aerodrome".

### CASA response

CASA doesn't propose to regulate for passenger handling requirements at adequate aerodromes. CASA's regulatory requirement is that the aircraft safely land at an adequate aerodrome and not block other aircraft utilising the aerodrome.

### CASA action

No change to be made. This item will be discussed further as part of a future TWG held to review the legal draft of the Part 121 MOS.

## 121.140 Flight distance limitation over water

### Comment

A comment was received that the operator did not know what the ditching requirements were in relation to the airworthiness standards for the aeroplane.

### CASA response

CASA suggests the operator approach their OEM (original equipment manufacturer). CASA would expect that an aircraft that is largely unmodified would meet the applicable standard in the Federal Aviation Administration of the USA (FAA) or European Aviation Safety Agency (EASA) underpinning airworthiness standard, i.e. transport category aeroplane etc.

### CASA action

No change to be made.

## 121.155 Journey logs

### Comment

A comment was received that the meaning of paragraph (5)(e) was not immediately clear. More detail regarding CASA's intent would be beneficial. An additional comment stated that the reference to "a" journey log implied a singular document.

### CASA response

CASA advises that a singular document is not required; nor does the law require a specific format for the journey log. A journey log could be part of another document.

Para (5)(e) relates to an ICAO Chicago Convention requirement. CASA will produce guidance for this requirement.

### **CASA action**

Guidance will be produced in relation to the "incidents and observations" part of the journey log.

## **121.195 Stabilised approach requirements**

### **Comment**

Comment was received regarding why it is an offence for failing to comply with procedures in the exposition relating to stabilised approaches.

### **CASA response**

Certain matters have been specifically required to be included in an operator's exposition due to their level of importance to the underlying safety standard for air transport operations. Regarding the offence provisions, CASA agrees with a point raised at the June 2018 TWG meeting that the offence provisions of this type (related to requirements to put procedures in expositions) can be removed from Part 121.

### **CASA action**

CASA will create a centralised offence provision in Part 119 relating to an operator failing to place the required procedures in their exposition.

## **121.200 Approach ban**

### **Comment**

Comment was received regarding this regulation.

### **CASA response**

CASA advises that this regulation is being deleted and will be centralised in Part 91.

### **CASA action**

Regulation to be deleted and centralised in Part 91.

## **121.205 Aerodrome requirements**

### **Comment**

In relation to take-off and landing at aerodromes comment was received regarding the frequent use of and the lack of an objective definition of the term 'suitable' in the proposed regulations

Other comments were received regarding aerodrome lighting requirements and the importance of visual approach slope indicator systems (VASISs) for situations such as low cultural lighting or over water operations. Additionally, it was recommended that the reference to engine type, in relation to VASIS requirements, should be removed from this regulation.

A comment was received in relation to the ability for alternate aerodromes to not have to meet this regulation.

## **CASA response**

CASA considers that the additional regulations regarding the information that must be determined about aerodromes prior to use and the performance requirements for Part 121 operations to be contained within the Part 121 Manual of Standards, will be adequate to provide context regarding the "suitability" of an aerodrome. The use of the term 'suitable' in regulation is already in use in current rules<sup>2</sup>.

Regarding aerodrome lighting requirements, CASA will further consider this matter.

CASA considers that the proposed regulation regarding VASIS applicability is appropriate and that it creates an appropriately scaled regulation within the sizeable application of Part 121. Additionally, the rule as drafted allows for the potential of onboard systems to be used instead of VASIS. CASA will provide additional guidance material on this matter prior to the commencement of Part 121.

Regarding alternate aerodromes, it should be noted that paragraph 121.205(3) only references the destination aerodrome. Therefore, alternate aerodromes do not have to meet these requirements.

## **CASA action**

CASA will consider adding further information to the Part 121 AMC/GM document regarding minimum acceptable standards for aerodromes to be utilised for Part 121 operations.

CASA will develop additional guidance material relating to the use of electronic onboard systems as a substitute for VASIS.

## **121.215 Procedures for safety at aerodromes**

### **Comment**

Comment was received regarding what the intention is for operators that use third party ground handling staff.

### **CASA's action**

The operator is responsible for compliance with this regulation. If the operator chooses to employ third party staff, they are required to devise a methodology of including the third party procedures into their exposition. They are required to ensure the procedures meet the requirements of the regulation.

### **CASA action**

No change to be made.

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<sup>2</sup> See regulation 92 of CAR.

## 121.230 Oil requirements

### Comment

Comment was received regarding why the PIC and the operator were included when most Part 121 regulations only refer to the operator.

### CASA's action

Item 7 of table 91.035(1) disapplies regulation 91.455 of CASR where division 121.D.6 of CASR applies. Item 7 mistakenly did not include a disapplication provision for regulation 91.460 of CASR which is the oil requirements regulation in Part 91. This Part 121 regulation was crafted assuming that regulation 91.460 had been disapplied and therefore there was a necessity for a PIC offence as well as an operator offence.

### CASA action

Item 7 of table 91.035(1) will be amended to include the disapplication of regulation 91.460 of CASR for divisions 121.D.6, 133.D.6, 135.D.6 and 138.D.6 of CASR.

## 121.235 Fuel requirements

### Comment

Comment was received that the lack of a requirement to mandate depressurization fuel for legs beyond the destination alternate is inappropriate and creates an unwarranted safety risk. Additional comment was received that certain aerodromes, such as Australia's remote islands, have unique weather patterns that may render the carriage of isolated aerodrome fuel insufficient. These matters are contained within the Part 121 lay draft manual of standards.

### CASA's action

CASA notes these comments.

### CASA action

CASA will discuss these matters further with industry at the dedicated TWG meeting for the review of the legally drafted Part 121 MOS.

## 121.255 Carry-on baggage

### Comment

Comment was received that it only mentioned the PIC and it should mention other crew.

### CASA's action

CASA considers the regulation is appropriate. The PIC direction can be relayed through another crew member. Part 91 already includes an ability for cabin crew to directly give instructions in-flight to other crew members.

**CASA action**

No change to be made.

## 121.260 Passengers in emergency exit row seats

**Comment**

Comment was received that subregulation (6) would require additional passenger briefings.

**CASA's action**

CASA considers the regulation is appropriate. It defines an essential component of emergency evacuation tasks.

**CASA action**

No change to be made.

## 121.270 Aisles to remain unobstructed

**Comment**

Comment was received that the regulation would not, as one example, allow for the obstruction of the aisles by emergency medical equipment.

**CASA's action**

CASA considers the regulation is appropriate as it does not need to accommodate emergency circumstances such as medical assistance to a passenger. There are emergency provisions for not following regulations and are described in the Act and the Criminal Code.

**CASA action**

No change to be made.

## 121.275 Carriage of passengers with reduced mobility

**Comment**

Comment was received that the regulation effectively means that a reduced mobility passenger must occupy a window seat due to the phrasing "hinder the evacuation of the aeroplane in an emergency".

**CASA's action**

CASA notes these comments.

**CASA action**

CASA will further consider this legal phrasing and the underlying safety intent.

## 121.280 Safety briefing cards

### Comment

Comment was received that subregulation 121.280 (4) referred to the Part 121 MOS for the information which needs to be included in safety briefing cards and that this information did not appear to be in the MOS; however, there is some content in the Acceptable Means of Compliance and Guidance Material (AMC-GM) for Part 121.

### CASA's action

CASA agrees that this content is not covered in the MOS as yet. Originally, the content of the safety briefing card was to be listed in the definition of the term; however, this was changed. In doing so, it has not yet been integrated into the MOS. The MOS is yet to be finalised and publicly consulted in its final legal form.

### CASA action

Add the safety briefing card content into the MOS.

## 121.285 Safety briefings and instructions

### Comment

A comment suggested for the AMC for foreign language persons in emergency exit rows to be given a card of some form instead of having to comprehend the language spoken by the crew.

### CASA response

CASA notes this suggestion.

### CASA action

To be considered in the guidance material that will be developed in 2019.

## 121.305 Irrelevant information in safety briefings

### Comment

Comment was received regarding the use of material to increase interest in safety briefings in recent years and the relationship to this regulation.

### CASA response

CASA considers that this regulation is fundamental to safety. It is stating that the information to be delivered cannot be irrelevant—it is not prescribing the methodology and therefore using engaging methods of delivering safety briefings or demonstrations is not an offence.

### CASA action

No change to be made.

## 121.310 Safety briefing in the event of an emergency

### Comment

Comment was received regarding the offence provision and its clarity.

### CASA response

Similar to other offence provisions regarding the exposition content, this is being deleted from Part 121 and centralised in Part 119.

### CASA action

Offence provision deleted and centralised in Part 119.

## 121.330 Aeroplanes fitted with ACAS II

### Comment

Comment was received on several matters.

### CASA response

CASA has re-considered the necessity for this regulation in toto.

### CASA action

CASA intends to delete the regulation.

## 121.385 Assignment of cabin crew seats

### Comment

Comment was received that the restrictions on the occupation of a floor level exit cabin crew seat were overly complicated and unnecessary.

### CASA response

CASA considers that the occupation of floor level exit cabin crew seats can be a complicating factor during time critical emergency evacuation scenarios and therefore should be very closely controlled.

### CASA action

No change to be made.

## 121.390 Procedures relating to ice

### Comment

Comment was received that the offence provision should include the PIC.



### **CASA response**

There will be a centralised regulation in Part 119 for personnel to comply with the exposition.

### **CASA action**

No change to be made.

## **121.395 Cosmic radiation limits**

### **Comment**

Comment was received that Australia's cosmic radiation limits, although in line with ICAO, did not reflect current global data.

### **CASA response**

CASA notes that Part 121 requires operators to specify for flights the cosmic radiation limits receivable inside the aeroplane cabin. Operators can choose which standard they apply. CASA will publish guidance regarding the applicable regulations as part of guidance material.

CASA notes that although items 7 and 8 of draft regulation 119.305 specified a retention period for the operator's records of a flight crew member's and a cabin crew member's cosmic radiation dose. No regulation existed in the draft Part 121 that actually required the operator to record the cosmic radiation dose received by flight crew or cabin crew members. This omitted regulatory requirement is required to ensure Australian operators comply with the ICAO Annex 6 Part I standard 4.2.11.2.

### **CASA action**

The regulatory requirements related to cosmic radiation have been amended in the made Part 121 regulations (see regulation 121.365) to include a requirement for operators to have a record of the total cosmic radiation dose received by flight crew and cabin crew members on flights above FL490.

## **121.450 CASA approvals relating to take-offs and landings**

### **Comments**

It was recommended that the need for an approval be removed and that this matter be allowed to occur if authorised by the Aeroplane Flight Manual (AFM).

### **CASA response**

CASA agrees with the general concept and, on review, will remove the ability for this to be an approved Part 121 activity as it should not occur during an air transport operation. This activity should only occur as a Part 91 operation.

### **CASA action**

CASA will amend regulation 121.450 to state that ferrying an aeroplane with one engine inoperative is not permitted under Part 121.

## 121.460 Procedures for loading aeroplane etc.

### Comments

Comment was received that the MOS contained provisions on this topic, but the regulation had no head of power for the MOS. Comment was also received regarding differences in the standard crew and passenger weights to those currently utilised by an operator. Comment was also provided that obtaining passenger gender is not always possible.

### CASA response

The head of power for the MOS standard weights is contained in subregulation 2 of the proposed regulation.

CASA notes that the Australian standard weights have not been updated in a considerable period of time. Other major regulators have explicitly linked the updating of standard crew and passenger weights to regular health surveys of their populations. The standard adult male, adult female and child weights proposed by CASA are lower than those currently published by the FAA and Transport Canada for equivalent US and Canadian operators.

CASA notes that passenger gender is not always readily available however it is available in the majority of cases and provided an operator adopts a conservative approach regarding the use of standard weights for those passengers whose gender cannot be ascertained then the overall level of aviation safety will not be comprised.

### CASA action

No change to be made at this time.

## 121.505 Datalink communications equipment

### Comments

Comment was received that the MOS was overly prescriptive regarding what datalink messages were required to be recorded.

### CASA response

In line with briefings provided to industry during the development of Part 121 in recent years, many of the MOS requirements have been crafted to be functionally similar to the EASA requirements. In this case, the data-link recording requirements are in line with EASA CAT.IDE.A.195 and the associated AMC/GM and are also broadly similar to the requirements specified by the FAA.

### CASA action

No change to be made at this time.

## 121.565 Aeroplane lighting

### Comments

Comment was received regarding the AMC content and reference to ICAO documents.

### CASA response

CASA notes this comment.

### CASA action

The AMC content will be reviewed as part of guidance material development in 2019.

## 121.580 Public address system

### Comments

Comment was received requesting further information regarding the object and purpose of the provision and whether the 10 second operable time would be assessed on an annual basis.

### CASA response

The intent of the public address system requirements is to provide greater specificity and commonality with other major regulators compared to the existing requirements in CAO 20.11. The provisions are functionally the same as those specified by FAR 121.318 and EASA AMC1 CAT.IDE.A.180.

### CASA action

No change to be made at this time.

## 121.590 Pressurised aeroplanes - first aid oxygen

### Comments

It was recommended that CASA define first aid oxygen in line with either the FAA or EASA. Additional comment was received that new equipment cannot meet this requirement.

### CASA response

CASA agrees with the suggestion to define 'first aid oxygen'.

CASA notes that this regulation is going to be moved to the MOS and therefore will be re-consulted during the 2019 Part 121 MOS public consultation and also discussed in the dedicated MOS TWG meeting.

### CASA action

CASA will include a definition of 'first aid oxygen' in either the CASR dictionary or the Part 121 MOS as necessary to achieve the requisite legislative effect.

## 121.595 Crew protective breathing equipment

### Comments

Comment was received that the proposed definition of "protective breathing equipment" (PBE) required compliance with a TSO and that this could generate increased cost and compliance burdens on operators

### CASA response

CASA agrees with this comment that the proposed CASR dictionary definition was too specific. CASA has now made the legislative instrument modifying the CASR dictionary ([Civil Aviation Safety Amendment \(Operations Definitions\) Regulations 2019](#)) and, in line with the FAA and EASA, the definition of protective breathing equipment no longer includes reference to a TSO.

### CASA action

The definition of protective breathing equipment has been modified.

## 121.610 First-aid kits

### Comments

Comment was received that the number of kits required was inappropriate.

### CASA response

The number of first aid kits proposed to be required, except for the requirement to carry 7 kits for passenger numbers greater than 599, is the same as EASA CAT.IDE.A.220 minimum requirement and the guidance provided in ICAO Annex 6 Part I Attachment A.

### CASA action

No change to be made at this time.

## 121.620 Universal precaution kits

### Comments

Comment was received that the number of kits required was inappropriate.

### CASA response

CASA considers that the number of universal precaution kits specified is appropriate and reasonable however also notes that this legislative requirement is being moved to the Part 121 MOS and therefore will be re-consulted during the 2019 Part 121 MOS public consultation and discussed at the MOS TWG meeting.

### CASA action

No change to be made.

## 121.630 Emergency medical kits

### Comments

Comment was received that MEL relief may be required for this requirement due to overseas shipment of drugs restrictions and that the number of medical kits specified may need review.

### CASA response

This requirement is based on ICAO Annex 6 Part I provisions. However, CASA notes that medical importation restrictions do exist in foreign countries and that operators may also face challenges in re-stocking an emergency medical kit in a foreign country where items, especially medicines, are used on the sector inbound to the foreign country.

### CASA action

This draft regulation was moved to the draft Part 121 MOS and does not exist in the made Part 121 regulations. The draft Part 121 MOS will be considered by the Part 121 TWG prior to a further public consultation in 2019. CASA will discuss with the TWG:

- the number of emergency medical kits required;
- whether a legal mechanism is needed in the MOS for operators to be able to provide evidence to CASA that:
  - emergency medical kit contents infringe the laws of a foreign country and therefore cannot be carried on certain sectors; or
  - re-stocking is not possible in the event of usage of certain contents of the kit in foreign countries and therefore an operator may need dispensation to conduct certain sectors with an incomplete emergency medical kit.

## 121.665 Underwater locating devices

### Comments

Comment was received that GADSS should be an acceptable means of compliance with ULD.

### CASA response

CASA considers that ULD and global aeronautical distress and safety system (GADSS) achieves somewhat similar but complementary outcomes. Therefore, at this time, CASA considers this regulation appropriate. CASA notes that it has yet to mandate GADSS or begin to evaluate the impact of GADSS on Australian industry.

### CASA action

No change to be made.

## 121.675 Survival equipment

### Comments

It was recommended that CASA review the exception in para (4).

### **CASA response**

CASA will review this exception provision.

### **CASA action**

Review to be undertaken.

## **121.695 Experience**

### **Comment**

A comment on paragraph 121.695 (3)(a) stated that these hours requirements could be onerous. It is not clear under what circumstances 121.695 (3)(b) might apply. More detail in regard to CASA's intent would be beneficial.

One respondent stated the requirements in para (3) had not been previously consulted and that there was not a safety case to support them.

### **CASA response**

CASA has provided guidance material as part of the consultation regarding the purpose of this regulation and explained some of the considerations that CASA may consider prior to issuing the approval referenced in the regulation.

CASA notes that this regulation was the same in the 2015 public consultation and has not changed.

### **CASA action**

CASA considers these requirements appropriate and has provided for the issuance of an approval in unusual circumstances.

## **121.715 Pilot-in-command**

### **Comment**

One respondent highlighted the inconsistency between Parts 121, 133 and 135 relating to this regulation topic and the inclusion in Part 121, but not the other parts, of a specific requirement relating HF/NTS training. It was also highlighted that the requirement for a pilot-in-command (PIC) to hold an air transport pilot licence (ATPL) required review and possible amendment due to consistency with Subpart 121.Z operations.

### **CASA response**

CASA agrees that referring to the ATPL in this regulation is incorrect as the required pilot licence is more appropriately identified, as it is currently, in Part 61 under the licence privileges regulation.

### **CASA action**

CASA will amend this regulation to replace the reference to an ATPL with a reference to being qualified in accordance with Part 61.

## 121.720 Co-pilots

### Comment

One respondent highlighted the inconsistency between Parts 121, 133 and 135 relating to the pilot qualification regulations and the requirements to be qualified under Part 61.

### CASA response

CASA agrees that this inconsistency is undesirable and that reference to Part 61 is appropriate.

### CASA action

CASA will amend the pilot qualification regulations across Parts 121, 133 and 135 of to outline that a pilot must be qualified in accordance with Part 61.

## 121.740 Relief of pilot-in-command

### Comments

Comment was received recommending that instead of a fixed level (Flight Level 200) for the use of cruise relief co-pilots, CASA instead allow operators to determine this altitude in their expositions.

### CASA response

CASA notes this comment and considers this altitude appropriate at this time.

### CASA action

No change to be made.

## 121.790 Meeting initial training requirements

### Comment

One respondent recommended CASA adopt the alternative terminology, relating to what is currently referred to in the regulations as 'initial training' and 'conversion training', mentioned in the Part 121 AMC/GM document that accompanied the consultation.

### CASA response

CASA notes this comment and advises that it is still considering this matter.

### CASA action

No change to be made.

## 121.795 Meeting conversion training requirements

### Comment

One respondent commented that the reference to 'employed by the operator' was too restrictive.

### CASA response

CASA agrees with the suggestion to relax this phrase.

### CASA action

CASA will change this reference to 'engaged by the operator' which will provide additional flexibility and is in line with other usage of this term in other CASR parts.

## 121.825 Holding valid line check

### Comment

One respondent commented that there should be an ability for an operator to obtain an approval for a reduced frequency of line checks.

### CASA response

CASA notes this comment and advises that it considers the requirement for a 12 month line check appropriate and underpinning the requisite level of aviation safety.

### CASA action

No change to be made.

## 121.880 Number of cabin crew

### Comment

Comment was received that this regulation is difficult to decipher and that its descriptors based on 'aeroplanes without twin aisles' and 'aeroplanes with twin aisles' could be further simplified to use the term 'single aisle'. It was commented that the guidance material needed to be reviewed and simplified.

### CASA response

CASA notes these comments and will review this matter.

### CASA action

To be reviewed and further considered.



## 121.885 Qualifications, experience and training

### Comment

Comment was received regarding an error of referencing in the AMC/GM document.

### CASA response

CASA thanks the respondent.

### CASA action

AMC/GM referencing to be reviewed as part of comprehensive guidance material development in 2019.

## 121.890 Competence

### Comment

Comment was received regarding guidance material content.

### CASA response

CASA notes this comment.

### CASA action

This matter will be reviewed further with the development of guidance material in 2019.

## 121.900 English proficiency

### Comment

One respondent commented that the Part 121 MOS was too restrictive regarding this matter.

### CASA response

CASA notes this comment.

### CASA action

This matter will be reviewed further with the Part 121 MOS TWG review of the legal draft of the MOS.

## 121.910 Training and checking for senior cabin crew member

### Comment

Comment was received regarding a MOS requirement for the HF/NTS training for this type of crew member to include operator flight and duty time limitations.

### **CASA response**

Whilst this matter will be reviewed at the Part 121 MOS TWG meeting, CASA initially considers that inclusion of flight and duty time limitations and their effects is appropriate for inclusion in HF/NTS training.

### **CASA action**

This matter will be reviewed further with the Part 121 Manual of Standards TWG review of the legal draft of the MOS.

## **121.915 Operating with reduced number of cabin crew**

### **Comment**

Multiple respondents raised the application of cabin crew ratios (specified as 1:50). Concerns were raised that CASA has not yet implemented cabin crew fatigue rules.

Concerns were raised regarding the lack of prescription surrounding the 'unforeseen circumstances and beyond the operator's control' clause and that these terms are subjective and open to interpretation.

Additional comment was received that the minimum reduced number of cabin crew was not less than 1:50 and therefore did not offer any actual relief.

### **CASA response**

CASA notes the concerns regarding cabin crew ratios; however, is satisfied with the safety of current operations under various exemptions that utilise the 1:50 cabin crew ratio. CASA is satisfied that a cabin crew ratio of 1:50 is appropriate.

CASA advises industry that it will further consider the necessity, or otherwise, to put in place cabin crew fatigue rules following the conclusion of the flight crew fatigue project.

Regarding the lack of prescription surrounding 'unforeseen circumstances', it is required by regulation 121.915 that the exact circumstances be included in the operator's exposition and that this exposition be accepted by CASA as part of issuing an AOC. CASA will consider developing additional guidance material on this topic but considers that, based regulation as it is currently drafted, this is an appropriate outcome.

The number of actual cabin crew required will often be greater than the minimum 1:50 requirement due to increased number of cabin crew used in the demonstration of an emergency evacuation by the OEM, or by the requirement to have one cabin crew member per passenger compartment or due to the requirement to have one crew member per floor level exit for a twin aisle aeroplane. CASA considers that 1:50 is an absolute minimum for safety.

### **CASA action**

No change to be made.

## 121.920 Second senior cabin crew member

### Comment

Comment was received that the requirement to assign a second senior cabin crew member when the regulations require the carriage of more than 4 cabin crew members should only be a requirement for widebody aircraft.

### CASA response

CASA considers that this rule is appropriate and properly applies to narrow body and wide body aeroplanes.

### CASA action

No change to be made.

## 121.925 Training devices and facilities

### Comment

Comment was received whether the standards specified in the Part 121 MOS for facilities would be mandatory with an inference that they should not.

### CASA response

CASA notes this comment.

### CASA action

This matter will be reviewed further with the Part 121 MOS TWG review of the legal draft of the MOS.

## 121.950 Recent experience requirements

### Comment

Comment was received on the guidance material content. It is not necessary to have an in-flight trainer during refresher training when the person undergoing the refresher is extra crew.

Additional comment was received that this is a new requirement and its imposition has not been justified on safety grounds.

### CASA response

CASA notes the comment relating to guidance material.

CASA considers that these requirements are appropriate and underpin the competence of the cabin crew member.

### CASA action

This matter will be reviewed further with the development of guidance material in 2019.

No change to the regulation to be made.

## **121.955 Recent experience requirements - 12 months before flight**

### **Comment**

Comment was received that there is content for this regulation in the AMC/GM document but that it is not actually in the regulations.

### **CASA response**

This regulation was deleted in 2015 prior to the 2015 public consultation and this AMC/GM content was mistakenly included in the 2018 version of the Part 121 AMC/GM document.

### **CASA action**

Information in the Part 121 AMC/GM document relating to cabin crew recent experience requirements (12 months before flight) to be deleted.

## **121.960 Meeting initial training requirements**

### **Comment**

Comment was received regarding a MOS requirement that an appropriately qualified person conduct first aid training. What constitutes this qualification?

### **CASA response**

CASA notes this comment.

### **CASA action**

This matter will be reviewed further with the development of guidance material in 2019.

## **121.965 Meeting conversion training requirements**

### **Comment**

Comment was received regarding the lack of definition of supervised line flying.

### **CASA response**

CASA notes this comment.

### **CASA action**

This matter will be reviewed further with the Part 121 MOS TWG review of the legal draft of the MOS.

## 121.985 Holding valid line check

### Comment

Comment was received that having to conduct a line check on types which do not have similar standard operating procedures (SOPs) does not contribute to improved safety outcomes. Additionally, this increases cost for operators without a valid safety reason.

### CASA response

CASA believes the line check is an integral component of the training continuum and that when SOPs are markedly different then these need to be separately assessed.

### CASA action

No change to be made.

## 121.1010 Emergency evacuation procedures

### Comment

Comment was received that having a strict liability offence for the failure to follow an emergency evacuation procedure in the high intensity environment of an emergency evacuation is inappropriate.

### CASA response

The requirement in this regulation is for the operator to specify procedures in the exposition. As discussed earlier, CASA will be centralising the offence provisions for operator requirements to include content in their exposition in Part 119. Additionally, there are existing requirements for operator personnel to comply with the exposition. There are defences in the CAA or the Criminal Code relating to the conduct of emergencies and CASA considers that these are sufficient to encompass this scenario. Additionally, the application of CASA's Just Culture principles would make it unlikely that a person would be charged with an offence in such a scenario.

### CASA action

No change to be made.

## Subpart 121.Z

### Comments

One respondent thought that the application of this subpart was unclear and warranted further guidance regarding to what extent Part 135 applied and what sort of licence was required.

### CASA response

Subpart 121.Z of CASR applies to single engine aeroplanes that have a maximum take-off weight of 8618kg or less AND a maximum operational passenger seating capacity (MOPSC) of more than 9. The rules that apply to these aeroplanes are all of Part 135R, to the extent that

those rules are not inconsistent with the 5 specific rules that are located with Subpart 121.Z of CASR itself. These 5 rules are:

- The flights must be either instrument flight rules (IFR) or day visual flight rules (VFR) - night VFR is not permitted (this is expressed as 2 separate rules).
- 2 pilots are required for IFR flights when more than 9 passengers are carried.
- Day VFR flights require an automatic electronic condition trend monitoring system for the engine when more than 9 passengers are carried:
  - the requirement for this system for IFR flights is imposed by the requirement in Part 135 that single engine flights under the IFR must be prescribed single engine aeroplanes (i.e. new term for ASETPA).
- TAWS-A is required for turbine engine aeroplanes and TAWS-B for piston engine aeroplanes. Note that originally TAWS-B for these aeroplanes was required under Part 135 of CASR in line with FAR Part 135 for MOPSC > 5. However, at the request of the Part 135 TWG, this was changed to the ICAO TAWS standard which is based on aircraft weight and seating capacity. With this change in Part 135, the TAWS requirements in Subpart 121.Z were also aligned with the ICAO standard.

Licensing requirements will be determined as part of the consequential changes (to Part 61 in this case) being finalised early in 2019.

#### **CASA action**

No change to be made.

#### **Other feedback**

##### **Comment**

Subpart 121.P is too onerous and not in accordance with ICAO standards, ie, they are silent on cabin crew competency and checking standards and frequency.

##### **CASA response**

CASA considers that the cabin crew requirements articulated are representative of international best practice. The absence of ICAO standards for cabin crew does not indicate that items such as line checks should not exist.

#### **CASA action**

No change to be made.

##### **Comment**

Multiple respondents raised the issue of signposting across the CASR parts and the difficulty of intuitively understanding these linkages without sufficient guidance material or a very in-depth knowledge across all the related CASR parts. Additionally, the ability to easily find information in the MOS's was raised as a notable issue.

### **CASA response**

CASA notes these comments.

### **CASA action**

Signposting of cross-CASR part requirements is to be incorporated in the comprehensive guidance material to be developed to support the commencement of the new regulations. This activity will occur during 2019 and into early 2020.

Further internal signposting within the MOSs will be examined by CASA as part of the finalisation of the MOS's in early 2019.

### **Comment**

There is a large number of non-prescriptive requirements for which compliance will be achieved in accordance with an operator's exposition e.g. regulation 121.805. How will CASA ensure that a consistent standard of what is acceptable will be achieved from office to office?

### **CASA response**

CASA notes these comments.

### **CASA action**

CASA's intent is to provide an increased number of AMC where appropriate and feasible for the future operations regulations.

### **Comment**

The following comments for the MOS were received:

- MOS 1.2.1 g) - Operations specification is an unfamiliar term. Please clarify.
- MOS 4.2.1 g) - Clarify the meaning of "dry operating weight in the loading configuration".
- MOS 6.1.2 c) - define "swimming proficiency".
- MOS 6.1.4 - this is significant change for operators currently under CAO 82.1. Suggest that the requirements be made more explicit.
- MOS 6.6.1 - Potential for significant additional cost here. Clarify the expectations associated with the requirements; e.g. requirement to discharge a fire extinguisher? Requirement for an enclosed cabin trainer with smoke generation capability?

### **CASA response**

These are all matters relating to the Part 121 MOS which is not yet finalised.

### **CASA action**

CASA will consider if guidance on these matters needs to be added to the public consultation documents for the Part 121 MOS when that public consultation occurs.