Australian Government
Civil Aviation Safety Authority

SUMMARY OF CONSULTATION

Post-implementation review of the legislative framework for Part 139 - Aerodromes

Draft *Civil Aviation Legislation Amendment (Part 139) Regulation 2017* and Draft *Manual of Standards Part 139 (Aerodromes) Instrument 2017*

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Overview

CASA published the NPRM 1426AS — Post-implementation review of the legislative framework for Part 139 - Aerodromes — on the CASA Consultation Hub from 29 August to 8 December 2017. This consultation survey invited aerodrome operators, industry stakeholders and other interested parties to comment on the proposed changes to the Part 139 regulation for aerodromes and new Manual of Standards (MOS).

The proposed changes were developed in conjunction with an aerodromes industry working group, which met seven times to review and comment on the drafts prior to release for public consultation.

The discussion in this report is a summary of the main themes that emerged in a review of the responses.

About this consultation

The consultation survey asked for feedback on the policy intent of the 11 overall changes proposed, aiming to align the rules more closely with Annex 14 to the International Convention on Civil Aviation (the Chicago Convention), provide more flexible outcome-based standards and introduce a graduated certification structure for aerodromes that would be commensurate with their operations. Respondents could also submit general comments and upload a file submission to their survey response to provide further technical comments.

To assist analysis and where applicable, respondents were also asked to provide demographic information about their aerodrome operations including its size and complexity.

The Consultation Hub survey responses have been analysed through a process of quantitative analysis, for overall responses and demographic information, and a qualitative review of the feedback.

Finally, all technical comments in the survey responses and individual file uploads have been reviewed and mapped to the relevant part of the regulation and the MOS, for further consideration and resolution before the rules are finalised.

Respondents

CASA received 109 responses to this consultation survey, including 39 additional file uploads.

Seventy-six (76) responses were individual responses and 33 were submitted on behalf of organisations.[1]

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[1] For a list of the organisations that have given permission to publish their response, please see Attachment A at the end of this report.

Respondents – aerodrome operators

Fifty-eight (58) respondents (53%) indicated they were aerodrome operators. Of these, 65% selected their 'aerodrome category' as 'regional' or 'rural' (26 and 24 respondents respectively), demonstrating strong engagement by those who would be directly impacted by the rules across a diversity of local operating environments in Australia.
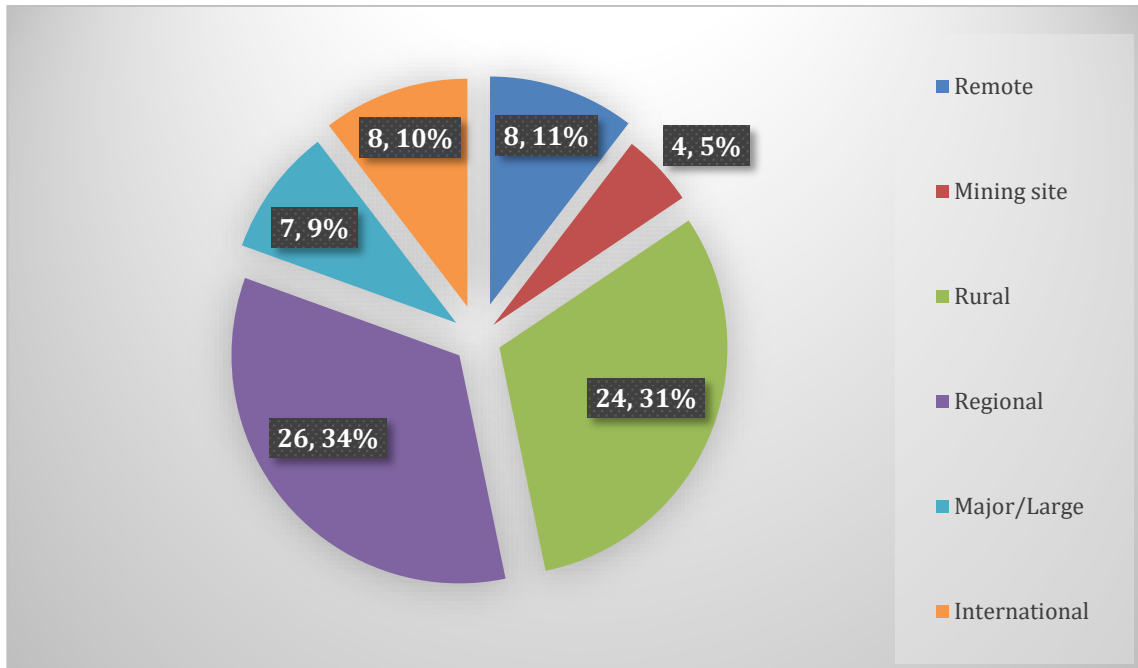

Figure 1.1 – Summary of respondents – aerodrome operators by aerodrome category

Note: Respondents could select more than one option to answer for this question, which a respondent may have chosen to do, for example, if they were answering for more than one aerodrome.

Respondents – other aviation sectors

Sixty-two (62) respondents indicated they were from an aviation sector other than an aerodrome operator. The majority in the 'other' category consisted of aerodrome consultants and technical service providers.

Note: Some respondents who identified as 'aerodrome operators' may also have selected a secondary category (such as 'pilot').
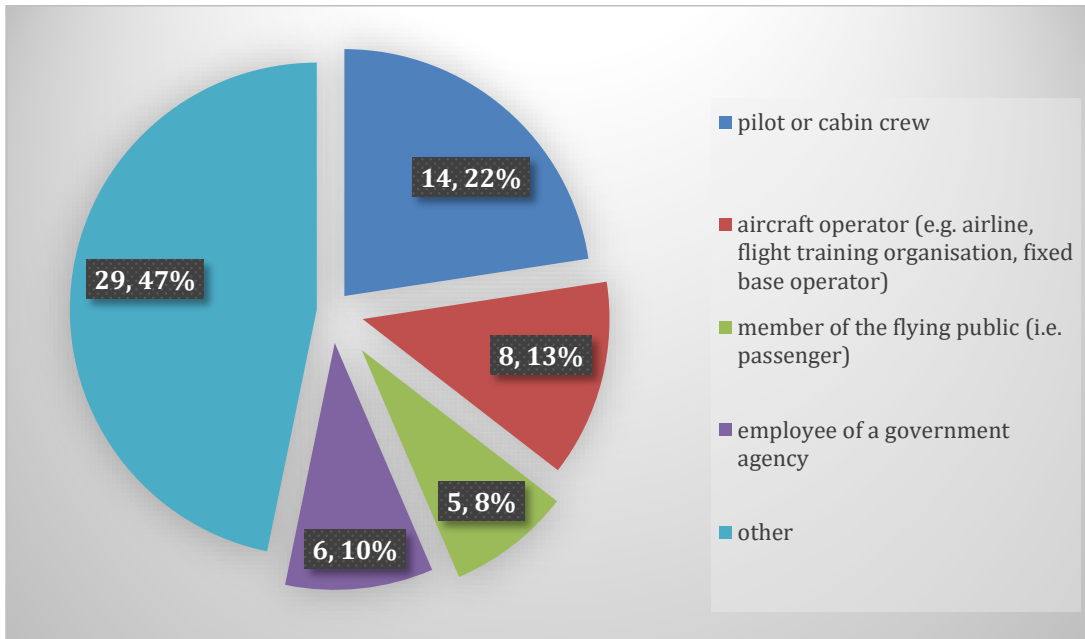

Figure 1.2 – Respondents by other aviation sector (non– aerodrome operators)

Respondents – geographical location (Australian state or territory)

Using the Consultation Hub, survey respondents could identify their location by state or territory, enabling CASA to contextualise the feedback raised. Identifying aerodrome respondents by location is useful for understanding the level of engagement by the local operators familiar with the aerodrome conditions and responsible for reviewing and implementing the rules.

Australian state/territory	Respondents – total	Respondents – aerodrome operators
Queensland	33	11
Western Australia	18	14
Victoria	22	11
New South Wales	15	9
South Australia	9	6
Northern Territory	4	4

Australian state/territory	Respondents – total	Respondents – aerodrome operators
Tasmania	4	3
Australian Capital Territory	4	0

Table 1 – Respondents by location (Australian state or territory)

Summary of responses

Overall, there was majority support for the 11 proposals. Although still supported overall, the proposals that attracted the highest number of suggestions for change were:

- replacing the existing manual of standards
- introducing the 'accountable manager' responsibility.

For the remaining nine proposals, the 'acceptable without change' response far outweighed the other options.

Feedback from respondents who found the proposals acceptable complimented the consultation process and appreciated the flexibility of the proposals and the attempts to reduce operating costs and regulatory burden.

Where respondents suggested changes to the proposals, common themes included concerns about risks around introducing scalability for aerodromes with regular public transport (RPT) aircraft and concerns with cost and practical application of technical standards and other requirements for small (such as council-run) aerodromes.

The feedback received on each proposal is summarised below.

Proposal 1: Address the baseline criteria for requiring certification

Of the 85 respondents that answered this question:

- Fifty-nine (59) said the proposal was acceptable without change.
- Twenty (20) said changes would make it acceptable
- Six (6) said the proposal was not acceptable under any circumstances.

Respondents suggesting changes generally noted:

- The triggers for certification may not be appropriate or could be amended.
- Certification standards for aerodromes with RPT aircraft should be different to other aerodromes.
- Responsibilities of key personnel could be clarified.

Two respondents who found the proposal 'unacceptable' provided the following feedback:

- The costs associated with upgrading facilities and systems to meet 'certified' requirements would be prohibitive.
- There should be a process or standard to allow terminal instrument flight procedure at a non-certified airfield.

Proposal 2: Repeal and replace the existing Part 139 Manual of Standards

Of the 90 respondents that answered this question:

- Forty-eight (48) said the proposal was acceptable without change.
- Thirty-nine (39) said changes would make the proposal acceptable.
- Three (3) said the proposal was not acceptable under any circumstances.

Respondents suggesting changes generally noted:

- Some standards could be better aligned with the ICAO/international standards.
- The outcome-based approach is supported, but the required safety outcome that must be met could be clearer.
- Some technical standards and requirements for key personnel would be difficult to implement.
- The language around some technical standards is ambiguous and complex.
- Further guidance is required to clarify technical requirements.

Respondents who found the proposal unacceptable did not offer feedback through the Consultation Hub.

Proposal 3: Introduce the requirement for existing registered aerodromes to have an aerodrome manual

Of the 85 respondents that answered this question:

- Sixty-seven (67) said the proposal was acceptable without change.
- Eighteen (18) said changes would make it acceptable.
- None (nil) said the proposal was not acceptable under any circumstances.

Respondents suggesting changes generally noted:

- The aerodrome manual should be simple, requiring no extra training to complete.
- The requirements for the aerodrome manual must be commensurate with the size of the operation and not be onerous or cost prohibitive to compile and maintain.
- The manual has too many offences of strict liability, mostly for clerical infringements.

Respondents were generally supportive of an additional proposal to use a CASA system to generate the manual, such as the Manual Authoring and Assessment Tool (MAAT), with the caveat that it is flexible and easy to use and has document control capabilities.

Proposal 4: Change the requirements for safety management systems at existing certified aerodromes

Of the 86 respondents that answered this question:

- Sixty-two (62) said the proposal was acceptable without change.
- Twenty (20) said changes would make it acceptable.
- Four (4) said the proposal was not acceptable under any circumstances.

Respondents suggesting changes generally noted:

- SMS should be included for all certified airports which will add very little cost but lots of benefits.
- The minimum requirement should be no more onerous than the current standards for a registered aerodrome.
- Reduced requirements for a risk management plan or scalability of SMS is a safety concern.
- Any aerodrome with a scheduled RPT service over 30 seats should have an SMS.

Two respondents who found the proposal 'unacceptable' offered the following feedback:

- having a 'scaled' approach is unfair for the RPT airline customer.

Proposal 5: Introduce trigger criteria for safety management systems and risk management plans to minimise regulatory impact at existing registered aerodromes

Of the 84 respondents that answered this question:

- Sixty-four (64) said the proposal was acceptable without change.
- Sixteen (16) said changes would make it acceptable.
- Four (4) said the proposal was not acceptable under any circumstances.

Respondents suggesting changes generally noted:

- All RPT airports should have an SMS commensurate with its operation and complexity as required by ICAO, however this proposal is a pragmatic compromise.
- The measurement of aircraft movements is not readily available to many registered aerodromes.
- Triggers should be CASA-driven based on the risk sector profile for each aerodrome and relevant aerodrome technical inspection and safety inspection.

One respondent who found the proposal 'unacceptable' offered the following feedback:

- The measurement of aircraft movements is not readily available to many registered aerodromes.

Proposal 6: Change the requirements for aerodrome emergency planning at existing certified aerodromes

Of the 84 respondents that answered this question:

- Sixty-nine (69) said the proposal was acceptable without change.
- Thirteen (13) said changes would make it acceptable.
- Two (2) said the proposal was not acceptable under any circumstances.

Respondents suggesting changes generally noted:

- The emergency plan would need to be able to sufficiently cover an airport's unique characteristics.
- The 14-day turnaround for a review of emergency procedures after an exercise is tight.

- The 'emergency response plan' name may be too similar to the airline 'emergency response plan'.
- To only require an aerodrome to have an aerodrome emergency committee if they have aerodrome rescue firefighting services is not a high enough safety standard.

Respondents who found the proposal 'unacceptable' did not offer any feedback.

Proposal 7: Change the requirements for aerodrome emergency exercises at existing certified aerodrome

Of the 83 respondents that answered this question:

- Seventy (70) said the proposal was acceptable without change.
- Nine (9) said changes would make it acceptable.
- Four (4) said the proposal was not acceptable under any circumstances.

Respondents suggesting changes generally noted:

- The rules should make recommendations for non-certified aerodromes.
- The trigger points could be amended.
- Aerodromes under the trigger point should have programs to ensure emergency services are familiar with the airport.

Four respondents who found the proposal 'unacceptable' offered the following feedback:

- All passengers deserve the same level of safe service.
- Emergency exercises are as important as emergency planning.

Proposal 8: Change the requirements for aerodrome technical inspections

Of the 83 respondents that answered this question:

- Sixty (60) said the proposal was acceptable without change.
- Eighteen (18) said changes would make it acceptable.
- Five (5) said the proposal was not acceptable under any circumstances.

Respondents suggesting changes generally noted:

- The cost to the aerodrome operator could increase.
- Non RPT aerodromes should be exempted.
- An SMS should be audited separately.
- Small aerodromes often don't have access to the skills and expertise to identify and fix technical problems.

Two respondents who found the proposal 'unacceptable' offered the following feedback:

- Having a 'scaled' approach is unfair for the RPT airline customer.
- Many aerodromes below 10 000 air transport passenger movements in the proposal do not have the expertise to self-assess their facilities against the standards.

Proposal 9: Introduction of an accountable manager for aerodrome operators

Of the 84 respondents that answered this question:

- Forty-seven (47) said the proposal was acceptable without change.
- Twenty-nine (29) said changes would make it acceptable.
- Eight (8) said the proposal was not acceptable under any circumstances.

Respondents suggesting changes generally noted:

- The skill set, knowledge base, financial responsibility, level and legal ramifications of the accountable manager require clarification.
- It may be appropriate to have more than one accountable manager for different responsibilities.
- This requirement should be scalable and not impact smaller aerodrome operations.

Four respondents who found the proposal 'unacceptable' offered the following feedback:

- Investing in staff to become an accountable manager is impractical, with the high turnover rate in industry.
- This proposal seems to suggest that one person should be responsible for the entire operation of the airport.
- The accountable manager of a publicly-owned or council-owned aerodrome cannot be responsible for having adequate resources available for the operation of the aerodrome.

Proposal 10: Update the existing grandfathering arrangement

Of the 84 respondents that answered this question:

- Sixty-five (65) said the proposal was acceptable without change.
- Seventeen (17) said changes would make it acceptable.
- Two (2) said the proposal was not acceptable under any circumstances.

Respondents suggesting changes generally noted:

- Grandfathering facilities should be automatic, rather than supported by a safety case.
- Methodology to assess a safety case should be made clear.
- The definitions of 'upgrade', 'replacement' and 'maintenance' require clarification.
- Grandfathering should be considered for compliance with earlier standards.
- Registered aerodromes that do not have an aerodrome manual may incur costs in identifying grandfathered facilities.

One respondent who found the proposal 'unacceptable' offered the following feedback:

- The changes should have a definite date to achieve compliance.

Proposal 11: Proposed transition arrangements

Of the 83 respondents that answered this question:

- Sixty-nine (69) said the proposal was acceptable without change.
- Seven (7) said changes would make it acceptable.

- Seven (7) said the proposal was not acceptable under any circumstances.

Respondents suggesting changes generally noted:

- The transition period would need to be five years to suit the financial model of most airports and give CASA time to produce supporting material.
- The definition of 'grandfathering' requires clarification.
- Funding assistance would be required to implement changes.

Five respondents who found the proposal 'unacceptable' offered the following feedback:

- There is no need to upgrade the current registered aerodromes format. Any upgrade requirements would result in many existing registered aerodromes forfeiting their registration.
- Transition requirements are not overly onerous and implementation shouldn't be delayed.

Additional comments from respondents

Respondents provided a range of general comments on the consultation. Where respondents have consented to publication, their responses are published on the CASA Consultation Hub.

The main recurring themes in the general comments are captured in the following selection of comments:

- I believe the amount of work and industry consultation applied to this NPRM is highly commendable.
- I think the review should also consider other regular aircraft movements as well as traditional passenger aircraft when considering the requirements. Royal Flying Doctor Service (RFDS) flights would outnumber regular public transport flights by 3 to 1 at this aerodrome while their aircraft are not that much smaller in size.
- While I appreciate the desire to reduce the regulatory costs for aerodrome operators, I strongly believe there must be an absolute minimum that must be maintained (dependent on size, aircraft and passenger numbers) and that an outside entity must be involved in confirming this.
- We believe that the plan to change airport accreditation to certified standards from the current registered standards is not warranted for many GA airports and will result in undue cost and the possible closure of the facility.
- The current three-tiered system works well. It does not need to be changed.
- The NPRM as currently published is a huge step in simplifying regulation and importantly provides for the scalability required based on realistic criteria.
- In respect to who can conduct aerodrome technical inspections we do believe a more formalised approval process should be introduced.

Technical standards

Thirty-nine respondents uploaded an additional file to support their survey response with 33 consenting to publication. These can be viewed on the CASA Consultation Hub.

In a technical analysis of the responses – where each suggestion for a technical standard was grouped by theme and mapped against the regulation or manual of standards – the majority of comments related to:

- MOS Part 9 Visual aids provided by aerodrome lighting (549 comments).
- MOS Part 6 Aerodrome planning, design and maintenance – physical characteristics of movement facilities (189 comments).
- MOS Part 8 Visual aids provided by aerodrome markings, markers, signals, signs (188 comments).

Each suggestion for a technical standard has been captured and this information along with some recommendations will be considered in the next steps.

Next steps

All feedback on the policy intent and detail of the 11 proposals will be considered by CASA and recommendations will be made to resolve any critical issues.

The outstanding technical issues related to lighting, pavements and operations will be discussed in specific technical workshops.

CASA will seek Technical Working Group and Aviation Safety Advisory Panel advice on intended changes to the draft regulation and MOS. Following this review, CASA will update the regulation and MOS prior to making.

Appendix A

Organisational respondents

Responses were received from the following organisations, with permission to publish. You can read the responses on the CASA Consultation Hub.

Organisation
Adelaide Airport Limited
Aerodrome Management Services
Airports Plus Pty Ltd
Airservices Australia
Airside Services
Airways Engineering Services
Airworks Consulting
Albury City Council
AusALPA
Australian Airports Association
Australian Antarctic Division (Aviation section of Operations)
Avisure Pty LTD
Avlite Systems
Balonne Shire Council
Bathurst Regional Council
Beca
BHP
Brisbane Airport Corporation
City of Greater Geraldton
Cloncurry Shire Council
Debken PTY LTD
District Council of Tumby Bay
Fowlair AG. P/L
Gliding Federation Australia
Honourable Company of Air Pilots

Organisation
IDS Australasia
Lismore City Council
Melbourne Airport (APAM)
Mildura Airport Pty Ltd
Moorabbin Airport Corporation
National Jet Express PTY LTD
Nhulunbuy Corporation Limited - Gove Airport
Northern Grampians Shire Council
Northern Territory Airports Pty Ltd
Port Augusta City Council
Queensland Airport Consultants Pty Ltd
RACWA
Shire of Esperance
Shire of Wyndham East Kimberley
South32
Specialist Airport Solutions PL and Airports Plus PL
Sydney Airport Corporation
Tennant Creek Airport
The Airport Group
The Southport Flying Club (inc)
Toowoomba Regional Council
Towong Shire Council
United Firefighters Union of Australia Aviation Branch
United Firefighters Union of Australia Aviation Branch

Organisation
Upper Hunter Shire Council
Virgin Australia
Warrnambool City Council
Wellington Shire Council
Western Australian Aviation College