Proposed transitional policies for flight operations regulations – (PP 1918OS)

# Overview

Specific transitional rules are required to change from the existing rules to the new rules governing flight operations that commence in December 2021. These transitional rules are formally referred to as the consequential, application, transitional and savings or ‘CATS’ regulations.

This consultation is seeking feedback on the policies that, once legally drafted, will become the CATS regulations.

**Background**

A suite of new Civil Aviation Safety Regulations 1998 (CASR) parts which govern aircraft flight operations will take effect on 2 December 2021. These will largely replace the current Civil Aviation Regulations (CARs) and Civil Aviation Orders (CAOs) that relate to flight operations.

This consultation proposes the policies that would be incorporated into the CATS regulations, beyond just the administrative and legal provisions necessary in order to ensure a smooth transition to the new flight operations regulations.

Read more about the new flight operations regulations at <http://casa.gov.au/flightoperations>

Why are we consulting

CASA recognises the valuable contribution community and industry consultations make to the policy decision-making process and future regulatory change. We are consulting to ensure that the transitional arrangements are clearly articulated and will work in practice and as they are intended.

In particular, we are seeking industry feedback on the policies that propose:

* how current AOC holders would be granted equivalent authorisations
* restrictions on AOC changes in the 3-month period leading up to December 2021
* requirements for AOC holders to update their operations manuals and expositions
* delayed commencement dates for some new regulatory requirements
* automatic 6-month extensions to AOCs expiring around December 2021
* arrangements for new AOC applicants in the lead up to December 2021
* expiry periods for specific authorisations granted under the existing rules
* treatment of flights in progress when rules transition

This consultation has been structured so that you can provide feedback on some or all of these policies, depending on your interest or circumstances.

In all cases, CASA’s aim is to minimise the operational and administrative burden on industry during the transition, with a focus on important safety related matters.

Your views on these proposed transition policies will assist in achieving this objective.

### Documents for review

Key information to assist you in providing feedback is included in a summarised form in this online consultation.

A copy of the detailed transition policies (Policy proposal 1918OS) is provided below in the ‘Related’ section. There is also a downloadable MS Word copy of this online consultation, for ease of distribution and feedback within your organisation.

*Note: All feedback should be provided though this online consultation and not by email.*

**General comments and** **file upload option**

There is a general comments box on the last page of this consultation for any other matters.

*Due to IT security requirements, CASA can no longer accept uploaded files or documents.*

Information about how we consult and how to make a confidential submission is available on the **CASA website** [*<https://www.casa.gov.au/rules-and-regulations/landing-*](http://www.casa.gov.au/rules-and-regulations/landing-) *page/consultation-process>*.

To be notified of any future consultations, you can subscribe to our **consultation and rulemaking mailing list** *<https://mailinglist.casa.gov.au/?p=subscribe&id=3>*.

## **Using an iPad**

If you are using an iPad to complete the survey you will be asked to 'download the relevant PDF'. Depending on the software you have on your iPad you may need to download the free viewer to review the single document PDF files. Where a file is a 'multi-file or portfolio PDF you will need to source the Adobe free view - available from iTunes.

### What happens next

Once the consultation has closed, we will register and review each submission received through the online response form.

CASA will make all submissions publicly available on the Consultation Hub, unless you request your submission remain confidential. We will also publish a Summary of Consultation which summarises the feedback received and outlines any intended changes to the CATS policies.

CASA intends to make the CATS regulations in the second half of 2020. Feedback we receive from this consultation will also assist CASA in developing any related acceptable means of compliance documents and guidance material.

CASA will monitor the effectiveness of the CATS regulations on an on-going basis after their commencement. Improvements identified prior to commencement will also be considered.

Give Us Your Views

##

[Online Survey](https://consultation.casa.gov.au/regulatory-program/pp1816us/consultation/)

**Related**

List of documents to attach to the consultation

* Policy proposal PP 1918OS
* MS Word – copy of online consultation– Proposed transitional policies for flight operations regulations – (PP 1918OS)

## **Audiences & Interest groups**

## Audiences

* Air operators
* Pilots
* Sports aviation operators
* Hot air balloon operators
* Parachute operators
* Pilots of parachuting aircraft
* Balloon Pilots
* Balloon Sports aviation operators
* Balloon AOC holders and applicants
* Balloon pilots holding a CP(B)L
* Sport and recreational balloon owners and pilots
* Aircraft owner/operator
* Part 142 operators
* Part 141 operators

## Interests

* Operational standards

# Page: Consultation Contents

This consultation asks for your feedback on the *Proposed transitional policies for flight operations regulations – (PP 1918OS).*

We will ask you for:

* **personal information**, such as your name, any organisation you represent, and your email address
* **your consent** to publish your submission
* **your responses** to the proposed changes in the regulations
* **any comments** you may want to provide
* **demographic information** to help us understand your interest in the regulations

Our [website](https://www.casa.gov.au/rules-and-regulations/changing-rules/consultation-and-project-history/consultation-industry-and-public) contains more information on making a submission and what we do with your feedback.

The survey has been designed to give you the option to provide feedback on the survey in its entirety or to provide feedback on the policy topics applicable to you.

Please note: the sections referred to on each page, e.g. ‘Section 3.2’, relate to the sections contained in the Policy proposal 1918OS.

When you have completed the sections on which you wish to provide feedback, select the **‘Finish’** button at the bottom right of this page.

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# Page one: Personal information

## First name

(Required)

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## Last name

(Required)

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## Email address

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

## Email

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

(Required)

*Please select only one item*

* Yes, I am authorised to submit feedback on behalf of an organisation
* No, these are my personal views.

## If yes, please specify the name of your organisation.

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Demographic question where applicable

Which of the following best describes the group you represent?

*Please select only one item*

[ ]  AOC holder

[ ]  Aircraft owner/operator

[ ]  Pilot

[ ]  Other

Please specify “Other” if selected.

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# Page two: Consent to publish submission

In order to provide transparency and promote debate, we intend to publish all responses to this consultation. This may include both detailed responses/submissions in full and aggregated data drawn from the responses received.

Where you consent to publication, we will include:

* **your last name**, if the submission is made by you as an individual
* **the name of the organisation** on whose behalf the submission has been made
* **your responses and comments**

We **will not** include any other personal or demographic information in a published response.

Information about how we consult and how to make a confidential submission is available on the **CASA website** [*<https://www.casa.gov.au/rules-and-regulations/landing-*](http://www.casa.gov.au/rules-and-regulations/landing-) *page/consultation-process>* .

## Do you give permission for your response to be published?

(Required)

*Please select only one item*

[ ]  Yes - I give permission for my response/submission to be published.

[ ]  No - I would like my response/submission to remain confidential but understand that de-identified aggregate data may be published.

[ ]  I am a CASA officer.

Page three: Transition of existing authorisations for AOC holders (Section 3.2)

**Proposed Policy**

Existing AOC holders would be deemed to hold an authorisation under the Flight Operations CASR Parts to conduct the same operations as they are authorised to conduct under the existing rules, provided they meet the requirements of the new CASR Parts.

The proposed requirements for operations manuals and expositions (both before and after transition) are discussed separately at page 6 in this consultation.

The following operators who hold existing AOCs would be:

**Fact Bank:** Aeroplane and rotorcraft RPT operators

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| Fact Bank contentAuthorised to conduct and have an approved exposition for air transport operations, as an Australian air transport operator under Part 119 of CASR. |

**Fact Bank:** Aeroplane and rotorcraft charter operators

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| Fact Bank contentAuthorised to conduct and have an approved exposition for non-scheduled air transport operations, as an Australian air transport operator under Part 119 of CASR. Operators would need to meet additional requirements before undertaking scheduled operations. (Note: in this context, non-scheduled operations include current closed charter operations.) |

**Fact Bank:** Aerial work air ambulance operators

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| Fact Bank contentAuthorised to conduct and have an approved exposition for medical transport operations, as an Australian air transport operator under Part 119 of CASR. |

**Fact Bank:** Balloon charter and aerial work operators

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| Fact Bank contentCharter operators would be authorised to conduct and have an approved exposition for balloon transport operations, as a balloon transport operator under Part 131 of CASR. Aerial work operators would be approved to conduct specialised balloon operations, as applicable, in accordance with Part 131. |

**Fact Bank:** Aeroplane and rotorcraft aerial work operators

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| Fact Bank contentOperators conducting the kinds of operations regulated under Part 138 of CASR would be authorised to conduct and have an approved operations manual for the same kinds of aerial work operations that they are currently authorised to conduct, as the holder of an aerial work certificate under Part 138. |

**Aim**

The aim of this proposed policy is to enable existing AOC holders to continue to operate on commencement in 2021 with minimal administrative burden.

Under the CATS regulations, existing AOC holders would not:

* be subject to a comprehensive entry control process prior to transition
* be issued new AOCs or certificates for the sole purpose of transitioning from the existing rules to the new Flight Operations CASR Parts on the commencement date.

The deemed authorisations would continue in effect until a new AOC or aerial work certificate (as applicable) is issued to the operator. For example, when the operator’s AOC expires and needs to be reissued, or when ‘significant’ changes are made to an existing AOC.

**Question**

*Do you agree with the proposed policy to transition the operating authorisations of current AOC holders to the operating authorisations provided for under the new Flight Operations CASR Parts?*

*Radio buttons*

* Agree
* Agree with changes (please specify suggested changes below)
* Disagree (please set out your reasoning and alternative suggestions below)
* Not applicable

Comment

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Page four: Automatic extensions of AOCs expiring around the commencement date (Section 3.2)

**Proposed Policy**

AOCs that expire immediately before or after the commencement date would be extended in order to provide for their orderly transition. The CATS regulations would provide that:

* the holder of an AOC that expires in the last 89 days before the commencement date would have their AOC expiry date extended by six months
* the holder of an AOC that expires in the first 90 days after the commencement date would have their AOC expiry date extended by six months.

**Aim**

The aim of this proposed policy is to ensure:

* operators are not unduly impacted only because the expiry date of their AOC falls around the commencement date of the new Flight Operations CASR Parts
* CASA is given sufficient time to assess reissue applications and address other operator transition issues on either side of the commencement date.

**Question**

*Do you agree with the proposed policy for extending, for six months, the expiry dates of AOCs that would otherwise expire in the three month periods on either side of the commencement date?*

*Radio buttons*

[ ]  Agree

[ ]  Agree with changes (please specify suggested changes below)

[ ]  Disagree (please set out your reasoning and alternative suggestions below)

[ ]  Not applicable

Comment

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Page five: Restrictions on AOC changes for three months before the commencement date (Section 3.2)

**Proposed Policy**

Restrictions would be established for AOC holders to change their AOCs in the 89-day period before the commencement date, specifically:

**Fact Bank:** In the last 89 days prior to the commencement date

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| Fact Bank contentCASA would not process an application to change an AOC under the existing rules unless:* the change is required to meet an urgent community need, for example to facilitate firefighting activities

or * the change is required to ensure continued operations by the operator, for example to approve a replacement chief pilot

and * in either case, CASA is satisfied that it can complete the assessment process prior to the commencement date.
 |

**Aim**

The aim of this proposed policy is to provide a framework for processing AOC change applications immediately before the commencement date, that takes account of:

* the importance, during the critical period immediately leading up to transition, of CASA providing substantial amounts of guidance and assistance to industry regarding the Flight Operations CASR Parts
* the urgency and public interest for a change required before the commencement date
* the need to ensure AOC holders can continue in operation
* the capacity of CASA to process applications on a timely basis.

For simplicity, in the rest of this section of the consultation, we refer to ‘urgent community need’ changes and changes to keep operators flying as ‘urgent changes’.

The effect of the policy is that operators would need to apply for ‘non-urgent’ AOC changes at least 90 days before the commencement date, if they need the change approved with effect before the commencement date. Otherwise, non-urgent changes would be processed under the new rules with effect from or after the commencement date.

CASA remains open to considering whether there are other particular AOC changes that cannot be applied for at least 90 days before commencement and that need to be processed with effect before the commencement. Suggestions should describe why the kind of change would be needed urgently before the commencement date and why the change could not be the subject of a change application earlier than the 89 day cut-off. CASA will consider whether any such suggested changes should be added to the list of ‘urgent changes’.

**Question**

*Do you agree with the proposed policy for processing AOC change applications immediately prior to the commencement date? Your answer may include other circumstances in which operators should be entitled to apply for changes to their AOC in the last 89 days before the commencement date.*

*Radio buttons*

[ ]  Agree

[ ]  Agree with changes (please specify suggested changes below)

[ ]  Disagree (please set out your reasoning and alternative suggestions below)

[ ]  Not applicable

Comment

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Page six: Obligations for updating and providing expositions and operations manuals (Section 3.2)

**Proposed Policy**

Unlike previous regulatory transitions, the proposed policy would not require existing operators to provide their full expositions or operations manuals for approval by CASA prior to the commencement date (2 December 2021).

The following paragraphs address the specific arrangements in place for existing aeroplane and rotorcraft AOC holders. Slightly modified arrangements are in place for existing balloon AOC holders. All references to ‘existing AOC holders’ in this question do not include balloon AOC holders.

There are, however, some extracts of manuals that would be required to be provided to ensure that key safety relevant matters are appropriately addressed prior to transition.

CASA will not routinely assess expositions or operations manuals as part of the transition process, although it retains the discretion to do so, for example in response to a particular incident or new safety risk data. Operators are expected to take responsibility for their own compliance, and CASA’s regulatory philosophy and normal oversight arrangements will apply.

**Requirements On Commencement (2 December 2021)**

By not later than the commencement date, AOC holders would be required to provide to CASA:

* an exposition or operations manual that complies with the requirements of the Flight Operations CASR Parts under which operations are being conducted, subject to the application of the ‘delayed requirements’ (see page 8 in this consultation)
* a compliance matrix that identifies where each applicable regulatory requirement is addressed in the exposition or operations manual
* copies of approvals, exemptions or other instruments issued to the AOC holder under the existing rules, that the holder intends to take advantage of under the Flight Operations CASR Parts.

Existing operators will not be required to ‘re-write’ their existing manual suite into a new mandatory format.

If an operator elects to maintain the existing broad format of their manual suite, and they are required to have an exposition (i.e. Australian air transport operators under Part 119 or balloon transport operators under Part 131), as a minimum they will need to identify which individual documents comprise their exposition. They will need to update these documents to refer (where necessary) to the rules in the Flight Operations CASR Parts in place of the current rules and ensure the procedures in the exposition comply with the requirements of the Flight Operations CASR Parts.

If an operator is required under the Flight Operations CASR Parts to have an operations manual, training and checking manual or safety management system manual, they will need to update each manual to refer (where necessary) to the rules in the Flight Operations CASR Parts in place of the current rules and ensure the procedures in each manual comply with the requirements of the Flight Operations CASR Parts.

Operators will need to identify and include in their exposition or operations manual the approvals, exemptions and other instruments previously issued by CASA (or a delegate or CASA authorised person) that they intend to utilise beyond the commencement date (see also page 9 below). If an instrument is not included in the exposition or operations manual, operators will not be permitted to rely on that instrument.

**Requirements Before Commencement (2 December 2021)**

At least 60 days prior to the commencement date, existing operators would be required to provide two small extracts of their future exposition or operations manual for CASA assessment:

* the operator’s process for making changes to their exposition or operations manual and
* for Part 138 operators, the process for carriage of aerial work passengers.

Further details are provided below. An operator that submits the extracts on time would not be prevented from operating even if CASA has not completed the assessment by the commencement date.

**Guidance Material**

CASA is preparing a sample manual for a Part 133/135/138 operator that is intended to assist relevant AOC and aerial work certificate holders. CASA will also provide a template compliance matrix, a document that maps the old rules to the new CASR provisions, and a range of other guidance materials intended to assist industry.

CASA does not consider it practicable to provide a sample exposition or operations manual for all AOC holders. Operators will, with CASA assistance if required, need to take the lead in preparing changes to their existing manual suite, and CASA recognises that this is the principal transition task for operators under the proposed policy. In many cases, it is expected that the existing detailed procedures in operations manuals will be able to be reused, possibly only with changes to the regulatory provision references. CASA is endeavoring to reduce the burden from other aspects of the transition in recognition of the need to undertake this task.

**Fact Bank:** Compliance matrix and instruments required by CASA by 2 December 2021

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| Fact Bank contentBy no later than the commencement date, existing AOC holders would be required to submit to CASA:* their exposition or operations manual that is compliant with the requirements of the Flight Operations CASR Parts
* a compliance matrix that identifies where each applicable regulatory requirement is addressed in the exposition or operations manual
* the exposition or operations manual must include a copy of each instrument issued by CASA to the operator under the existing rules that the operator intends to apply in relation to corresponding provisions of the new CASR Parts and MOSs. Page 9 of this consultation explains what instruments issued under the existing rules would be ‘saved’, that is, where an operator can continue to use an instrument issued under the existing rules for the purposes of the Flight Operations CASR Parts.
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**Fact Bank:** Extracts of expositions and operations manuals required by CASA before December 2021

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| Fact Bank contentBy no later than 60 days prior to the commencement date, existing AOC holders would be required to submit to CASA extracts of their future exposition or operations manual for:* the operator’s process for making changes to their exposition or operations manual, as required by regulations 119.205(1)(m), 131.195(1)(m) and 138.155 [MOS 7.01(s)]; see [consultation draft of the Part 138 MOS](https://consultation.casa.gov.au/regulatory-program/cd-1919os/supporting_documents/Annex%20A%20to%20CD%201919OS%20%20Consultrial%20Work%20Operations%20MOS%202019.PDF)
* for operations under Part 138 where the operator intends to carry aerial work passengers, the operator’s procedures for the carriage of aerial work passengers.

CASA intends to provide one or more templates for the operator’s change management process and will also provide guidance material for the carriage of aerial work passengers, in order to assist operators with these requirements. |

**Aim**

The aim of this proposed policy for operators is to ensure that they:

* have adequately planned for and addressed key new requirements in their exposition or operations manual
* understand how instruments issued by CASA under the existing legislation may apply to their operations after the commencement date
* can provide their flight crews and other personnel with the information they require for operations on and from the commencement date
* can generally ensure that they are compliant with the requirements of the new Flight Operations CASR Parts from the commencement date.

The aim of this proposed policy for the regulator is to ensure that:

* copies of the relevant procedures to be used by certificated operators are held by the regulator including clear documentation of the instruments issued under existing rules that will be relied upon by operators for the conduct of certain procedures
* the regulator has a reasonable level of confidence that certificated operators have reviewed the Flight Operations CASR Parts and determined whether their existing procedures comply with these rules and how their existing procedures need to be modified.

**Additional exposition and operations manual obligations for existing AOC holders in relation to the ‘delayed requirements’ are set out at page 8 of this consultation.**

**Question**

*Do you agree with the proposed policy for the obligations of existing AOC holders to provide CASA with certain extracts of their exposition or operations manual prior to the commencement date, and their full exposition or operations manual and related documentation by no later than the commencement date?*

*Radio buttons*

[ ]  Agree

[ ]  Agree with changes (please specify suggested changes below)

[ ]  Disagree (please set out your reasoning and alternative suggestions below)

[ ]  Not applicable

Comment

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Page seven: New AOC/operating certificate applicants (Section 3.3)

**Proposed Policy**

New applicants will be able to start applying for authorisations under the Flight Operations CASR Parts from 180 days before the commencement date. AOCs, certificates or other authorisations granted by CASA on this basis could only take effect, however, on or after the commencement date.

**Fact Bank:** Applications made between 180 and 90 days before commencement date

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| Fact Bank contentApplications made at least 90 days before the commencement date may be made under the existing rules or under the Flight Operations CASR Parts, at the applicant’s request. Persons who apply under the existing rules would be treated as if they were an ‘existing AOC holder’ under the transition policies, even if CASA does not issue the authorisation by the commencement date. This would entitle the applicant to take advantage of the ‘delayed requirements’ of the Flight Operations CASR Parts that are available to existing AOC holders (see Page 8 of this consultation). Persons who elect to apply under the Flight Operations CASR Parts would be assessed against the requirements of these Parts and would not benefit from the delayed requirements, other than those that are available to all operators. |

**Fact Bank:** Applications made less than 90 days before the commencement date

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| Fact Bank contentApplications made by new applicants less than 90 days before the commencement date would only be made under the Flight Operations CASR Parts, with effect from or after the commencement date. |

**Aim**

The aim of this proposed policy is to establish a framework for managing applications for a new AOC, certificate or other authorisation, having regard to:

* the importance, during the critical period immediately leading up to transition, of CASA providing substantial amounts of guidance and assistance to industry regarding the Flight Operations CASR Parts
* the capacity of CASA to process applications for new authorisations on a timely basis in the period immediately before the commencement date
* CASA minimising the number of applications for new authorisations that are processed under the existing rules but that have effect for only a short period, or no period at all, before the commencement date.

**Question**

*Do you agree with the proposed policy for the management of applications for new AOCs, certificates and other authorities under the Flight Operations CASR Parts?*

*Radio buttons*

[ ]  Agree

[ ]  Agree with changes (please specify suggested changes below)

[ ]  Disagree (please set out your reasoning and alternative suggestions below)

[ ]  Not applicable

Comment

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Page eight: Delayed commencement dates for some new regulatory requirements (Section 3.4)

**Proposed Policy**

Compliance with the Flight Operations CASR Parts is generally required on and from the commencement date. CASA would, in some cases, defer implementation of certain new regulatory requirements that require a higher level of work by industry for differing time periods, to spread industry and regulatory effort over the three years following the commencement date.

The deferrals would apply to existing AOC holders, and to persons applying for a new AOC at least 90 days before the commencement date who elect to be assessed under the existing rules. In some cases, the deferrals would apply to all operators, including operators who commence operations after the commencement date.

The deferrals, other than those that are available to all operators, would not be available to applicants for a new AOC, or AOC holders who apply in the last 89 days before commencement to change:

* their AOC under the provisions of the Flight Operations CASR Parts (as opposed to changes processed under the existing rules)
* the scope of their operating authorities (eg an aerial work operator (Part 138) seeking to add authorisation to conduct small aircraft charter operations (new Part 135 air transport operations).

A deferral would also not apply if the operator commences conducting an activity that would have been subject to the deferred requirement under the existing rules. For example, an Australian air transport operator under Part 119 of CASR that commences an operation that would have been classified as RPT under the existing rules would have to comply with the training and checking, human factors and non-technical skills training, and SMS/safety manager requirements of Part 119, because these are requirements for the equivalent operations under the existing rules. Another example would be an aerial work operator under Part 138 of CASR who previously only operated aircraft with a maximum take-off weight less than 5700 kg and then adds an aircraft type that is >5700 kg - they would have to comply with the training and checking system requirements of Part 138, because that is a requirement of aerial work operators under the existing rules.

**Aim**

The aim of the proposed deferrals is to stagger the more significant compliance costs arising from implementation of the Flight Operations CASR Parts.

Specifics of the deferrals are set out below.

**Delayed commencement of training and checking system requirements**

**Fact Bank:** Training and checking system requirements under Part 119 or Part 138 of CASR

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| Fact Bank contentThe requirement for operators to have a training and checking system under Part 119 or Part 138 of CASR, would be deferred for one year for existing operators that:* are not currently required to have a training and checking organisation/system under CAR 217
* do not commence a kind of operation after the commencement date prior to the end of the deferral period that would have, under the existing rules, required compliance with CAR 217.

It is proposed that operators would be required to provide CASA with their draft training and checking system documentation for approval not less than six months prior to the deferred commencement date. |

The deferral of training and checking has been set as the first delayed requirement, with the shortest deferral period, because it is expected to be the best understood of the delayed measures and therefore the most appropriate to defer for a shorter period. A one year deferral is considered appropriate, having regard also to the important safety benefits that training and checking systems bring to operations.

*1. Do you agree with the proposed deferral of training and checking system requirements under Part 119 or Part 138 of CASR for existing AOC holders?*

*Radio buttons*

[ ]  Agree

[ ]  Disagree (please set out your reasoning and alternative suggestions below)

[x]  Other (please specify below)

Comments

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*2. Do you agree that the proposed deferral period (one year) is appropriate and sufficient?*

*Radio buttons*

[ ]  Agree

[ ]  Disagree (please set out your reasoning and alternative suggestions below)

[ ]  Other (please specify below)

Comments

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*3. Do you agree that the proposed transitional milestone for submission of the operator’s training and checking system documentation to CASA is appropriate and achievable?*

*Radio buttons*

[ ]  Agree

[ ]  Disagree (please set out your reasoning and alternative suggestions below)

[ ]  Other (please specify below)

Comments

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**Delayed commencement of human factors and non-technical skills (HF/NTS) training program requirements**

**Fact Bank:** Human factors and non-technical skills (HF/NTS) training program requirements under Part 119 of CASR

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| Fact Bank contentThe requirement for operators to have a human factors and non-technical skills (HF/NTS) training program under Part 119 of CASR would be deferred for two years for existing operators not currently required to have such a program under CAO 82.3 or 82.5.It is proposed that operators would be required to provide CASA with their draft HF/NTS training program documentation for approval not less than six months prior to the deferred commencement date. |

Human factors issues are well understood as a major contributor to safety accidents and incidents and the HF/NTS training is considered to be an important measure to improve the safety of operations. It is not expected to be an onerous requirement for most operators, even though it may not be well understood at this time, and so is proposed to be deferred for two years, as the second delayed requirement.

*1. Do you agree with the proposed deferral of human factors and non-technical skills (HF/NTS) training program requirements under Part 119 of CASR for existing AOC holders?*

*Radio buttons*

[ ]  Agree

[ ]  Disagree (please set out your reasoning and alternative suggestions below)

[ ]  Other (please specify below)

Comments

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*2. Do you agree that the proposed deferral period (two years) is appropriate and sufficient?*

*Radio buttons*

[ ]  Agree

[ ]  Disagree (please set out your reasoning and alternative suggestions below)

[ ]  Other (please specify below)

Comments

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*3. Do you agree that the proposed transitional milestone for submission of the operator’s HF/NTS training program documentation to CASA is appropriate and achievable?*

*Radio buttons*

[ ]  Agree

[ ]  Disagree (please set out your reasoning and alternative suggestions below)

[ ]  Other (please specify below)

Comments

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**Delayed commencement of safety manager and a safety management system (SMS) requirements**

**Fact Bank:** Safety Manager and a safety management system (SMS) requirements under Part 119 or Part 138 of CASR

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| Fact Bank contentThe requirement for operators to have a safety manager and a safety management system (SMS) under Part 119 or Part 138 of CASR, would be deferred for three years for existing operators not currently subject to such requirements under CAO 82.3 or 82.5, or the SMS requirements of Part 142 of CASR. It is proposed that relevant operators would be required to provide CASA with an SMS implementation plan two years before the deferred commencement date, and their draft SMS documentation for approval not less than six months prior to the deferred commencement date.If the operator was not subject to the SMS requirements of CAO 82.3 or 82.5, but was required to have an SMS as the holder of a Part 142 AOC, the deferral period for the operator to incorporate their air transport and/or aerial work operations in the SMS would be one year. The operator would be required to provide CASA with a copy of their updated SMS documentation for approval at least three months before the deferred commencement date. |

The new safety management system requirements are expected to deliver significant safety benefits in relevant industry sectors. However, these requirements are expected to be less well understood by some operators and involves some important training and guidance. It has therefore been set as the third delayed requirement for operators, other than Part 142 operators that already maintain an SMS for Part 142 operations.

It is not expected to be onerous for existing Part 142 operators to adapt their SMS to apply to their other operations, and a shorter deferral period is proposed for this group. The shorter deferral period further staggers the transition requirements, and provides valuable feedback to CASA on the implementation of the SMS requirements that can be applied to the rest of the operator cohort.

*1. Do you agree with the deferral of safety manager and a safety management system (SMS) requirements under Parts 119 or 138 of CASR for existing AOC holders?*

*Radio buttons*

[ ]  Agree

[ ]  Disagree (please set out your reasoning and alternative suggestions below)

[ ]  Other (please specify below)

Comments

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*2. Do you agree with the proposed deferral period (three years) for operators who are not also the holder of an AOC under Part 142 of CASR?*

*Radio buttons*

[ ]  Agree

[ ]  Disagree (please set out your reasoning and alternative suggestions below)

[ ]  Other (please specify below)

Comments

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*3. Do you agree with the proposed deferral period (one year) for operators who are the holder of an AOC under Part 142 of CASR? As a Part 142 AOC holder, such operators would already have an SMS for their Part 142 aircraft operations.*

*Radio buttons*

[ ]  Agree

[ ]  Disagree (please set out your reasoning and alternative suggestions below)

[ ]  Other (please specify below)

Comments

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*4. Do you agree that the proposed transitional milestones (SMS implementation plan and proposed SMS documentation) are appropriate and achievable for operators who are not also the holder of an AOC under Part 142 of CASR?*

*Radio buttons*

[ ]  Agree

[ ]  Disagree (please set out your reasoning and alternative suggestions below)

[ ]  Other (please specify below)

Comments

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*5. Do you agree that the proposed transitional milestone (proposed SMS documentation) are appropriate and achievable for operators who are the holder of an AOC under Part 142 of CASR?*

*Radio buttons*

[ ]  Agree

[ ]  Disagree (please set out your reasoning and alternative suggestions below)

[ ]  Other (please specify below)

Comments

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**Delayed commencement of rotorcraft performance requirements**

**Fact Bank:** Rotorcraft performance requirements

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| Fact Bank contentNew rotorcraft performance requirements are imposed under Parts 133 and 138 of CASR. CASA considers that it is reasonable to expect compliance with most of these important safety requirements from the commencement date (no deferral). The non-deferred measures fall into one or more of the following categories:1. the measure is not onerous, for example the performance class 3 (PC3) requirements, PC3 being the lowest of the performance classes2. the measure imposes important safety requirements for passenger air transport operations, for example the performance class 1 requirements for rotorcraft with a maximum passenger seating capacity greater than 193. the measure is a safety risk mitigator specifically included as part of the policy to permit certain new activities, for example the performance class requirements for rotorcraft carrying new ‘aerial work passengers’.However, elements of the new requirements for rotorcraft are considered appropriate for delay, as set out below. These deferrals would apply to all operators, not only existing AOC holders.Part 133 states that rotorcraft medical transport operations (MTO), at other than medical transport operating sites (i.e. the side of the road where the patient is picked up), are not to be operated in PC3 (the lowest of the performance classes). For some operators using single engine rotorcraft, the time available before commencement will not be sufficient to re-contract for compliant multi-engine rotorcraft. For some operators using multi-engine rotorcraft, the time before commencement will be insufficient to comply with any requirements, other than en-route requirements. Lastly, for operators of very capable multi-engine rotorcraft, the time may be insufficient to meet the underlying requirements to obtain an approval for PC2 with exposure operations.For a period of two years beyond the commencement date, for MTO conducted by day under the VFR, it is considered reasonable that, to enable a level playing field, all medical transport operators should be able to operate in accordance with PC3, i.e. they would not have to comply with paragraphs 133.335(3)(a) and (b) of CASR. For a period of two years beyond the commencement date, for MTO operations conducted under the VFR by night or under the IFR, during the take-off and take-off and initial climb phases of flight, it is considered reasonable that all medical transport operations should be able to operate in accordance with PC3 with an additional condition relating to climb performance, i.e. they would not have to comply with paragraph 133.335(3)(a) of CASR provided they complied with the additional condition. The additional condition would be that the take-off weight of the rotorcraft does not exceed the maximum weight (mentioned in the rotorcraft’s flight manual for the type of take-off procedure to be used) required to achieve a rate of climb once established at or above Vy of at least 150 ft per minute at 1 000 ft above the departure aerodrome for the flight, with 1 engine inoperative. CASA invites comments on this condition, and on the need to establish conditions for the approach and landing, or baulked landing, stage of the flight when the rotorcraft is being operated in PC3.There are new requirements in CASR Parts 133 and 138 for certain operations over built up areas in PC3 to be subject to engine particle detection processes (among other requirements). For the majority of operators, the key piece of new equipment would be a flight deck indicator for the engine / transmission particle detection system. The basic system is commonly installed on aircraft, but the indicator is not. It is proposed that the requirement for the flight deck indicator be deferred for two years. |

CASA is still gathering data relevant to implementation of the rotorcraft performance requirements. Public consultation on the transition policy may inform changes to ensure achievement of the correct balance between bringing new safety requirements into effect and giving the relevant industry sector sufficient time to prepare for those requirements, including in relation to the application of the rotorcraft performance requirements to air transport operations.

*1. Do you agree with the proposed two year deferral of rotorcraft performance requirements for medical transport operations (MTO) under the VFR by day?*

*Radio buttons*

[ ]  Agree

[ ]  Disagree (please set out your reasoning and alternative suggestions below)

[ ]  Other (please specify below)

Comments

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*2. Do you agree with the proposed two year deferral of rotorcraft performance requirements for MTO under the VFR at night, or the IFR, subject to compliance with the additional condition described above (related to rotorcraft climb performance)?*

*Radio buttons*

[ ]  Agree

[ ]  Disagree (please set out your reasoning and alternative suggestions below)

[ ]  Other (please specify below)

Comments

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*3. CASA is considering applying a condition to the deferral for MTO under the VFR at night or under the IFR related to rotorcraft performance during the approach and landing, or baulked landing, stage of flight. This condition would be comparable to the condition related to climb performance. Do you consider that such a condition for the approach and landing, or baulked landing, stage of the flight is appropriate to manage safety risks for MTO in those circumstances conducted under PC3?*

*Radio buttons*

[ ]  Yes

[ ]  No (please set out your reasoning and alternative suggestions below)

[ ]  Other (please specify below)

Comments

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*4. Do you agree with the proposed two year deferral of requirements to install a flight deck indicator in relation to the new requirements for rotorcraft particle detection systems?*

*Radio buttons*

[ ]  Agree

[ ]  Disagree (please set out your reasoning and alternative suggestions below)

[ ]  Other (please specify below)

Comments

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**Delayed commencement of usage monitoring system equipment requirements**

**Fact Bank:** Usage monitoring system equipment requirements - delay

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| Fact Bank contentSome arrangements for fitment of usage monitoring systems (UMS), and other related requirements to use the data from UMS,[[1]](#footnote-1) would be deferred for two years from the commencement date for existing operators. The underlying reason for requiring operators to fit and use a UMS for certain operations is that without introducing a standard that involves fitment of a UMS, the risks associated with some operations could not be appropriately ameliorated without using a multi-engine rotorcraft with the capability to operate in performance class 2 with exposure or a higher performance class. CASA does not consider that use of such aircraft should be required, but does intend to better manage safety risks associated with the use of lower performance and redundancy rotorcraft. The deferral applies where: 1. an existing operator is subject to a requirement to fit the system for operations under Part 138 of CASR if they are conducting:
* operations with no suitable forced landing area

or* marine pilot transfer operations in a single engine rotorcraft; and
1. the operator was not previously subject to a substantially similar requirement; and
2. in the case of marine pilot transfer operations, the operator previously had an authorisation to conduct such operations in single engine aircraft.

However, if an operator changes its operations, for example beginning to utilise a single engine aircraft for marine pilot transfer where it did not have an authorisation to use such an aircraft before the commencement of the Flight Operations CASR Parts, then the operator would have to comply with the UMS requirement.There are also new requirements in Part 138 for rotorcraft operations that are conducted outside the Part 91 rules and that are below minimum height and not under the day VFR. These operations must be conducted in a performance class. If they are conducted at night in PC3 (the lowest performance class) then UMS requirements also apply.  |

**Fact Bank:** Usage monitoring system equipment requirements – no delay

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| Fact Bank ContentThe ability to carry a passenger in an aerial work operation is also new, together with the ability to carry a passenger at night in a single engine rotorcraft. Under the current rules such an operator would require an AOC that authorises charter and the flight at night would need to be conducted in a multi engine rotorcraft and comply with the night VFR lowest safe altitude requirements. The new rules recognise the enhanced reliability offered by UMS in permitting this activity at night in a single engine rotorcraft. It is not proposed to defer the UMS requirement for these operations if an operator chooses to utilise the flexibility offered by the new rules. Similar considerations apply to Class D external load operations where a person is suspended from the belly hook of the rotorcraft, e.g. for crocodile egg collecting. Such operations currently require individual operator exemptions and utilise single engine piston rotorcraft such as the Robinson R44. Under Part 138, these operations require a turbine powered helicopter with a certified hook and a UMS system to minimise the risk to the person carried outside the protection of the airframe. The industry has been aware of these forthcoming changes for more than five years, and the standard has already been incorporated into exemptions that authorise the suspension of a person from a helicopter to conduct powerline maintenance operations. The UMS enables the future standard to not require the use of a multi-engine rotorcraft. Therefore, it is not proposed to defer the UMS requirement associated with these operations. |

*1. Do you agree with the two year deferral of usage monitoring system (UMS) requirements for existing AOC holders, in relation to operations with no suitable forced landing area, or marine pilot transfer operations in single engine rotorcraft?*

*Radio buttons*

[ ]  Agree

[ ]  Disagree (please set out your reasoning and alternative suggestions below)

[ ]  Other (please specify below)

Comments

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*2. Do you have any comments related to the policy intent not to defer UMS requirements for the specified operations, having regard to the current imposition of the requirements as conditions on existing exemptions that permit the specified operations?*

Comments

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**Delayed commencement for the fitment of TAWS and H-TAWS (Parts 121, 133 and 135)**

**Fact Bank:** Requirements in Parts 121 and 133 of CASR for the fitment of TAWS and H-TAWS

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| Fact Bank contentNew requirements for operations to be conducted using aircraft fitted with TAWS or H-TAWS would be deferred for two years for all operators. These requirements are resident in either Subpart 121.Z or the relevant Part 121 / 133 / 135 MOS. Primarily, this deferral would be utilised by all helicopters (as they are not required to be fitted with GPWS under CAO 20.18) and aeroplanes between 5700 kg and 15000 kg that do not carry 10 or more passengers. During this two year deferral period, the GPWS requirements of CAO 20.18 will be ‘saved’ and **continue to apply** to every operator currently subject to the CAO 20.18 requirements. |

*1. Do you agree with the two year deferral of new requirements for the fitment of TAWS and H-TAWS?*

*Radio buttons*

[ ]  Agree

[ ]  Disagree (please set out your reasoning and alternative suggestions below)

[ ]  Other (please specify below)

Comments

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Page nine: Expiry periods for specific authorisations under old regulations (Section 3.5)

**Proposed Policy**

Certain instruments issued to pilots and operators by CASA under the existing operating rules would be ‘saved’, despite the repeal of the empowering CAR or CAO provision, so that the instruments continue to apply under the Flight Operations CASR Parts as follows:

**Fact Bank:** Instruments of general application

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| Fact Bank contentInstruments (orders, authorisations, approvals, directions, instructions, exemptions, etc.) of general application (this means instruments not issued to individual persons or organisations) issued by CASA would generally not be ‘saved’ (continued in effect) for the purposes of the CASRs and MOSs. The substance of these instruments has been, where determined as appropriate, incorporated in the Flight Operations CASR Parts and will cease to have legal effect when their empowering CAR or CAO provision is repealed by the CATS regulations. |

**Fact Bank:** Instruments issued to individuals and individual operators

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| Fact Bank contentOver the life of the CARs and CAOs, CASA has issued tens of thousands of instruments to individual pilots and operators in accordance with statutory powers to permit activities, or to recognise exceptions to general requirements or facilitate compliance in unusual situations. Instruments issued to individual pilots and operators under the CARs and CAOs and in effect immediately before the commencement date would be ‘saved’ for the purpose of the Flight Operations CASR Parts and their MOSs, provided there is a corresponding provision in the CASRs and MOSs to which the instrument relates, and despite the repeal of the empowering CAR or CAO provisions by the CATS regulations. Certain CAR and CAO provisions have not been carried over into the Flight Operations CASRs and MOS because they are no longer considered necessary or because CASA has taken a different policy approach for regulating the activity. Instruments issued to individual pilots and operators under such CARs and CAOs would not be saved when the empowering CAR or CAO provision is repealed by the CATS regulations. |

**Fact Bank:** Timeframe

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| Fact Bank contentSaved instruments would not endure indefinitely. They would expire at the earlier of the following:* the expiry or reissue of the operator’s AOC or aerial work certificate, where applicable
* the expiry date on the instrument or when the instrument is cancelled by CASA
* the second anniversary of the date the instrument was made after the commencement date of 2 December 2021.
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**Fact Bank:** Saving of actions

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| Fact Bank contentActions taken by pilots and operators under the existing rules would be recognised for the purposes of the Flight Operations CASR Parts and their MOSs, as relevant. For example, training events and proficiency checks conducted under the existing rules would be recognised as having been undertaken for the purpose of the Flight Operations CASR Parts.  |

**Fact Bank:** Applications made under existing rules but not finalised by commencement

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| Fact Bank contentApplications made by pilots and operators under the existing rules but not finalised prior to the commencement date, would not have to be re-made under the Flight Operations CASR Parts and their MOSs, where still relevant. |

**Aim**

The aim of this proposed policy is to facilitate operations and remove administrative red tape during the transition process, having regard to the significant number of CAR and CAO provisions that will be repealed by the CATS regulations as a consequence of the making of the Flight Operations CASR Parts. The policy also promotes a key objective of CASA’s on-going regulatory program, which is to reduce the number of individual instruments that modify the operation of the regulations, thereby reducing the number of places where operators and pilots need to look to find the applicable law.

**Question**

*Do you agree with the proposed policy for ‘saving’ instruments issued to pilots and operators by CASA and other things done and actions taken under the existing operating rules, so that the instruments, things done and actions taken may continue to apply under the new Flight Operations CASR Parts?*

*Radio buttons*

[ ]  Agree

[ ]  Agree with changes (please specify suggested changes below)

[ ]  Disagree (please set out your reasoning and alternative suggestions below)

[ ]  Not applicable

Comment

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Page ten: Flights in progress on commencement date (Section 3.6)

**Proposed Policy**

Flights that commence on the day before the commencement date and conclude on the commencement date would be regulated in accordance with the legislation as it existed on the day before the commencement date.

**Question**

Do you agree with the proposed policy for the regulation of flights that commence prior to the commencement date and conclude on the commencement date?

*Radio buttons*

[ ]  Agree

[ ]  Agree with changes (please specify suggested changes below)

[ ]  Disagree (please set out your reasoning and alternative suggestions below)

[ ]  Not applicable

Comment

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Page eleven: General comments

## Do you have any additional comments or suggestions about the proposed policy (e.g. in relation to the overall burden it imposes on industry or on CASA)?

*(Please note, this should not include points you have already raised)*

Comments

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1. Usage monitoring systems (UMS) collect data about engine cycles and other usage data that are relevant to determining the condition of rotorcraft engines. [↑](#footnote-ref-1)