# Proposed change to policy on carriage of personnel involved in firefighting activities - (PP 2406OS)

# Overview

We would like your feedback on our policy proposal to allow Part 138 Aerial Work Certificate (AWC) holders to carry firefighting personnel to and from a fireground in rotorcraft for hire or reward.

Fighting fires is a major public interest and benefit activity across Australia. A large number of operators and people, some of whom are volunteers, give their time and expertise to protect the community. Many other first responders are also involved in firefighting related activities. All are there to help, often in difficult situations. We want to ensure aviation safety is appropriate for them with the community interest in mind.

The carriage of personnel involved in firefighting operations is a critical service, which requires effective rules to ensure the safety of the operation, the people involved and property on the ground.

Aircraft operators and fire control agencies have told us the operational environment of the fireground for rotorcraft operations may be more closely aligned with the aerial work rules. They involve operations with a higher level of pre-flight uncertainty about the conditions of the landing site when compared to typical rotorcraft air transport passenger carrying flights.

Air transport rules offer a relatively higher level of safety, reflecting the interests and expectations of our communities. Passengers using air transport services are not expected to have a good understanding of safety issues and risk. Participants of aerial work operations on the other hand, are required to have a reasonable understanding of those issues and risks and are therefore assumed to be informed passengers.

The following is a summary of the areas of differentiation between air transport (other than medical transport) and aerial work operations:

* Air transport operations are more routine whereas aerial work operations are more likely to be changeable, due to the type of operation.
* Aerial work rotorcraft landing sites involve a higher level of pre-flight uncertainty about the landing site conditions.
* Aerial work operations involve the use of an aircraft for a wide range of special purposes which often involve elevated risk compared to air transport.
* Compared to air transport operations, these risks are more variable and require more immediate tactical control methods that are appropriate for the particular operation.
* Passengers using air transport are not expected to be familiar with associated risk and are assumed to be uninformed participants.
* Passengers involved in aerial work operations are expected to be informed about the associated risk.
* Passengers on air transport flights are closely managed by the operator during boarding the aircraft, in-flight and on arrival.

This proposal is to permit the carriage of firefighting personnel as aerial work passengers within the vicinity of a fireground under the aerial work rules as an alternative to the air transport rules.

This proposal is conditional on the implementation of appropriate alternative safety risk controls. This change is intended to reduce complexity and provide additional flexibility to operators conducting these kinds of operations, while maintaining an acceptable level of safety.

The use of restricted category aircraft or carrying more than 9 passengers are outside the scope of this proposal but could be considered in future.

## **Opportunity to comment**

Your feedback will help us make sure the proposed arrangements for the carriage of firefighting personnel are suitable, within the scope of the proposal, consistent with CASA’s regulatory philosophy and respectful of the communities need for a safe and efficient service that supports the delivery of critical firefighting services.

Please submit your comments using the survey link on this page.

If you are unable to provide feedback via the survey link, please email regulatoryconsultation@casa.gov.au for advice.

## **Documents for review**

All documents related to this consultation are attached in the ‘Related’ section at the bottom of the overview page. They are:

* PP 2406OS – this document is the Policy proposal to change the policy on carriage of personnel involved in firefighting activities.
* MS Word copy of online consultation for ease of distribution and feedback within your organisation.

## **What happens next**

At the end of the response period, we will:

* review all comments received
* make responses publicly available on the consultation hub (unless you request your submission remain confidential)
* publish a Summary of Consultation which summarises the feedback received and outlines any intended changes and next steps.

All comments received on the proposed instrument will be considered. Relevant feedback that improves upon the proposed instrument will be incorporated into the final instrument.

# Give Us Your Views

[Appears on the overview page at the bottom]

# Online Survey

[This link is on the front page of the survey and takes you to the survey questions]

## **Related**

[This section is at the bottom of the front page and contains all the links to other sites and documents related to this consultation]

**Related Documents**

List of documents attached to the consultation

* Policy proposal 2406OS
* MS Word copy of online consultation on – Proposed change to policy on carriage of personnel involved in firefighting activities – (PP 2406OS)

# Audience & Interest groups

**Audience**

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| --- |
| * Aerial work operator
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| * Air transport operations – rotorcraft (Part 133)
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| * Aerial work operator (Part 138)
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| * Helicopter pilots
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| * Fire management agencies
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| * Emergency services personnel
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| * Firefighting personnel
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| * Rural fire brigades
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**Audience**

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| * Hazards
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| * Human factors
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| * Operational standards
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# Page 1. Comments on the proposal

If you intend to comment on the Proposed change to policy on carriage of personnel involved in firefighting activities – (PP 2406OS), 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 instrument

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

# Page 2. 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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Which of the following best describes the group you represent?

Please select only one item

[ ]  Aircraft owner/operator

[ ]  Pilot

[ ]  Maintenance engineer

[ ]  Emergency services

[ ]  Volunteer firefighter

[ ]  Other

Please specify ‘Other’ if selected.

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# Page 3. Consent to publish submission

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 or
* **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.

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.

Information about how we consult and how to make a confidential submission is available on our [website](https://www.casa.gov.au/rules/changing-rules/consultation-industry-and-public).

# Page 4. How the proposal will work in practice

Under the proposal, the carriage of firefighting personnel in specified circumstances would be permitted under the aerial work rules rather than the air transport rules.

Conditions would apply such as:

* the flight would be conducted by a contracted operator that is assigned a task from an emergency services agency involving the carriage of firefighting personnel within the vicinity of a fireground
* the operator would hold an aerial work certificate and the policies and procedures for conducting the operations would be incorporated into the operator’s Operations Manual
* the operator would have a Training and Checking System that covers the operations in accordance with Part 138 of the *Civil Aviation Safety regulations 1998 (CASR)*
* the operator would have a Safety Management System that covers the operations in accordance with Part 138 of the *Civil Aviation Safety regulations 1998 (CASR)*
* the firefighting personnel would have completed basic training in the risks and operational aspects of the taskings as well as an on-the day pre-flight briefing for the actual aircraft being used and the circumstances of the operation
* the personnel would be familiar with the nature of the operation and be willing to participate in the activity.
* the purpose of the operation is to carry the personnel to or from a location where they carryout their ground-based tasks which are directly connected to a firefighting task.

**Fact bank:** Differences between the air transport and aerial work rules (other than medical transport):

* Air transport operations are more routine whereas aerial work operations are more likely to be changeable, due to the type of operation.
* Aerial work rotorcraft landing sites involve a higher level of pre-flight uncertainty about the landing site conditions.
* Aerial work operations involve the use of an aircraft for a wide range of special purposes which often involve elevated risk compared to air transport.
* Compared to air transport operations, these risks are more variable and require more immediate tactical control methods that are appropriate for the particular operation.
* Passengers using air transport are not expected to be familiar with associated risk and are assumed to be uninformed participants
* Passengers involved in aerial work operations are expected to be informed about the associated risk.
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Do you have any comments about the proposed policy?

Comments

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**Question 1** - Do you agree with the proposal to permit the carriage of firefighting personnel within the vicinity of firegrounds, for hire or reward under the aerial work regulations?

*Radio buttons*

[ ]  Agree

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

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

[ ]  Undecided / Not my area of expertise

Comments

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**Question 2** - Do you have any concerns about the proposal that we should take into account?

*Radio buttons*

[ ]  No, I am satisfied

[ ]  Yes (please provide any alternative suggestions below)

[ ]  Undecided /not sure

Comment

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**Question 3** -Do you have any suggestions on how we could improve the proposal?

*Radio buttons*

[ ]  Yes (please include your suggestions below)

[ ]  No

Comment

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**Question 4** -Do you have any suggestions or alternative approaches we could take in relation to the carriage of firefighting personnel?

*Radio buttons*

[ ]  Yes (please include your suggestions below)

[ ]  No

Comment

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# General comments

Do you have any additional comments about the issues raised in the policy proposal/discussion paper or any **impact** this change may have on you, your operation or other interests?

For example, in what way (if any) have you or your organisation been **impacted** by the current requirements for supporting aerial firefighting operations in Australia?

Comments

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