



Lively debate *at conference*

Proposed new FLOT rules are generating controversy among industry players.

Allister Polkinghorne

SOME SAY the proposed Recreational Licence would be “just right” for hobby pilots. Others are not convinced.

The licence, one option for the Civil Aviation Safety Regulations (CASR) in the new Part 61, is among contentious issues to be considered at the Flight Crew Licensing Operations and Training (FLOT) conference, which opens in Sydney on 3 March.

Flight instructor ratings are also the subject of debate. As part of an option outlined in last year’s Part 61 industry discussion paper, instructor ratings would be more specialised but may have reduced attainment requirements.

If implemented, instructors would need to train only in the sequences they were going to teach. Training and checking pilots would all require instructor ratings, and they too would need to train only in the type of instruction they would provide. Respondents have reacted variously to the new provisions.

One standard: Under CASR Part 121A and 121B, a common Air Transport standard would replace Regular Public Trans-

port and charter operations.

This idea also has generated debate.

On one side are people who say the proposal will enhance safety. On the other are industry practitioners worried about fundamental and long term change to aviation. Proponents argue that one level of safety is the only reasonable way to go. Opponents contend that the change would put large essential sections of the aviation industry out of business.

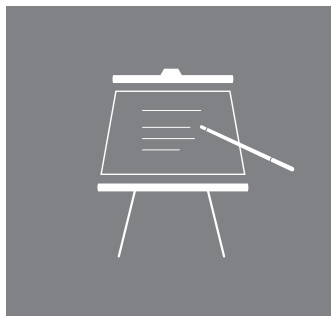
Different levels: Those pushing for different levels of safety for different levels of operation want 121B to be called Part 135, in line with the United States Federal Aviation Administration (FAA) model. Again opinion is divided between those wanting an Air Taxi category and those saying that category would do nothing to lift safety standards.

Although Part 121B is written in the European Joint Aviation Requirements (JAR) format, not the Federal Aviation Requirements (FAR) format, few Joint Aviation Authorities rules have been incorporated. The current Australian rules have been folded into the new rules to maintain many of the present standards.

The final report of the White House Commission on Aviation Security and Safety (the Gore Report) puts lucidly the reason CASA chose an alternative to the FAR format. It says: “The current FARs and supporting handbooks, TSOs, Security Directives and ACs have become too prescriptive and complex and are increasingly open to misinterpretation and sometimes provide conflicting policy or guidance...”

The FAA is currently reviewing its FARs, especially Part 135.

Conveniently the JARs form the newest and most comprehensive aviation rule set available. They provide a good starting point for consideration of our rules. From that starting point, CASA has managed the development of proposed new legislation based on previous Australian rules, the FARs, JARs, and Canadian and New Zealand rules, while complying with the ICAO standards. Aviation opinion makers differ on the proposals. The Part 121B forum of the FLOT conference promises lively debate on these issues affecting operations in aircraft with an MTOW below 5,700 kgs.



The CASR Part 142 forum, meanwhile, will discuss the proposed 142 organisation. Part 142 will prescribe the requirements of a new class of training and checking organisation that may contract its services to other organisations. This concept is new to Australia. Part 142 aims to:

- provide for organisations to perform the training and checking function on behalf of other certificate holders, including checks required under CASR Part 121, 137 and for the issue of aircraft type ratings for multi-crew aircraft;
- provide for CASA approval of advanced training programs incorporating CRM and human factors training principles to replace requirements for ongoing proficiency checking;
- define the type of operating certificate required for a Part 142 organisation
- state the requirements for gaining a Part 142 operating certificate;
- provide simplified regulations which are outcome based;
- harmonise where possible with the FAA and JAA;
- base Australian training and checking requirements on competency standards and;
- require Part 142 organisations to develop a quality system approach to meeting training objectives.

Some sections of the industry have indicated that preservation of the current authorised testing officer (ATO) system would provide the correct levels of safety and training for Part 121B and Part 137 organisations.

Others say that those with vested interest are locking the industry in the

1980s while the rest of the country moves on. Still others say Part 142 does not go far enough in facilitating long-term structural change in a dynamic industry. They argue that people now have higher expectations of safety outcomes.

Size doesn't matter: The Aviation Safety Forum (ASF), the advisory body to the CASA Board, has suggested the extension of recognised formal safety management systems (SMS) to all organisations, regardless of their size.

Under the current CASA proposals, only organisations running more than four aircraft would need SMSs. If the ASF recommendation were adopted, operators with less than four aircraft would need an

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external organisation to manage at least part of their SMSs.

That's because small operations cannot set up formal reporting systems and feedback loops. Part 142 organisations may be required to carry out such functions.

The FLOT conference will offer a last look at Part 91 before it goes before Federal Parliament.

The draft summary of responses to the proposed rules is complete and will be released at the conference.

Emergency beacons: The hoary old chestnut of ELTs has figured prominently in the Part 91 responses.

In early 2009, the COSPAS/SARSAT system will no longer be equipped to detect 121.5 MHz ELTs. Only ELTs with 406 MHz will be picked up.

Some claim the rule would be prohibitively expensive for players in general aviation.

But it is low volumes of sales that have inflated the cost of 406 MHz ELTs. Increased demand driven by changes in

COSPAS/SARSAT would probably see prices converge on those paid for the existing technology.

Most of the 121.5 MHz equipment in service will be reaching the end of its service life over the next five years.

This will give players an opportunity to update to the new new gear. CASA maintains that the standard in Part 91, which differs from that set by International Civil Aviation Organization (ICAO), reflects the safety equation in Australia better.

Low level aerobatics: Surprisingly, respondents to the Part 91 rules on aerobatics wanted continued bans on aerobatics conducted below 3,000 feet without specific approval from CASA. United States and ICAO standards allow pilots to conduct aerobatics down to 1,500 feet once they have obtained a basic aerobatic rating.

The regulator proposed lowering the limit to 1,500 feet. However, the overwhelming response was to maintain the current limit, so CASA has amended the rule accordingly.

The draft summary of responses will be available at the conference's Part 91 forum.

The regulator plans to have most of the new rules compiled by the end of this year. The FLOT conference will be one of the major consultative forums for Parts 61, 91, 121B, 133, 136, 137, 141 and 142.

Wide ranging input is central to developing new aviation rules.

The CASA project managers will have to reach the best compromise between the competing views of the Minister for Transport and Regional Affairs, the Australian Transport Safety Bureau, the ASF and the aviation community. This compromise will also have to comply with ICAO standards and recommended practices.

The FLOT Conference offers the aviation community a unique opportunity to have a say in the regulatory process. For details of the conference, see the ad on page 2.

Allister Polkinghorne is an aviation safety specialist and CASA's project manager for Part 91.