

DEMERIT POINTS EXPLAINED

Everyone makes mistakes. In high hazard environments like aviation, the big mistakes can have serious consequences and people may end up in court.

But with minor regulatory offences there is an alternative: a range of offences can be dealt with under CASA's administrative fines and demerit points schemes, where appropriate.

While there are some similarities with the fines and points system used by road traffic authorities, the aviation safety regulator's approach is different.

Say you've just received a CASA infringement notice in the mail. Within 28 days of the notice date, you have one of three choices:

- Pay the prescribed penalty as shown on the notice. This has the advantage of no further action being taken and no conviction recorded for the offence(s). Demerit points would usually be incurred.
- Request an extension (up to 28 days) to pay the prescribed penalty when there is difficulty paying on time.
- Dispute liability by having the matter heard by a court. Higher penalties, court costs and demerit points may result if you are convicted or found guilty.

While infringement notices (also known as administrative fines) have been used by CASA for several years, demerit points have only been applied since last year.

Demerit points are a graduated means of enforcement, with the number of points incurred determined by the severity of the offence.

Like the road traffic system, too many points results in suspension or cancellation of a licence or certificate, which means

Top 5 infringements:

- Not certifying for completion of maintenance (CAR 42ZE).
- Not recording time-in-service on maintenance release (CAR 43B).
- Flying without a current medical certificate (CAR 5.04).
- Flying without certification of maintenance (CAR 133(1)(d)).
- Flying with outstanding Airworthiness Directives (CASR 39.003).

the demerit point scheme only applies to those who hold an authorisation issued by CASA.

For example, a pilot or maintenance organisation can earn demerit points, but a passenger who uses a mobile phone without approval or smokes in a toilet on an aircraft cannot.

CASA's infringement notice and demerit points schemes provide a way of handling aviation offences quickly and efficiently.

From an error management perspective, it offers offenders the opportunity to consider what they have done and improve their contribution to air safety while continuing to actively participate in the industry.

More information is available on the CASA website (www.casa.gov.au/rules/action).

ACTION ON LIGHT SPORTS RULES

Changes to the aircraft certification rules for light sport aircraft are about to become reality following two years of discussion and consultation.

The regulatory changes are set to create market access to the United States and Europe for Australia's growing light aircraft manufacturing industry.

The proposed rule amendment creates an extra certification category to cover light sport aircraft under 600 kg maximum takeoff weight (MTOW) with one or two seats.

The rules include a category for light float aeroplanes under 650 kg MTOW and categories for lighter than air aircraft (under 560 kg).

Following recent endorsement by the joint CASA/industry standards consultative committee, the draft rule changes are set to go to a certification regulatory advisory panel made up of industry and CASA specialists.

The LSA regulatory advisory panel is the first of a series of panels designed to provide an extra measure of scrutiny of rule changes, ensuring objectives and guiding principles have been applied.

They can also take into account differing views and issues that may have been unresolved during earlier phases of regulatory development.

Certification RAP members

- James Kimpton, Chair (industry)
- Patrick Murray (industry)
- Bernie Hole (CASA)
- Peter Furlong (industry)
- Neville Probert (CASA)
- Andrew Ward (CASA)
- Heather Dye (Commonwealth Department of Transport and Regional Development)
- Geoff Kimber (CASA)
- Keith Jobson (industry)
- Greg Vaughan (CASA)

SMS MESSAGE REACHES AIRPORTS

On the day when new rules take effect, it isn't as simple as just "flicking a switch". Transition periods are built into new rules to ensure the aviation industry has time to adjust, retrain and rework their documentation to implement new rule-sets.

CASR part 139 – which sets safety standards for Australian aerodromes – is a good example.

Aerodromes with international operations were given 30 months from when the new rules came into effect in May 2003 to put a safety management system in place.

All other certified aerodromes must have a safety management system by January 1, 2007.

Certified aerodromes are used by regular public transport or charter operators with aircraft carrying more than 30 passengers.

An SMS "document builder", which allows aerodrome operators to customise an SMS template to their operations and submit the document to CASA electronically, is available from aerodrome inspectors.

Contact details for inspectors as well as a manual of standards outlining the requirements are available from CASA's website (www.casa.gov.au/aerodromes/sms).

The SMS requirements align with the International Civil Aviation Organization's standards and recommended practices and add another safety enhancement to passenger-carrying operations.



Australian Government
Civil Aviation Safety Authority

15 November 2004 - 14 November 2005 Part 47 transition period ends soon !



Jim (not his real name) lodged his aircraft's Part 47 registration form well before this year's deadline of 15 November. The form was correctly filled in and had properly-certified copies of identity documents attached. CASA was able to process Jim's form and re-register his aircraft to the Part 47 rules, and that meant its Certificate of Airworthiness stayed current. Jim was pleased when he received his aircraft's new Part 47 registration certificate in the mail.

Although he's had a whole year to prepare, it looks like John (not his real name) won't be lodging his aircraft's Part 47 registration form before the 15 November deadline. Nor does he have the properly-certified copies of identity documents to attach to the form. CASA won't be able to re-register his aircraft to the Part 47 rules and that's going to be a problem for John — he doesn't realise how important it is to get that Part 47 application form to CASA on time.

Aircraft owners: Will your aircraft be flyable after 14 November?

For help filling out the transition form (posted to all registration holders in October last year), call the **Part 47 Implementation Team** on **131 757 BH** or **02 6217 1647 AH** ... before it's too late.

PILOTS: CHECK THE AIRCRAFT YOU FLY. HAVE THEY BEEN RE-REGISTERED TO PART 47?

I wanted to call CASA but wasn't sure which number ...



Call CLARC* at CASA for

- Flight crew licences
- AME licences
- Medicals
- Photo IDs

phone **1300 737 032** fax **1300 737 187**

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CASA Service Centre **136 773** for AOCs and CoAs