Australian Government
Civil Aviation Safety Authority

ADVISORY CIRCULAR
AC 139.A-04 v1.1

Applying for aerodrome authorisations, exemptions and approvals

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Advisory Circulars are intended to provide advice and guidance to illustrate a means, but not necessarily the only means, of complying with the Regulations, or to explain certain regulatory requirements by providing informative, interpretative and explanatory material.

Advisory Circulars should always be read in conjunction with the relevant regulations.

Audience

This advisory circular (AC) applies to:

- aerodrome owners/operators
- the Civil Aviation Safety Authority (CASA).

Purpose

The purpose of this AC is to provide guidance to aerodrome operators on the process to apply for an authorisation, exemption, or an approval when compliance with the *Civil Aviation Safety Regulations 1998* (CASR) and the Part 139 Manual of Standards (MOS) cannot be met. Fundamental to the application process is the completion of a safety assessment and submission of a safety case to CASA.

It is important to note that this guidance does not create or permit deviations from regulatory requirements.

For further information

For additional information, contact CASA's Personnel Licensing, Aerodromes and Air Navigation Standards (telephone 131 757).

Status

This version of the AC is approved by the Branch Manager, Flight Standards.

Note: Changes made in the current version are annotated with change bars.

Version	Date	Details
v1.1	August 2023	Updated submission email at sec 2.3.2.
v1.0	September 2020	Initial release of this AC.

Unless specified otherwise, all subregulations, regulations, divisions, subparts and parts referenced in this AC are references to the *Civil Aviation Safety Regulations 1998 (CASR)*.

Contents

1 Reference material

1.1 Acronyms

The acronyms and abbreviations used in this AC are listed in the table below.

Acronym	Description
AC	advisory circular
CAR	*Civil Aviation Regulations 1988*
CASA	Civil Aviation Safety Authority
CASR	*Civil Aviation Safety Regulations 1998*
MOS	Manual of Standards

1.2 Definitions

Terms that have specific meaning within this AC are defined in the table below.

Term	Definition
Safety assessment	An element of the risk management process that is used to assess safety concerns arising from, inter alia, deviations from standards and applicable regulations.

1.3 References

Regulations

Regulations are available on the Federal Register of Legislation website https://www.legislation.gov.au/

Document	Title
Part 139 of CASR	Aerodromes
Part 139 MOS	Aerodromes

International Civil Aviation Organization documents

International Civil Aviation Organization (ICAO) documents are available for purchase from http://store1.icao.int/

Document	Title
Doc 9981	Procedures for Air Navigation Services - Aerodromes Second Edition 2016

Advisory material

CASA's advisory circulars are available at http://www.casa.gov.au/AC

CASA's Civil Aviation Advisory Publications are available at http://www.casa.gov.au/CAAP

Document	Title
AC 139.C-27	Risk management plans for aerodromes

2 Introduction

2.1 Applicability

2.1.1 CASR and the Part 139 MOS sets out the standards for the design, construction, maintenance, and operation of certified aerodromes.

2.1.2 The operator of a certified aerodrome is required to comply with the regulations at all times. An aerodrome operator may apply to CASA to seek an authorisation, exemption, or approval against the applicable regulation if the applicant can provide a risk and evidence-based justification (safety assessment and safety case) that their proposed non-compliance with the regulations provides an acceptable level of safety.

2.1.3 Many aerodromes have unique facilities and the operating environments vary. As the key part of the assessment by CASA is the safety case, each application will be assessed on its own merits, with reference to the most up-to-date information. Assessments are made for each individual aerodrome and operations at that aerodrome. Precedence of other assessments may not apply.

2.2 What is the difference between an authorisation, an exemption and an approval?

2.2.1 An authorisation is a legal instrument issued by CASA which gives authority to a person or organisation to conduct a specific task or operation.

2.2.2 An exemption is a legal instrument issued by CASA which exempts a person or organisation from complying with a particular regulation or standard. Exemptions are limited to a period of no more than three years and can only be reissued at expiry of that three-year period if there is a change in circumstance that has prevented compliance being met within that time frame[1].

2.2.3 An approval is a legal instrument issued by CASA which permits a person or organisation to perform a function or to operate a facility that is not compliant with the rules and regulations. Approvals may be time limited or enduring.

2.3 Making application

2.3.1 To ensure the application is given proper consideration, unless otherwise agreed by CASA, an application for an authorisation, exemption or an approval must be received at least three months prior to the instrument being required.

[1] Refer to Part 11 of CASR.

2.3.2 An application for an authorisation, exemption or an approval is to be made in writing and submitted to CASA either by email, or by post, to:

email: aerodromes@casa.gov.au

CASA licensing and registration centre
GPO Box 2005
Canberra ACT 2601

2.3.3 The application must contain the following:

- applicants:
  - name
  - address
  - ARN
- name and location of the aerodrome facility
- the legal entity to which the instrument is to be issued
- name and contact details of the primary point of contact for CASA
- type of instrument being sought (authorisation/exemption/approval)
- the regulation for which compliance cannot be met
- reasons why the applicant needs the instrument
- the date on which the applicant is seeking the instrument to commence
- the required duration of the instrument
- how the non-compliance provides an acceptable level of safety i.e. through the completion of a safety assessment and submission of a safety case[2].

2.3.4 The applicant should provide adequate information for consideration of granting the instrument. Delays in processing the application may be incurred if the application does not include adequate information.

2.3.5 A fee must be paid at the time of application[3]. CASA will not proceed with assessment of the application until payment has been received.

2.4 Notification of decision to the applicant

2.4.1 CASA will notify the applicant in writing of its decision when the assessment is completed.

2.4.2 If CASA refuses to grant an instrument, the applicant will be notified with the reason(s) for not granting the instrument.

2.4.3 CASA may impose conditions on the instrument in the interests of safety and regularity of aircraft operations. If conditions are applied CASA will provide reasons for imposing the conditions.

[2] Guidance on conducting a safety assessment is further described in Chapter 3 of this AC. Guidance on the content of a safety case is described in Chapter 4 of this AC.

[3] Refer to the Civil Aviation (Fees) Regulations 1995.

2.4.4 Any conditions imposed must be met for the legal instrument to remain valid.

2.4.5 If the application is approved a record of the instrument is required to be kept in the aerodrome manual.

2.5 Cessation of an authorisation, exemption, or approval

2.5.1 Except for an enduring approval, an exemption will cease at the end of the date specified in the instrument. An instrument will also cease if the aerodrome owner/operator who was granted the exemption no longer operates the aerodrome.

2.5.2 CASA may revoke an authorisation, approval, or exemption on request of the aerodrome owner/operator. CASA may also, at any time, revoke an authorisation, approval, or exemption in the interests of safety.

2.5.3 If CASA decides to revoke an instrument other than on the request of the aerodrome owner/operator, CASA will normally, unless there is a serious or an imminent risk to aviation safety, give the holder of the instrument reasonable notice of its intention to do so and provide the authorisation holder with an opportunity to respond. In this circumstance CASA will consider the authorisation holders response in deciding whether to revoke the instrument.

2.5.4 On cessation of the instrument the particulars of the instrument are to be removed from the aerodrome manual.

2.6 Standard instruments issued by CASA

2.6.1 CASA may issue a general instrument applicable to all aerodrome operators on its own initiative. This might occur if there is safe alternative to the regulations and the only means of addressing this in the short term is by the issue of an instrument.

3 Safety assessment principles

3.1.1 Where the aerodrome operator is not able to comply with a regulation, a safety assessment should be conducted to identify and assess concerns arising from the deviation or non-compliance (intentional or unintentional).

3.1.2 The safety assessment must be able to demonstrate how the consequence of not complying with the standard, process or function provides a safe environment for the intended operation of aircraft:

- in flight
- manoeuvring on the aerodrome
- when parked on the apron.

3.1.3 The objective of the safety assessment is to:

- study the potential impact of the deviation
- identify and present alternative solutions to ensure the level of aviation safety remains acceptable
- estimate the effectiveness of each alternative
- recommend mitigations to compensate for the deviation
- develop a proposed process to periodically review mitigations to ensure they remain appropriate.

3.1.4 The aerodromes capacity and the type of operations should be a primary consideration when assessing the proposed deviation or non-compliance.

3.1.5 All alternative measures identified for consideration should be comprehensively evaluated to ensure safety will not be compromised.

3.1.6 The safety assessment should be approved by the accountable manager before it is submitted to CASA for acceptance.

3.2 Consultation and collaboration

3.2.1 When conducting a safety assessment, aerodrome operators should consult all internal and external stakeholders who are likely to be impacted by the deviation or non-compliance. Such consultation will allow the proposed deviation to be viewed from different perspectives. In some cases, stakeholders impacted by the proposed deviation or non-compliance may need to conduct a separate safety assessment themselves in order to fulfil their own operational requirements.

3.2.2 A collaborative safety assessment will also ensure compatibility for the determined mitigations.

3.2.3 Evidence of consultation with stakeholders should be provided with the safety case. This includes the scope of items discussed during consultation and collaboration with stakeholders, and any recommendations provided by the stakeholders.

3.3 Considerations when conducting a safety assessment

3.3.1 A safety assessment considers the impact of the non-compliance on all relevant factors determined to be safety significant. The list below provides items that may need to be considered when conducting a safety assessment. The items in this list are not exhaustive and are in no particular order:

- aerodrome layout, including:
  - runway configurations
  - runway length
  - taxiway
  - taxilane and apron configurations
  - visual aids
  - Aerodrome Rescue and Firefighting (ARFF) services infrastructure and capabilities.
- types of aircraft intended to operate at the aerodrome, including:
  - their dimensions relevant to the assessment, e.g. aerodrome reference code
  - performance characteristics.
- traffic density and distribution
- aerodrome ground services
- air-ground communications
- instrument flight procedures and related aerodrome equipment
- operational procedures
- advanced surface movement guidance and control systems (A-SMGCS)
- air navigation aids
- obstacles or hazardous activities at or in the vicinity of the aerodrome
- planned construction or maintenance works at or in the vicinity of the aerodrome
- any local or regional hazardous meteorological conditions (such as wind shear)
- airspace complexity, route structure and classification of the airspace, which may change the pattern of operations or the capacity of the same airspace.

4 Safety assessment process

4.1 Introduction

4.1.1 A safety assessment comprises four basic steps:

- identification of the regulatory non-compliance
- hazard identification and analysis
- risk assessment and development of mitigation measures
- development of an implementation plan for the mitigation measures and conclusion of the assessment.

4.1.2 A safety assessment process flow chart obtained from PANS-Aerodromes is provided at Appendix A.

4.2 Identification of the regulatory non-compliance

4.2.1 An initial evaluation of compliance with the appropriate provisions in the regulations and MOS should be conducted and documented.

4.2.2 Any perceived aviation safety concerns are to be described in detail, including situations in which the risk may manifest, and any stakeholders involved or affected as well as their potential to influence specific operations.

4.2.3 All aviation safety concerns are to be analysed to determine whether they may be retained or rejected based on acceptability or tolerance. If rejected, the justification for rejecting the non-compliance should be documented. Before proceeding with the remaining steps of the safety assessment, the corresponding areas of concern need further exploration.

4.3 Hazard identification and analysis

4.3.1 Aviation safety hazards related to infrastructure, systems or operational procedures are initially identified using methods such

- brainstorming sessions with persons who have relevant industry knowledge and experience (expert opinion and operational judgement)
- safety surveys
- interrogating reporting systems / trend analysis
- reviewing serviceability and technical inspections reports
- outcomes of incident investigations (accident causal factors)
- learnings from events that have occurred at other aerodromes
- exploring findings from internal and external audits.

4.3.2 The identification of hazards may be conducted by considering:

- an analysis of the existing aerodrome facility
- the aerodromes operating environment
- the type of aircraft operating to and from the aerodrome

- the category of aircraft operations (i.e. regular public transport, charter or general aviation)
- the nature of operations (i.e. low visibility, narrow runway operations, remote) that currently or intend to use the aerodrome and its facilities
- potential new hazards that may emerge during or after implementation of the planned changes.

4.3.3 All potential outcomes or consequences for each identified hazard are to be identified and recorded.

4.3.4 Hazard identification and analysis should avoid being narrow or targeted. The limiting of hazard identification may inhibit the development of robust safety analysis.[4]

4.4 Risk assessment and development of mitigation measures

4.4.1 Understanding the risks to the safe operation of aircraft at, to and from the aerodrome, is the basis for the development of appropriate and effective risk mitigation measures that might be needed to ensure safe aerodrome operations.

4.4.2 The level of risk of each identified potential consequence is estimated by conducting a risk assessment. This risk assessment will determine the probability of the outcome occurring, based on experience as well as on any available data (e.g. accident database, occurrence reports), and the likelihood and severity of the consequence.

4.4.3 In some cases, a quantitative approach may be possible. In other instances, such as changes to the operational environment or procedures, a qualitative analysis may be more relevant.

4.4.4 Once each hazard has been identified and analysed in terms of potential impact, and assessed for probability and severity of its occurrence, it must be ascertained that all associated risks can be appropriately managed. An initial identification of existing mitigation measures is required to be conducted prior to the identification of any additional measures.

4.4.5 All risk mitigation measures, whether currently being applied or still under development, need to be evaluated for the effectiveness of their risk management capabilities[5].

4.5 Development of an implementation plan and conclusion of the assessment

4.5.1 The last phase of the safety assessment process is the development of a plan for the implementation of the proposed mitigation measures.

4.5.2 The proposed implementation plan should include

- each control measure to be implemented

[4] For additional guidance on hazard identification refer AC 139.C-27 'Risk management plans for aerodromes'
[5] Additional guidance on performing a risk assessment and the process for recording proposed control measures to mitigate risk is provided in AC 139.C-27 'Risk management plans for aerodromes'

- a breakdown of tasks required to implement each of the control measures
- the person who has been assigned responsibility to complete each task
- the date each task is required to be completed.

4.5.3 It is the responsibility of the aerodrome operator to ensure that agreed control measures are effectively implemented in a timely manner and for monitoring the effectiveness of each mitigation measure.

5 Submission of a safety case to CASA

5.1 Safety case content

5.1.1 Introduction

5.1.1.1 The safety case should clearly:

- identify the type of instrument being sought
- reference the regulation for which the deviation is sought
- describe why the operator is not able to meet the rule or standard.

5.1.2 Background information

5.1.2.1 Background information should provide CASA with an understanding of:

- the current situation
- what areas will be affected by the proposed deviation
- stakeholders involved or affected
- when the applicant will be able to comply with the regulations, if at all
- how the proposed deviation is likely to impact the operation of aircraft at the aerodrome.

5.1.3 Risk assessment

5.1.3.1 A copy of the completed safety assessment is to be provided to CASA.

5.1.3.2 The risk assessment should clearly show the:

- identified hazards to aviation safety
- associated risks
- identified control/mitigation measures.

5.1.3.3 Evaluations of each of the proposed mitigation measures, whether currently being applied or still under development, are to be shown.

5.1.3.4 The risk matrices used to carry out the risk assessment should be provided.

5.1.4 Outcome of the safety assessment

5.1.4.1 The aerodrome operator is required to demonstrate to CASA that the proposed deviation will provide an acceptable level of aviation safety.

5.1.4.2 The aerodrome operator may provide recommended controls such as operating procedures/restrictions or other safety measures that will be used to address the safety concerns. This may include proposed amendments to the aerodrome manual where appropriate etc.

5.1.4.3 In addition, the aerodrome operator may be able to estimate the effectiveness of each recommendation by conducting trials or simulations of each recommendation listed to identify the best means to address the proposed deviation.

5.1.5 Implementation plan

5.1.5.1 If applicable, provide an implementation plan. The plan should articulate timeframes, responsibilities for mitigation measures, as well as control measures to monitor the effectiveness of the mitigation measures.

5.1.6 Conclusion

5.1.6.1 The aerodrome operator should be able to summarise and conclude the results of the safety assessment and come to a decision on any safety measures that should be adopted.

5.1.6.2 The aerodrome operator should also specify a date that all necessary safety measures will be put in place should the safety case be accepted including how they will maintain an acceptable level of safety with the recommended safety measures identified during the assessment.

6 Review of the safety case by CASA

6.1.1 CASA will analyse the safety assessment to verify that:

- appropriate coordination has been performed with the relevant stakeholders
- the risks have been properly identified and assessed, based on documented arguments such as physical or human factors studies, analysis of previous accidents and incidents etc.
- the proposed mitigation measures adequately address the risk
- the time frames for planned implementation are acceptable.

6.1.2 On completion of the analysis of the safety assessment, CASA will, as applicable, provide formal acceptance of the safety assessment to the aerodrome operator through the issue of an authorisation, exemption or approval. CASA may choose to impose conditional measures to ensure safety.

6.1.3 If some risks have been underestimated, or have not been identified, further coordination may be required to reach an agreement on safety acceptance.

6.1.4 If no agreement can be reached, a statement with reasons for rejecting the proposal will be provided for possible resubmission by the aerodrome operator.

7 Promulgation of safety information

7.1 Aerodrome operator responsibilities

7.1.1 The aerodrome operator determines the most appropriate method for communicating safety information to their stakeholders and ensures that all safety-relevant conclusions of the safety assessment are adequately communicated.

7.1.2 Conditions contained within the CASA issued instrument may require the aerodrome operator to provide specific information to third parties.

7.1.3 Where the safety assessment includes a risk mitigation plan (i.e. controls), the risk mitigation plan should be included in the safety management system / risk management plan with the focus on ensuring the presence of the control/s and evaluating the effectiveness of the control/s being demonstrable at all times during the life of the CASA instrument.

Appendix A

Safety assessment flow chart

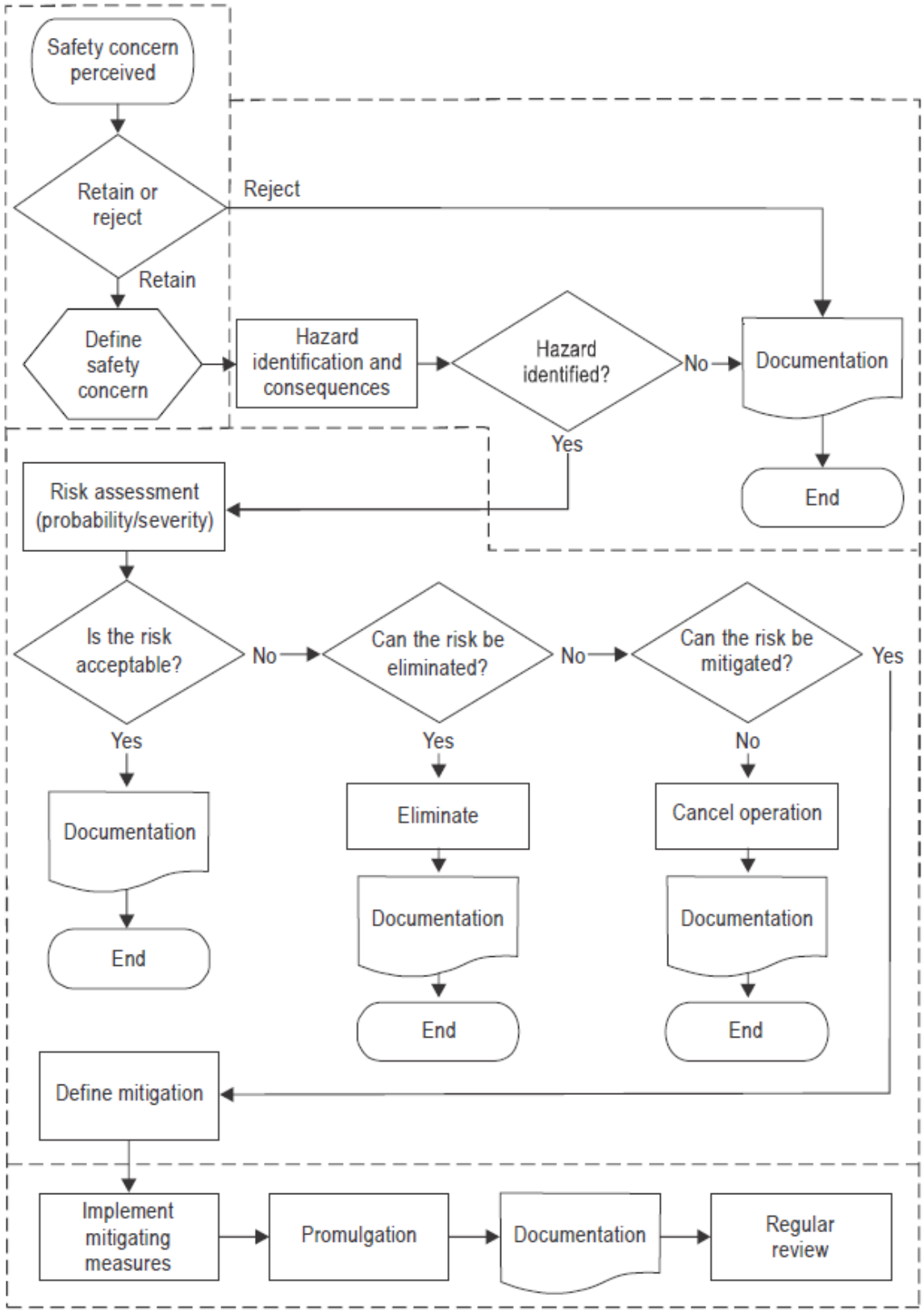

Figure 1: Safety assessment flow chart