



Australian Government  
Civil Aviation Safety Authority

# ADVISORY CIRCULAR AC 149-01 v2.0

## Approved self-administering aviation organisations

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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) will be of interest to:

- persons and organisations who intend to apply for an ASAO certificate under Part 149 of the *Civil Aviation Safety Regulations (1988)* (CASR).
- current holders of a Part 149 Certificate.
- members and affiliates of these organisations and other persons engaged in those activities.

## Purpose

This AC provides information and advice on the regulatory framework within which specified functions that would otherwise be performed by CASA, may be administered by qualified and approved self-administering organisations.

This AC is a guide and does not describe every requirement in Part 149 and the MOS. ASAO applicants should read Part 149 and the MOS in their entirety. This AC is not a substitute to the requirements of Part 149 and the MOS. Part 149 and the MOS can be accessed via the link on the CASA [Part 149 webpage](#).

## For further information

For further information, contact CASA's Sport Aviation Section (telephone 131 757).

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

## Status

This version of the AC is approved by the National Manager, Government and Industry Engagement.

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

Version	Date	Details
V2.0	January 2026	Updates to AC following sport aviation bodies transition and updates to Management of Change Appendix.
v1.0	April 2021	Initial AC.

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# 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
Act	Civil Aviation Act 1988
ASRR	Aviation Safety Regulation Review
ASAO	approved self-administering aviation organisation
CAO	Civil Aviation Order
CAR	<i>Civil Aviation Regulations 1988</i>
CASA	Civil Aviation Safety Authority
CASR	<i>Civil Aviation Safety Regulations 1998</i>
ICAO	International Civil Aviation Organization
LSA	light sport aircraft
MOS	Part 149 Manual of Standards
SMS	Safety Management System

## 1.2 References

### Regulations

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

Civil Aviation Orders are available on the CASA website <https://www.casa.gov.au/rules-and-regulations/landing-page/current-rules>

Document	Title
<a href="#">The Act</a>	<i>Civil Aviation Act 1988</i>
<a href="#">CAR</a>	<i>Civil Aviation Regulations 1988</i>
<a href="#">CASR</a>	<i>Civil Aviation Safety Regulations 1998</i>
<a href="#">Part 95 CAO</a>	Civil Aviation Orders (95 series)
<a href="#">Part 61</a>	Flight crew licensing
<a href="#">Part 103</a>	Sport and recreational aviation operations
<a href="#">Part 105</a>	Sport and recreational parachuting from aircraft
<a href="#">Part 131</a>	Manned free balloons
<a href="#">Part 132</a>	Limited category aircraft

Document	Title
<a href="#">Part 149</a>	<p>Approved self-administering aviation organisations.</p> <p>References in this AC to specific parts:</p> <p>The regulations:</p> <ul style="list-style-type: none"> <li>• 149.015 is a reference to a regulation</li> <li>• 149.345(1) is a reference to a subregulation</li> <li>• 149.290(1)(f) is a reference to a paragraph</li> <li>• 149.075(1)(b)(ii) is a reference to a subparagraph</li> </ul> <p>The MOS:</p> <ul style="list-style-type: none"> <li>• MOS 149.37 refers to the Part 149 MOS / Section 37</li> <li>• MOS 149.37(2) is a reference to a subsection</li> <li>• MOS 149.37(2)(k) is a reference to a paragraph</li> <li>• MOS 149.37(2)(k)(ii) is a reference to a subparagraph</li> </ul>

## 1.3 Forms

CASA's forms are available at <https://www.casa.gov.au/resources-and-education/publications/forms>

Form number	Title
Form 149-01	Application for ASAO certificate
Form 1591	Safety Management System (SMS) Evaluation
Form 1608	Part 149 Compliance Matrix
Form 04-5399	CASA review of ASAO decision

## 2 The legislative framework

### 2.1 Background to Part 149

- 2.1.1 All Australian civil aviation operations are governed by the *Civil Aviation Act 1988 (the Act)*. The applicable delegated legislative requirements are detailed in the *Civil Aviation Regulations 1988* (CAR), supporting Civil Aviation Orders (CAOs) and the *Civil Aviation Safety Regulations 1998* (CASR), with supporting Manuals of Standards (MOS).
- 2.1.2 CASA's regulatory development and reform program is aligning all aviation activity rules with ICAO Standards and Recommended Practices. The CARs and CAOs are progressively being replaced by the Parts of CASR. These Parts are supported by the Part 149 Manual of Standards (MOS).
- 2.1.3 Part 149 provides the legislative framework for approved self-administering aviation organisations (ASAOs). Consistent with the Government response to recommendation 30 of the Aviation Safety Regulation Review Report (ASRR), Part 149 provides for the making of a Manual of Standards as a third tier of the legislative framework.

### 2.2 Operation of Part 149

- 2.2.1 Part 149 provides a framework for a person or organisation to apply to CASA for, and be granted under Subpart 11.B of CASR, an authorisation, referred to as ASAO Certificate, which authorises an ASAO to perform certain approved aviation administration functions.
- 2.2.2 Before CASA can issue an ASAO certificate, CASA must be satisfied that:
  - a. the applicant's proposed exposition complies with the requirements set out in Part 149 and the Part 149 MOS
  - b. the applicant's organisation or proposed organisation:
    - i. can perform its aviation administration functions safely and in accordance with the organisation's exposition and the civil aviation legislation
    - ii. has the required facilities and equipment necessary to perform its approved functions, including the necessary equipment for its personnel to perform their duties
    - iii. has up-to-date copies of the required reference materials and can provide its personnel and authorisations holders with access to these materials
  - c. the applicant has nominated an individual for each of the key personnel positions of the organisation. There are several key personnel positions, namely the Accountable Manager, Safety Manager, and the manager (however named) responsible for administering aircraft and any other position with responsibilities prescribed by the Part 149 MOS at section 31 Key personnel – Managers of approved functions
  - d. the individuals nominated for the position of Accountable Manager and Safety Manager have the qualifications and experience specified in the ASAO's exposition



and that the individuals nominated for all other key personnel positions are appropriately qualified.

## 2.3 Description of the Part 149 regulatory structure

- 2.3.1 **The Part 149 regulations – Overview:** Part 149 is made up of eleven subparts. An overview of each subpart is listed below at 2.3.2 - 2.3.12 to assist applicants for an ASAO Certificate with the process of structuring and developing an exposition that is compliant with Part 149 and MOS, as well as other relevant regulations, legislation and as applicable, civil aviation orders.
- 2.3.2 **Subpart 149.A – General:** includes a provision that the performance of an aviation administration function must only be conducted by the holder of an ASAO certificate issued under the Part.
- 2.3.3 **Subpart 149.B – ASAO certificate:** outlines requirements and provisions that prescribe the details to be provided by an applicant for an ASAO certificate, the items about which CASA must be satisfied in order to issue a certificate, and the conditions applicable to ASAO certificates.
- 2.3.4 **Subpart 149.C – Changes to exposition or personnel:** an applicant's exposition must set out the requirements for matters related to changes an ASAO can make to its exposition or its personnel. Additionally, CASA can give directions to an ASAO to remove, include or vary information, procedures or instructions it has in its exposition.
- 2.3.5 **Subpart 149.D – Organisation and personnel:** defines certain organisational and personnel requirements and responsibilities, including organisational structure, experience and qualifications of its key personnel, training prior to commencing of duty, and maintaining a register of key personnel and appointed persons.
- 2.3.6 **Subpart 149.E – Systems, facilities, reference materials and rules:** outlines requirements for certain systems, facilities, equipment, reference materials and rules that make up the administrative fundamentals of the safety-assurance activities of an ASAO.
- 2.3.7 To ensure the performance of the ASAO's approved functions does not have an adverse effect on the safety of air navigation, this Subpart requires an ASAO to have a safety management system (SMS) tailored to the size, nature and complexity of the functions of the ASAO, as well as an audit and surveillance system that assures operational safety of ASAO authorisation holders.
- 2.3.8 **Subpart 149.F - Expositions:** together with respective MOS provisions, sets out the minimum content requirements of an exposition and establish that an ASAO must comply with and provide access to the exposition.
- 2.3.9 **Subpart 149.G - Authorisations:** outlines the requirements for the issue of authorisations, disclosure requirements by an applicant for an authorisation, compliance requirements of authorisation holders, as well as the ASAO's reporting requirements of the conduct and any enforcement action undertaken against authorisation holders.
- 2.3.10 **Subpart 149.H - Authorisations and enforcement:** establishes the circumstances by CASA direction, when an ASAO would be required to exercise its enforcement powers

in the interests of aviation safety. Alternatively, if CASA is satisfied that it is necessary in the interests of aviation safety, CASA may, by written notice given to the holder of an authorisation issued by an ASAO, vary, suspend or cancel the authorisation.

2.3.11 **Subpart 149.J - Information and documents:** outlines the requirements for an ASAO to provide information or documents to CASA relating to the ASAO's approved functions.

2.3.12 **Subpart 149.K - Review of ASAO decisions:** requires an ASAO to establish an internal review process of decisions made by the ASAO. A person may apply to the ASAO for an internal review of an ASAO's decision to:

- a. refuse issue of an authorisation
- b. issue an authorisation to the person in terms different from those applied for
- c. vary, suspend or cancel an authorisation issued to the person
- d. attach conditions (or vary conditions) to an authorisation issued to the person.

2.3.13 A person who is dissatisfied with a decision made by an ASAO in relation to an authorisation may, in the first instance, apply to the ASAO to conduct an internal review of that decision.

2.3.14 The ASAO's exposition must also address the procedure the ASAO will follow if the person is dissatisfied with the internal review decision and proceeds to make an application to CASA to review the ASAO's decision.

## 2.4 Overview of the Part 149 MOS

2.4.1 Regulation 149.010 establishes that CASA may issue a MOS that prescribes matters required or permitted by Part 149 to be prescribed by the Part 149 MOS, or necessary or convenient to be prescribed for carrying out or giving effect to the Part (Part 149). The prescribed requirements detailed within the Part 149 MOS must be included and addressed within an ASAO's exposition.

- 2.4.2 For example, regulation 149.290 establishes that an ASAO must prepare aviation administration and enforcement rules as a component of an ASAO's exposition. Subparagraph 149.290(1)(k) states that the exposition must include any other matter prescribed by the Part 149 MOS. Section 36 of the Part 149 MOS sets out additional ASAO aviation and enforcement rules that must be included in an exposition.

## 2.5 Operational rule sets - other associated regulations

- 2.5.1 While Part 149 contains the regulatory requirements for an organisation to be approved as a self-administering organisation to administer particular functions (i.e. administer a portion of the sport aviation activities, refer below), additional operational requirements regarding the activity being performed are contained within an associated set of regulations.
- 2.5.2 All activities conducted under Part 103 and Part 105 are subject to ASAO administration. An ASAO responsible for administering Part 103 or Part 105 activities is required to have an exposition that incorporates the relevant requirements of the operational rule sets. All persons undertaking a part 103 or 105 activity must do so in accordance with the exposition of the relevant ASAO.
- 2.5.3 Part 103 has been designed to be a non-complex rule set that builds on the general operating rules in Part 91 to accommodate the unique characteristics relevant to the operation of Part 103 aircraft. It applies to aircraft that are defined as 'Part 103 aircraft' and to the operation of any aircraft used for the towing of a Part 103 aircraft. Part 103 does not apply to the operation of a Part 103 aircraft if Part 132, 133, 135 or 137 applies to the operation.
- 2.5.4 A Part 103 aircraft means an aircraft not registered under Part 47 of CASR that is one of the following: a powered parachute, gyroglider, hang glider or powered hang glider, paraglider or powered paraglider, a rotorcraft prescribed by the Part 103 MOS, a weight-shift-controlled aeroplane prescribed by the Part 103 MOS or any other aeroplane prescribed by the Part 103 MOS. The exception is a sailplane (being a powered sailplane, power-assisted sailplane or touring motor glider) which is required to be registered under Part 47 of CASR and is a Part 103 aircraft.
- 2.5.5 Part 103:
- defines what constitutes a Part 103 activity;
  - requires a person to hold an authorisation to undertake a Part 103 activity;
  - prescribes flight rules for Part 103 aircraft that are additional or different to Part 91 flight rules;
  - provides for the instruments, equipment and systems to be fitted to Part 103 aircraft; and
  - governs the towing of Part 103 aircraft by other aircraft, and
  - provides administrative mechanisms for:
    - the registration (termed "listing" to avoid confusion with registration under Part 47) with an ASAO of Part 103 aircraft that are not registered under Part 47,
    - the setting of airworthiness standards (for Part 103 aircraft to which Part 21 of CASR does not apply) by an ASAO and the acceptance of an aircraft against those standards by the ASAO,
    - identification markings for Part 103 aircraft not registered under Part 47
- 2.5.6 Part 105 of CASR applies to all parachute descents from aircraft in Australia conducted using a personnel parachute. The Part does not apply to emergency parachute

descents, parachute descents that are not from aircraft and parachute descents from State aircraft.

- 2.5.7 In conjunction with the Part 105 MOS, the Part consolidates all existing legislative requirements (operations, maintenance, personnel, aircraft and equipment) applicable to parachuting from aircraft in addition to the general operating rules and flight rules of Part 91 of CASR. It sets out detailed requirements for the conduct of defined parachuting activities, including training, parachute maintenance and defect reporting, pilot requirements and related activities, as well as parachuting specific operating rules.

## 3 Aviation administration functions

### 3.1 An aviation administration function means:

- a. exercising ASAO enforcement powers  
or
- b. a function prescribed under the Part 149 MOS.

### 3.2 Part 149 MOS prescribed functions

- 3.2.1 The Part 149 MOS defines aviation administration functions that an ASAO may be authorised to perform, including the kinds of aircraft and the activities that can be administered.
- 3.2.2 The functions are separated into the administration functions for sport and recreational aircraft (Part 149 aircraft), and the administration functions for parachuting activities. The nature and scope of these functions are listed below and described in detail in Table 1 and Table 2 of Appendix A respectively, of this AC.

### 3.3 Enforcement powers

- 3.3.1 An ASAO that applies for enforcement powers can only exercise those approved powers in the ASAO's aviation administration and enforcement (AAE) rules and in accordance with the procedures relating to the exercise of those powers set out in the rules. It would generally be expected that every ASAO applicant would seek enforcement powers.
- 3.3.2 The rules must be part of the ASAO's exposition. Section 8 of this AC provides an overview of how CASA approaches enforcement and investigations.
- 3.3.3 An enforcement action permitted under the ASAO's AAE rules must be limited to an action undertaken by the ASAO to manage the safety risks arising from:
  - a. an authorisation holder or member of the ASAO's personnel overriding or attempting to override an aviation safety-related decision of a member of the ASAO's key personnel (MOS 149.36(c))
  - e. an authorisation holder not complying with a provision of the ASAO's exposition that applies to the authorisation holder (MOS 149.36(e)(ii)).

Note: An authorisation holder that does not comply with a provision of the ASAO's exposition commits an offence (regulation 149.410).

- 3.3.4 The MOS defines the following aviation administration functions in relation to Part 149 aircraft (refer to Table 1):
  - Registration of certain Part 149 aircraft.
  - Setting and assessing airworthiness standards for certain Part 149 aircraft.
  - Developing training and issuing authorisations for continuing airworthiness activities for certain Part 149 aircraft.
  - Establishing procedures for the safe conduct of flight operations in Part 149 aircraft.

- Authorising individuals to perform a duty essential to the operation of a Part 149 aircraft, including certifying pilots, instructors and examiners.
- Administering flying training activities, flight tests and aeronautical examinations for pilots and instructors.
- Assessing other existing authorisations and issuing an ASAO authorisation based on the determination of the equivalence of the other authorisation.
- Administering the airworthiness of the tow release used in the towing system of an aircraft operated to tow a glider, including authorising persons to carry out maintenance on the tow release.
- The MOS defines the following parachuting aviation administration functions (refer to Table 2):
  - o Administering a parachute descent activity including establishing a parachutist certification training scheme, as well as issuing parachutist certificates, ratings or endorsements.
  - o Establishing procedures for the safe conduct of parachute descents.
  - o Administering persons who provide services or equipment to a parachutist.
  - o Administering the operation of an aircraft to facilitate a parachute descent, including authorising jump pilots and jump pilot trainers.
  - o Administering a parachute training organisation.
  - o Administering the airworthiness of a parachute, including issuing an authorisation for an airworthiness activity, such as packing, assembling or conducting maintenance on a parachute.
  - o Assessing existing parachuting authorisations issued by foreign or other sport aviation authorisation bodies.

### 3.4 Part 149 aircraft

3.4.1 For the purpose of the application of administration functions for sport and recreational aircraft, Part 149 MOS, sections 7 to 12, set out the kinds of aircraft (referred to as Part 149 aircraft) which an ASAO may administer. These are:

- a. Sailplanes (CAO 95.4 and CAO 95.4.1) – MOS 149.7(2).
  - f. Hang gliders including paragliders, including powered variants (CAO 95.8) – MOS 149.7(2).
  - g. Microlight aeroplanes including some weight shift-controlled aeroplanes (CAO 95.10) – MOS 149.8.
  - h. Weight-shift controlled aeroplanes and powered parachutes (CAO 95.32) – MOS 149.9 and 149.7(2)
  - i. Ultralight, LSA and Lightweight Aeroplanes (CAO 95.55) – MOS 149.10.
  - j. Manned balloons and hot air airships (CAO 95.54) – MOS 149.11.
- Gyroplanes (CAO 95.12 and CAO 95.12.1) – MOS 149.12.

3.4.2 The MOS sets out characteristics that are specific to the kind of aircraft and the kind of operations permitted to be conducted in the aircraft. This correctly differentiates, where necessary, Part 149 aircraft from other (similar) aircraft.

**Note:** Upon commencement of proposed Part 103 MOS of CASR, Part 149 aircraft will become Part 103 aircraft.

## APPROVED SELF-ADMINISTERING AVIATION ORGANISATIONS

Upon the expected repeal of CAR 262AN, Part 149 will be amended to provide for a limited category organisation to become a Part 149 ASAO.

## 4 Application for an ASAO certificate

- 4.1.1 An individual or other legal entity must submit a written application for an initial issue of a Part 149 certificate. The application should be accompanied by the approved application form that has been completed and complies with the requirements of regulation 149.070.
- 4.1.2 The application should also be accompanied by a Compliance Matrix. A Compliance Matrix ensures that the Part 149 regulation requirements have been addressed in the applicant's documentation. Providing a Compliance Matrix assists with a more efficient review and assessment of Part 149 certificate applications, reducing both the time and cost of the assessment process.
- 4.1.3 The applicant's exposition must include details of the aviation administration functions covered by the application. The MOS sets out matters relating to aviation administration functions for Part 149 aircraft and parachuting activities; these have been summarised in the administration function and subfunction columns in Table 1 and Table 2 in Appendix A of this AC. The applicant must include the relevant aviation administration functions, sub-functions and activities including the kinds of aircraft (if any) that they propose to administer, as well as any enforcement powers they propose to exercise.
- 4.1.4 An initial review will be undertaken by CASA to ensure that the application contains all the regulatory requirements to enable it to be accepted as full and complete. If the application is deemed not to meet the requirements the application will be returned to the applicant with advice regarding the deficiencies. No charge is payable for the initial review.
- 4.1.5 A determination of the application meeting the full and complete requirements will permit the applicant to request a pre-application meeting. The purpose of the meeting is to confirm any information previously provided, the applicant's understanding of the legislation, CASA's expectations in relation to the information requirements, and to describe the assessment process and associated timeframes.
- 4.1.6 In accordance with the *Civil Aviation (Fees) Regulations 1995*, a cost estimate will be determined and issued to the applicant for payment. The estimate is an approximation only and will be reconciled at the end of the assessment process. The assessment will not proceed until the applicant has paid the cost estimate.
- 4.1.7 On completion of the assessment process, the account will be reconciled. If the final cost is greater than the amount paid, an invoice will be issued to recover the remaining balance due. If the final cost is less than the amount paid, a refund will be issued.

## 4.2 Number of ASAOs

- 4.2.1 Under Part 149, CASA has the capability to limit the number of ASAO certificates that may be issued if it is likely to have an adverse effect on the safety of air navigation. A limit may be imposed for a specified period, or indefinitely, and either generally, or only for a specified class of aviation administration functions.



### **4.3 Relationship between CASA, ASAOs and authorisation holders**

- 4.3.1 The ASAOs have certain enforcement powers over their authorisation holders. In relation to the holder of an authorisation issued by an ASAO, CASA can direct an ASAO to exercise an ASAO enforcement power. CASA also has the capability to suspend, vary or cancel an authorisation issued by an ASAO if it is satisfied that doing so is in the interests of safety of air navigation.

### **4.4 Administrative versus operational rules**

- 4.4.1 The exposition of an ASAO must detail the organisation's administrative procedures and its enforcement procedures. Operational rules that apply to the functions and activities of the organisation can be written into the exposition or be part of the exposition's document suite and written as a separate operations manual to which the exposition makes reference. The exposition must also include assurances that the members are aware of which general operating rules (CAR, CASR etc.) apply to aircraft listed with the ASAO unless specifically exempted by CASA.

### **4.5 Information sharing between ASAOs**

- 4.5.1 To ensure an industry-consistent approach to the administration of the same types of ASAO-administered aircraft, such as weight-shift controlled aeroplanes or the same type of parachuting activities an ASAO may be required to enter into an agreement with another ASAO to mutually ensure that the activities of the organisations would not be likely to have an adverse effect on the safety of air navigation.
- 4.5.2 The agreements would need to consider matters that relate to how each of the relevant organisations plan to share the relevant information and coordinates the operational requirements.
- 4.5.3 In this case, the ASAO's exposition must include a copy of any document detailing the processes and procedures relating to the information-sharing arrangements between the organisations and the operational-cooperation arrangements between the organisations.
- 4.5.4 The purpose of these two agreements is to ensure consistency in the operations of the administration of the same type of aircraft or the oversight of the same type of parachuting operations.
- 4.5.5 Agreements are part of the exposition of each party [to the agreement]. Where two or more ASAOs administer an approved function in relation to the same kind of Part 149 aircraft, CASA would require that each ASAO enter into an agreement. Similarly, CASA would require that the ASAOs enter into an agreement in the circumstance in which two or more ASAOs administer an approved function in relation to parachuting.
- 4.5.6 If an ASAO is unable or unwilling to reach an information-sharing agreement that mitigates the likelihood of an adverse effect on the safety of air navigation, CASA may, under subregulation 149.120(1), direct the ASAO to include mechanisms (information, procedures and instructions) to ensure information sharing and operational cooperation

between the ASAOs in its exposition that, to the satisfaction of CASA, achieves the required safety objective.

## **4.6 Providing information relating to approved functions**

- 4.6.1 CASA may give notice in writing to an ASAO requiring the ASAO to provide specified information or documents relating to the ASAO's approved functions within seven days. Additionally, if the ASAO becomes incapable of complying with its obligations under the civil aviation legislation, it must provide CASA with all documents used in the performance of its approved functions.
- 4.6.2 The following are examples of the type of information an ASAO is required to provide CASA:
- Any changes to the exposition that they are not exempted from reporting.
  - Whether any of the ASAO's key personnel cannot carry out the person's responsibilities for a period of longer than 35 days.
  - Each vacancy in the key personnel of the ASAO.
  - Interference with decisions of key personnel.
  - Certain conduct by authorisation holders.
  - Certain circumstances relating to applications for authorisations.
  - Information-sharing arrangements between ASAOs conducting similar functions.

## **4.7 Organisation structure**

- 4.7.1 CASA must be satisfied that the applicant's organisation can perform the functions safely and in accordance with both the applicant's exposition and civil aviation legislation.
- 4.7.2 To assist CASA in making such a determination, the applicant must describe its organisational structure (among other requirements) and include, in their exposition, a description and diagram of the organisation showing formal reporting lines, including those lines for key personnel positions.
- 4.7.3 The detail required for the description and diagram will vary depending on the size, scope and complexity of the organisation.
- 4.7.4 Description requirements for organisational structure**
- 4.7.4.1 The description of the applicant's organisational structure should be sufficient in detail to provide a clear understanding of how the organisation performs its functions. The description must include details of all personnel in the organisation who have duties or responsibilities that relate to the safe performance of the organisation's proposed functions. This description may include position titles that have management responsibility for other elements within the organisation.
- 4.7.4.2 If the applicant has chosen to use titles for key personnel positions that are different to those described in regulation 149.210, the applicant must identify which titles are equivalent to the defined key personnel positions within their exposition. Additionally, the exposition must clearly articulate the approved functions, sub-functions and

activities listed in the MOS, for which each key person and appointed person is responsible.

4.7.4.3 The description of the applicant's organisational structure should also confirm that:

- all key personnel positions have been filled
- the Safety Manager has independence from operational areas and is not subject to undue influence
- the Safety Manager position is not occupied by a person who occupies another key personnel position in the organisation<sup>1</sup>.

4.7.4.4 For smaller organisations proposing to conduct limited aviation administration functions, it may be acceptable for some key personnel positions, other than the Safety Manager position, to be combined.

#### **4.7.5 Diagram of the structure of the organisation**

4.7.5.1 The diagram of the structure of the organisation should clearly depict the management and reporting structure of the organisation, including:

- all key personnel positions (providing evidence that all positions have been filled)
- the formal reporting lines for each of the key personnel
- a direct reporting line from the Safety Manager to the Accountable Manager, or a direct reporting line from the Safety Manager to senior management with a formal direct line of communication with the Accountable Manager
- evidence of the Safety Manager's independence from operational areas
- all personnel in the organisation who have duties or responsibilities that relate to the safe performance of the organisation's functions, and
- reporting lines for personnel within each department, leading to the respective head of that department (typically, the person appointed in a key personnel position).

4.7.5.2 The diagram may also include:

- communication lines, such as the line of communication between other key personnel and the Safety Manager
- position titles and reporting lines for positions that do not have management responsibility for the performance of aviation administration functions, such as Finance Manager, Human Resources Manager etc.

4.7.5.3 The diagram is required to correspond with the applicant's description of the organisation and provide an accurate visual representation of the structure.

4.7.5.4 For large and complex organisations, more than one diagram may be included in the exposition to provide a comprehensive understanding of the whole organisation.

#### **4.7.6 ASAO to maintain an effective structure**

4.7.6.1 To ensure safe and effective management of the proposed Part 149 functions, an ASAO must maintain a structure that effectively manages the ASAO's approved functions, taking into account the nature and complexity of the functions. It must also have enough suitably competent, qualified and trained personnel to enable the ASAO to

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<sup>1</sup> Other than for purposes outlined in sub-paragraph 149.085(f)(i) or (ii) of CASR.

perform the ASAO's approved functions in accordance with the ASAO's exposition and the civil aviation legislation regulation 149.195.

4.7.6.2 Taking into account the nature and complexity of the proposed functions, the applicant should demonstrate that they have considered (but not be limited to):

- the number of functions they propose to administer
- the number and kinds of aircraft they propose to administer (if any)
- the number and location of administered organisations (i.e. airworthiness organisations, flight training organisations, parachuting training organisations and parachuting operators other than training organisations)
- the personnel required to enable the organisation to perform the functions
- the number and kinds of authorisations the organisation proposes to administer
- any enforcement powers the organisation proposes to administer.

4.7.6.3 MOS 149.37(2)(l) requires an applicant to provide a description of the procedures that will ensure that the organisation has enough suitably competent, qualified and trained personnel to enable the ASAO to perform its approved functions in accordance with both the ASAO's exposition and civil aviation legislation.

4.7.6.4 In developing the description of procedures, an applicant should consider (but not limited to):

- identifying the person within the organisation who is responsible for ensuring the organisation has enough suitably competent, qualified and trained personnel
- what the experience, qualifications and training requirements will be for personnel to safely perform the organisation's approved functions
- how individuals will be assessed and selected for the personnel positions
- when and how personnel will be trained and what records will be retained
- what reference materials will be referred to during and after training and how will the materials be revised and updated for efficacy
- how the organisation will identify the number of personnel required to effectively perform its approved functions
- how organisational change may affect ongoing compliance (management of change).

**Note:** By addressing some of these points above, it is envisaged that it may assist in complying with other regulatory requirements of Part 149.

4.7.6.5 Having identified the personnel requirements, the organisation should provide evidence to CASA that they have followed the relevant processes and that they have engaged, or have plans to engage, sufficient competent, qualified and trained personnel to perform the proposed functions.

## **4.8 Aviation administration functions and facilities - functions, rules and procedures**

4.8.1 An applicant must include a description of the organisation's proposed functions in the exposition and provide details of the relevant aviation administration functions, sub-

functions and activities as outlined in Table 1 or Table 2 of Appendix A to this AC, including any enforcement power they propose to exercise.

- 4.8.2 The applicant must include all rules and procedures relating to the performance of the proposed functions and should encompass all related aspects of the performance of the proposed functions.

## 5 Key personnel and other personnel of ASAO

- 5.1.1 An ASAO is required to establish and maintain an organisational structure that is suitable to manage its approved functions effectively and safely, taking into consideration the size, nature and complexity of the organisation. An ASAO must have a minimum of two key personnel, an Accountable Manager and a Safety Manager. In addition to these two minimum roles, additional key personnel may be required to carry out the responsibilities of the manager of each approved function i.e. operational and technical manager (refer to MOS 149.31).
- 5.1.2 While an Accountable Manager may also hold an additional key personnel position (e.g. operational or technical position within a small, non-complex ASAO), the role of Safety Manager may not be simultaneously<sup>2</sup> occupied by a person who occupies another key personnel position.

### 5.2 Accountable Manager

- 5.2.1 The Accountable Manager is responsible for managing the ASAO and is accountable for the matters set out in the ASAO's exposition. The individual nominated to hold the position of accountable manager of the applicant's organisation must have the qualifications and experience required by the applicant's proposed exposition.

**Note:** In accordance with regulation 149.075, CASA must be satisfied with the qualifications and experience required by the applicant's proposed exposition prior to issuing an ASAO certificate.

### 5.3 Safety Manager

- 5.3.1 The Safety Manager is responsible for operating the ASAO's safety management system (SMS) set out and approved by CASA in the ASAO's exposition. The Safety Manager must have the experience and qualifications required by the applicant's proposed exposition. The position of safety manager must not be occupied by any other key personnel position in the ASAO's organisation simultaneously except:
- a. in an unforeseen circumstance, and for the period specified in the ASAO's exposition,
  - or
  - b. in the circumstances, and for the period, for which the ASAO holds an approval under regulation 149.005.

**Note:** In accordance with regulation 149.075, CASA must be satisfied with the content of the applicant's proposed exposition, including the qualifications and experience required by the key personnel and specified time periods, prior to issuing an ASAO certificate.

### 5.4 Other key personnel

- 5.4.1 Key Personnel positions other than the accountable manager and the safety manager, however named, are defined by the regulations as:
- a. the manager responsible for administering aircraft

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<sup>2</sup> Other than for purposes outlined in sub-paragraph 149.085(f)(i) or (ii) of CASR.

b. each manager of the approved functions specified in MOS 149.31

5.4.2 The exposition must clearly articulate each approved function, sub-function and activity and the responsible key person.

## 5.5 Appointed persons

5.5.1 An appointed person is an individual that is appointed by the ASAO or a key person to perform an approved function on behalf of the ASAO. For example, a person appointed to assess a Part 149 flight training organisation or parachute training organisation, or issue authorisations, endorsements, or ratings on a pilot certificate, is an Appointed Person.

5.5.2 A number of roles such as persons assisting key personnel positions e.g. assistant operation manager, chief flying instructors, chief parachute instructors and examiners, may fall under this definition as appointed persons and are required to be referenced within the ASAO's proposed exposition.

5.5.3 The exposition must clearly articulate each approved function, sub-function and activity and the responsible key person.

## 5.6 Other personnel

5.6.1 Persons that assist key personnel or appointed persons in the performance of the ASAO's functions, but who do not assume responsibility for the function or the outcome of the work undertaken, are also considered ASAO personnel. For example, a chief flying instructor recommends the issue of a pilot certificate; a person within the applicant's organisation is responsible for performing several administrative processes with the recommendation (e.g. update systems, verify eligibility etc.), before consideration by the responsible person (who may be either key personnel or appointed person) to issue the pilot certificate. The person performing the administrative processes is considered personnel.

5.6.2 Other personnel of an ASAO include any of the following persons who have duties or responsibilities that relate to the safe performance of the ASAO's approved functions:

- a. An employee of the ASAO:
  - i. An employee of the ASAO
  - ii. A person engaged by the ASAO (whether by contract or other arrangement) to provide services to the ASAO.
  - iii. An employee of a person mentioned in item b above.
  - iv. A person appointed by the ASAO to perform an approved function on behalf of the ASAO (an appointed person).

## **6 Organisation and personnel**

### **6.1 Qualifications and experience of personnel**

- 6.1.1 The applicant's exposition must detail, if any, the qualifications and experience required by the ASAO for each key personnel and appointed person position. If listed, the qualifications and experience must include those outlined in the MOS for specified positions.
- 6.1.2 The applicant is expected to demonstrate the application of a suitable risk-based approach when establishing the experience and qualifications requirements for personnel positions. This should reflect and consider the risk associated with the proposed functions.

### **6.2 Considerations for qualifications and experience of key personnel**

- 6.2.1 Subject to the application of a suitable risk-based approach when establishing the experience and qualifications requirements for personnel positions, an example of expected qualifications and experience for an Accountable Manager include sufficient relevant organisational, operational, financial and people management training and experience to enable the organisation to perform the functions safely and in accordance with both the applicant's exposition and civil aviation legislation.
- 6.2.2 The level of qualifications and experience required for the accountable manager position within each of the example criteria mentioned above will vary and depend on the nature, complexity and inherent risk of the applicant's proposed functions and the size of the proposed organisation.
- 6.2.3 With consideration of the inherent risks associated with the function, all other key personnel positions in an organisation should have proportionate subject matter expertise and/or qualifications in the discipline for which they will be responsible.
- 6.2.4 As outlined in Appendix C of this AC, the appointment of key personnel will require CASA approval. If the ASAO has a suitable system in place, it may reduce CASA's involvement in assessing a person as being suitable for the role. However, some matters CASA will always be involved with, for example the considerations outlined in section 6.3 of this AC.
- 6.2.5 In the interest of safety, and to be satisfied that a personnel nominee is suitable for appointment to a key personnel position, CASA may require the nominee to undergo an examination or interview by CASA. However, a nominee who has previously been deemed suitable for a comparable position in a similar operation may not require further CASA evaluation, particularly if the assessment was recent.
- 6.2.6 There are a number of factors that may influence CASA involvement in the assessment of a key personnel appointment:
  - a. If the ASAO has prescriptive or outcome-based qualification and experience requirements for key personnel positions



- b. If the ASAO has provided details as to how they were satisfied a nominee met the required ASAO qualification and experience requirements.
- c. If the ASAO has identified any gaps the nominee may have against the required ASAO qualifications and experience and how they were planning to address those gaps.
- d. If the ASAO has provided details as to the familiarisation training the nominee has undertaken for the key personnel position.
- e. If the ASAO has a competency-based assessment program that will determine if a nominee is competent to undertake the responsibilities of the key personnel position.

6.2.7 Should CASA determine that an evaluation is required to ascertain the suitability of a nominee, the nominee will be required to demonstrate a suitable knowledge and understanding of the accountabilities and responsibilities of the position, including (but not limited to):

- a. an appropriate understanding of the position's overall responsibility for regulatory compliance
- b. an understanding of aviation legislation, having regard for the functions for which they are responsible under the position
- c. an understanding of how standards (relevant to the position) are to be monitored and maintained.

### 6.3 CASA considerations for key personnel

6.3.1 As a Part 149 certificate is a CASA Authorisation, CASA will consider the following matters (as contained in paragraphs 11.055 (4)(a) to (i) and (5)) as they relate to persons nominated for Key Personnel positions to the extent of the relevance to the proposed position:

- i the applicant's record of compliance with regulatory requirements (in Australia or elsewhere) relating to aviation safety and other transport safety; and
- ii the applicant's demonstrated attitude towards compliance with regulatory requirements (in Australia or elsewhere) relating to aviation safety and other transport safety; and
- iii the applicant's experience (if any) in aviation; and
- iv the applicant's knowledge of the regulatory requirements applicable to civil aviation in Australia; and
- v the applicant's history, if any, of serious behavioural problems; and
- vi any conviction (other than a spent conviction, within the meaning of Part VIIC of the Crimes Act 1914) of the applicant (in Australia or elsewhere) for a transport safety offence; and
- vii any evidence held by CASA that the applicant has contravened:
  - (i) the Act or these Regulations; or
  - (ii) a law of another country relating to aviation safety; or
  - (iii) another law (of Australia or of another country) relating to transport safety; and
- viii the applicant's financial standing and financial stability (see 11.040(2)); and
- ix any other matter relating to the fitness of the applicant to hold the authorisation. In the case of an applicant for Part 149 authorisations, while CASA will have regard to any relevant material kept in its own records, it is also necessary (particularly in the case of nominated key personnel where the individual is subject to oversight by an ASAO rather than directly by CASA) to make enquiries with other ASAOs to provide assurance that the candidate is

suitable for the responsibilities of the role in accordance with the requirements of Part 11 of the CASR. In the event that CASA should receive any potentially adverse information during this process then CASA will provide an opportunity for submissions to be made before any decision is made.

## **6.4 Personnel fatigue management**

- 6.4.1 Fatigue management refers to the methods by which an ASAO and its personnel address the safety implications of fatigue. The management of the hazards associated with fatigue should integrate with the organisational SMS processes that are in place for managing safety hazards in general.
- 6.4.2 The ASAO's management of the risk of human fatigue in the performance of its approved functions applies to the ASAO's personnel performing a duty in relation to an approved function. For example, fatigue may result in a member of the ASAO's personnel issuing a pilot certificate while overlooking a safety sensitive eligibility criterion when issuing the certificate.
- 6.4.3 Managing the risk of human fatigue requires the development and implementation of mechanisms to ensure that the effects of fatigue on activities carried out by ASAO personnel would be unlikely to have an adverse effect on the safety of air navigation.
- 6.4.4 Mechanisms developed by the ASAO to address the risk of fatigue should consider all of the kinds of persons, detailed in section 5 of this AC, who perform a duty in relation to a function.

## **6.5 Aviation administration and enforcement rules (AAE)**

### **6.5.1 Rules governing enforcement**

- 6.5.1.1 Section 8 of this AC provides an overview of CASA's obligations to enforcement and investigations and may assist to establish CASA's expectations when writing enforcement rules.
- 6.5.1.2 Enforcement action may only be taken in relation to aviation safety, and an ASAO's aviation administration and enforcement rules cannot prescribe any enforcement powers in relation to non-aviation safety related issues.
- 6.5.1.3 Under regulation 149.290(1)(d), ASAO enforcement powers against ASAO authorisation holders may include suspension, variation or cancellation of an authorisation issued by the ASAO.
- 6.5.1.4 MOS 149.36(c) requires the rules governing how the ASAO will manage safety risks if an authorisation holder or a member of the ASAO's personnel overrides, or attempts to override, an aviation safety-related decision made by a member of the ASAO's key personnel.
- 6.5.1.5 It is a common law requirement that the AAE rules must provide for procedural fairness. This means that, before an ASAO can take any action affecting an authorisation in an adverse manner, they must first be given notice of the reasons for doing so, with the authorisation holder given the opportunity to respond to those matters. However, the rules may also express when procedural fairness is not required to be given. For

example, if the ASAO has significant safety concerns about an authorisation holder and requires the holder to submit to a test or examination to ensure there are no proficiency issues, the authorisation holder's authorisation may be immediately suspended pending that test or exam.

- 6.5.1.6 In this regard, the ASAO AAE rules must include measures for providing an authorisation holder with preventative, corrective or remedial solutions to identified training or skills deficiencies<sup>3</sup>.
- 6.5.1.7 Where the interests of safety require an authorisation holder's aviation-related privileges to be limited, varied or suspended, pending the rectification of identified shortcomings or specified deficiencies (including the satisfactory demonstration of requisite levels of skill or competence), voluntary mechanisms to achieve those objectives could first be attempted or employed.
- 6.5.1.8 In the demonstrable interests of safety and where it is necessary for an ASAO to exercise enforcement powers to achieve a specified safety-related outcome, the ASAO should consider employing the least intrusive and least disruptive means consistent with the achievement of that outcome.
- 6.5.1.9 Where the enforcement powers of an ASAO include the power to vary or suspend an ASAO-issued authorisation these powers should not be used for punitive purposes. They are solely for purposes reasonably calculated to achieve specified safety-related objectives, including the protection of persons and property.
- 6.5.1.10 Where an ASAO's enforcement powers include the power to cancel an ASAO-issued authorisation, the rules need to express when such action can be taken. This can include where the holder of an authorisation has contravened the ASAO's exposition or applicable legislation and has posed a serious and imminent risk to safety, or where there is repeated and continued contraventions of the exposition or applicable legislation.
- 6.5.1.11 All enforcement decisions of an ASAO must include a process for the internal review by the ASAO of a decision to vary, suspend or cancel an authorisation issued by the ASAO.
- 6.5.1.12 An ASAO must also include a process to suspend, vary or cancel an authorisation issued by the ASAO upon receiving notification from a member that an authorisation they hold with CASA or a foreign National Aviation Authority is suspended, varied or cancelled other than at the member's request.

## **6.5.2 Administrative rules**

- 6.5.2.1 There are a number of instances where the ASAO must incorporate specific mechanisms governing its administrative and operational activities. The mechanisms (rules) describe the 'what', 'when', 'how' and 'who' in relation to the ASAO's processes and procedures and are detailed within the ASAO's exposition. For example, when the ASAO receives a request for the grant of an authorisation, the exposition should describe at least:

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<sup>3</sup> Refer to regulation 149.290(1)(h).

- a. what form the application is required and how the application is received
- b. consider including on the form a requirement to declare any circumstance where the person's same in substance authorisation has been varied, suspended or cancelled by CASA, another NAA or another ASAO.
- c. who is the person responsible for receiving and processing the form
- d. service delivery expectations
- e. what is required to be checked and confirmed from the information provided
- f. what ASAO document provides the information about how to process the application
- g. what training is provided to all personnel that process authorisations
- h. what evidence is required
- i. how long the assessment of the application should take
- j. what procedure is followed if the application does not meet the ASAO's requirements
- k. the person responsible for granting (approving) the authorisation
- l. when and how the authorisation is approved
- m. how the ASAO ensures that a decision to grant an authorisation is only made based on the ASAO's eligibility criteria required to issue the authorisation
- n. how a decision to place conditions on an authorisation is made (if any)
- o. what conditions can be placed on an authorisation and when they are applied
- p. how conditions are placed on an authorisation at a person's request
- q. how the decision is recorded and what records are required to be retained
- r. how the applicant is advised and what form the authorisation takes
- s. how deficiencies in the authorisation application process are identified and corrected
- t. how changes to the process are approved and promulgated to the relevant personnel

6.5.2.2 The ASAO's exposition must include a description of the procedures of operational activities which include: the processes and procedures that ensure implementation of its approved functions

- b. a safety management system, including required procedures and processes
- c. an audit and surveillance system, including required procedures and processes
- d. a process to ensure the required reference materials are provided to its personnel, authorisation holders and CASA
- e. a process to be followed if personnel fail to carry out their duties in relation to approved functions
- f. procedures for the management of the risk of human fatigue in the performance of its approved functions
- g. the period to report the conduct of an ASAO authorisation holder to CASA.

- h. a process to report applications for authorisations by persons known to have their 'same in substance' authorisation subject to variation, cancellation and suspension of ASAO authorisations.<sup>4</sup>

**Note:** An ASAO's exposition should detail how the organisation defines an authorisation as 'same in substance'.

- i. rules governing how an ASAO manages the safety risks of a person overriding an aviation safety-related decision of a member of the key personnel
- j. an alcohol and drugs policy where required by CASA
- k. a process of decision making in relation to issuing an authorisation to an applicant, including making a decision to issue an authorisation in terms different than those applied for, or to attach conditions to the authorisation<sup>5</sup>
- l. an internal review process in relation to a challenge to a decision made concerning the issue of an authorisation
- m. a process to provide information and documents to CASA <sup>6</sup>
- n. a process to notify CASA about the ASAO exercising of its enforcement powers, including preventive, corrective, remedial or disciplinary actions taken.

**Note:** An ASAO's exposition should detail how the organisation defines an authorisation as 'same in substance'.

#### 6.5.2.3 Examples of administrative activities are:

- the process to manage changes to its exposition
- the required experience and qualifications and the responsibilities of its key personnel
- the register of key personnel and appointed persons
- the duties and responsibilities of appointed person roles, their required qualifications and experience, as well as how they are selected, trained and authorised to perform their duties and responsibilities
- the process to manage the responsibilities of a key personnel position when the appointed key person is absent<sup>7</sup>.
- the process and period for reporting and filling key personnel vacancies <sup>8</sup>.
- the maximum period for which a person occupying a key personnel position may simultaneously occupy the safety manager's position in an unforeseen circumstance. Alternatively, an ASAO may choose to provide a description of the process to apply to CASA for an approval under regulation 149.005

**Note:** An unforeseen circumstance is a scenario where the safety manager's position cannot be filled by the person(s) nominated within the ASAO's exposition.

- the procedures by which the ASAO ensures compliance with the civil aviation legislation and its exposition

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<sup>4</sup> Refer to regulation 149.430.

<sup>5</sup> The process must include the eligibility criteria required to issue the authorisation.

<sup>6</sup> Refer to Subparts 149.G and J.

<sup>7</sup> Refer to regulation 149.200

<sup>8</sup> Refer to regulation 149.085(d)

- the procedures used to ensure the ASAO will provide copies of all documents used in the performance of its approved functions to CASA as specified in the regulations
- the process to ensure compliance with a notice to provide information to CASA that relate to the ASAO's approved functions.

6.5.2.4 An applicant must ensure that any manual referenced as a supplement to their exposition complies with Part 149 and MOS requirements prior to submission to CASA for assessment. Where multiple manuals are referenced in support of an applicant's exposition, a compliance matrix should be completed pointing to the document and paragraph that demonstrates compliance with Part 149. Providing a compliance matrix will assist CASA to conduct a timely review of the application through ease of identifying where each of the regulatory requirements have been complied with. A copy of the Compliance Matrix is available by searching in the [Forms](#) section of the CASA [website](#).

## 7 Systems and processes

### 7.1 Management of change

- 7.1.1 An applicant's exposition is required to contain a process for the management of change. All changes to an ASAO's exposition are required to be approved by CASA prior to being implemented unless the change is a kind identified in the exposition that does not require CASA approval .
- 7.1.2 If an applicant includes changes that do not require CASA approval in their exposition, a robust risk-based process should be considered. The process should provide a transparent and repeatable means of determining whether a change:
- i does not require CASA approval and/or,
  - ii will not have an adverse effect on the safety of air navigation.
- 7.1.3 The exposition must also include procedures for notifying ASAO personnel and CASA when any changes are made.
- 7.1.4 Once operational, the ASAO must manage and implement changes in accordance with their approved management of change processes. Additional guidance on developing a management of change system is provided at Appendix C of this AC.

### 7.2 Safety Management System

- 7.2.1 The requirements for an applicant to develop and include a safety management system (SMS) with their exposition is detailed in Subpart 149.F and MOS 149.33.
- 7.2.2 CASA provides a range of materials regarding safety management systems, which are available on the CASA [website](#) to assist with any further queries that organisations may have on safety management systems.
- 7.2.3 CASA's SMS Evaluation Tool, also known as [Form 1591](#), encompasses the prescribed SMS requirements in MOS 149.33. Applicants should utilise this tool, which includes instructions for its use, to assist in the development of their SMS. When the organisation has completed their own assessment, the completed Form 1591 should be provided to CASA as part of the organisation's Part 149 certificate application.

### 7.3 Audit and Surveillance System

- 7.3.1 The requirements for an applicant to develop and include an audit and surveillance system with their exposition is detailed in Subpart 149.F.
- 7.3.2 An effective audit and surveillance system will enable the applicant to assess the safety performance of authorisation holders, as well as their ability and willingness to comply with the applicant's exposition and civil aviation legislation.
- 7.3.3 MOS 149.34 defines the requirements for an audit and surveillance system, including policies, processes and procedures.
- 7.3.4 An applicant's audit and surveillance policy must describe but not be limited to:

- the applicability of the policy
- the objectives of the applicant's audit and surveillance system
- the applicant's approach to audit and surveillance i.e. system-based and risk-based
- how the organisation will determine, prioritise and schedule audit and surveillance activities i.e. risk-based, unscheduled, opportunity based, random or targeted
- the applicant's commitment and approach to audit and surveillance processes
- the recording and retention of audit and surveillance activity records
- qualifications, experience and training requirements of persons who may conduct the applicant's audit and surveillance activities
- any standards that support the audit and surveillance system.

7.3.5 An applicant's SMS should be integrated with the audit and surveillance system, for example, outcomes from the SMS should inform the audit and surveillance system and vice versa.

7.3.6 An ASAO is required to include certain personnel in the scope of the audit and surveillance policy (i.e. internal auditing of personnel that issue or recommend the issue of authorisations). Doing so will assist in providing assurance to the ASAO and CASA that the approved functions are being performed in accordance with both the exposition and relevant legislation.

7.3.7 Additional guidance on developing audit and surveillance policy, procedures and processes are provided in Appendix B to this AC. For further context, an applicant may refer to the [CASA Surveillance Manual](#), available on the CASA website.

## 7.4 Record keeping and retention

7.4.1 Several regulations under Part 149 state that an ASAO must provide information to CASA in certain circumstances. Accordingly, MOS 149.37(2)(m) requires an ASAO's exposition to describe the record keeping and retention processes of the organisation. The ASAO must retain all documents used in the performance of its approved functions, including:

- the ASAO's exposition
- personnel information
- aircraft certification, registration, ownership and operator information (if applicable)
- documentation generated through issuing and the maintenance of an authorisation
- information and documentation relevant to an ASAO exercising its enforcement powers
- documentation relevant to an ASAO exercising its internal review process
- a description of how and in what form documentation will be retained
- a description of the type of security measures implemented to protect the information
- details on the period information will be retained
- a description of the process and period that information will be provided to CASA in certain circumstances.



## 8 Enforcement and investigations (CASA's obligations)

### 8.1 Regulatory philosophy

- 8.1.1 CASA's philosophy sets out the principles underpinning the way that CASA performs its functions, exercises its powers, and engages with the aviation community.
- 8.1.2 A detailed description of CASA's [regulatory philosophy](#) can be found on the CASA website.
- 8.1.3 The ten principles listed there guide and direct CASA's approach to the performance of its regulatory functions and the exercise of its regulatory powers.

### 8.2 Safety of air navigation

- 8.2.1 CASA will seek optimal safety outcomes in the exercise of its regulatory powers and will ensure that its actions and responses are appropriate and proportional to the circumstances.

### 8.3 Enforcement powers and procedural fairness

- 8.3.1 Beyond its legal obligation to exercise enforcement powers, in all cases other than where the interests of safety prevent it or it is otherwise demonstrably impracticable to do so, CASA exercises discretion in determining whether, and to what extent, a requirement will be imposed on a person. CASA will afford persons affected or likely to be affected by an enforcement decision with an appropriate measure of procedural fairness and natural justice.

### 8.4 Enforcement responsibilities

- 8.4.1 CASA's primary function under the *Civil Aviation Act 1988 (the Act)* is to conduct the safety regulation of civil air operations in accordance with the Act and the Regulations. This is achieved by developing clear and concise safety standards and effective enforcement strategies to ensure compliance with those standards. Enforcement is a core CASA function and CASA's enforcement policies and practices are intended to be appropriate, fair and proportionate.

### 8.5 Safety promotion and awareness

- 8.5.1 CASA has the function of encouraging the aviation industry to accept its obligation to maintain high standards of aviation safety. It provides this to industry through comprehensive safety education and training programs, accurate and timely aviation safety advice, and by fostering an awareness of the importance of safety and of compliance with relevant legislation.
- 8.5.2 While CASA's functions under sub-section 9(1) of the Civil Aviation Act (1988) may not be formally delegated to ASAOs, it is expected and acknowledged that ASAOs will

assume functions complementary to CASA's under sub-section 9(2). In both respects, ASAOs will play a central role in ensuring voluntary compliance with the rules and regulations, and in fostering a strong safety culture in sport and recreational aviation, relying largely on peer-group influence to encourage and achieve this result.

## **8.6 Investigating suspected breaches**

- 8.6.1 It is not expected that CASA will normally need to investigate or intervene in matters involving demonstrable or suspected breaches of the civil aviation legislation by an authorisation holder of an ASAO. As a practical matter, and having regard to CASA's regulatory priorities, CASA expects that an ASAO will undertake appropriate investigations of allegations or evidenced breaches of civil aviation legislation.
- 8.6.2 However, CASA retains all its investigative and enforcement-related powers under the Act and regulations and, should the need arise, CASA can and will use those powers in relation to matters involving the activities of an ASAO and/or its authorisation holders.
- 8.6.3 In those exceptional cases where a participant of an ASAO is subject to an enforcement action by CASA for a regulatory breach, that person should expect that CASA will deal with that matter in the same way it would for any other person, insofar as the law allows.

## **8.7 Decision making by CASA**

- 8.7.1 CASA's decision making is based on the following principles:
- Determining all material questions of fact - those questions of fact that are necessary for a decision.
  - Not basing a decision on a fact without evidence for that fact.
  - Ensuring that every finding of fact is based on evidence that is relevant and logically supports the finding.
  - Not basing a decision on a finding that is manifestly unreasonable.
  - Observing natural justice.
  - Complying with any statutory duty to give a written statement outlining reasons for the decision.

## **8.8 Application for review by CASA**

- 8.8.1 If a person is dissatisfied with the internal review decision of the ASAO, the person may apply to CASA for a review of the internal review decision.
- 8.8.2 The application must be made on the approved form within 21 days after the internal review decision. Additionally, the applicant must notify the ASAO of their decision to apply to CASA to have their decision reviewed.
- 8.8.3 The form will require specific details regarding the decision and the reasons for a request to review the decision.
- 8.8.4 An application fee must be paid when the request is lodged.

## 8.9 AAT and CASA reviewable decisions

- 8.9.1 If CASA makes a decision on review of an ASAO's internal review decision such a decision is a reviewable decision and may be reviewed by the Administrative Review Tribunal (ART) under the *Administrative Appeals Tribunal Act 1975*. This ART reviews the decision on the merits of the case and is otherwise known as a 'merits review'. The ART decides the correct or preferable decision.

## **Appendix A**

### **Descriptions of Part 149 activities**

**A.1 Table 1: Aviation administration functions relating to administration of aircraft**

MOS	Administrative function	Sub-function	Application	Explanation section
14(2)	ASAO register of aircraft - information requirement.	n/a	Hang gliders (powered or unpowered) Paragliders (powered or unpowered) (CAO 95.8) – MOS 149.2.7(2)	Establishing and maintaining a register of Part 149 aircraft that meets the requirements for a register is an aviation administration function. The requirements relate to information that must be kept on a register that would enable an aircraft, the owner and the operator to be identified.
			Low-momentum ultralight aeroplanes* (CAO 95.10) – MOS 149.2.8	The registration function is prescribed in relation to specified kinds of Part 149 aircraft and does not include sailplanes, manned balloons or hot air airships.
			Weight-shift controlled aeroplanes* and powered parachutes* (CAO 95.32) – MOS 149.2.9	
			Single or 2 place aeroplanes* (CAO 95.55) – MOS 149.2.10	
			Single place gyroplanes with an empty weight not exceeding 250 kg (CAO 95.12) – MOS 149.2.12(1)	
			Single or two-place gyroplanes with a MTOW < 600 kg* (CAO 95.12.1) – MOS 149.2.12(3)	
			<i>*registration required by the applicable CAO listed in MOS 149.1.5</i>	
15(1)	Setting design, manufacturing and maintenance standards (airworthiness standards) for Part 149 aircraft.	n/a	Single or two-place gyroplanes with a MTOW < 600 kg (CAO 95.12.1) – MOS 149.2.12(3) Hang gliders and paragliders (CAO 95.8) – MOS 149.2.7(2)	The standards that may relate to the aircraft, aircraft engine, propellers, rotor systems, materials, parts, processes and appliances. The standards can only be set by sport aviation bodies in limited circumstances.

MOS	Administrative function	Sub-function	Application	Explanation section
15(2)(a)	Assessing whether an aircraft design meets an ASAO airworthiness standard.	n/a	Single or two-place gyroplanes with a MTOW < 600 kg (CAO 95.12.1) – MOS 149.2.12(3)	Provides for assessment of whether an aircraft design meets an airworthiness standard set by the ASAO (excluding experimental or amateur-built aircraft).
15(2)(b)	Assessing an aircraft for certification in accordance with subregulation 200.002(2) of CASR.	n/a	Low-momentum ultralight aeroplanes (CAO 95.10) – MOS 149.2.8	Applies in relation to certain privately built low-momentum aircraft to which CAO 95.10 applies and which are owned by a person who did not build the aircraft. The certificate relates to whether the aircraft complies with the ASAO's requirements concerning the manufacture of the aircraft.
15(5)	Verifying whether an aircraft meets a description and any requirements applicable to the Part 149 aircraft the ASAO administers.		All Part 149 aircraft	Enables an ASAO that administers a particular kind of Part 149 aircraft to ascertain whether an aircraft meets a definition or other requirement that would characterise the aircraft as that kind of aircraft.
<b>Administration of airworthiness</b>				
16(1)	<p>Administering one or more of the following airworthiness activities, including issuing an authorisation to carry out the activity:</p> <ul style="list-style-type: none"> <li>aircraft maintenance</li> <li>aeronautical product maintenance</li> <li>aircraft weight control procedures</li> <li>aircraft flight under a special flight permit</li> <li>any other aircraft airworthiness activity (e.g. record keeping in</li> </ul>	<p>The function includes:</p> <ul style="list-style-type: none"> <li>developing competency standards and units of competency for airworthiness training that must be completed for the issue of an airworthiness authorisation</li> <li>approving aircraft modifications and repairs</li> <li>approving aircraft</li> </ul>	<p>All Part 149 aircraft except manned free balloons and hot air airships.</p> <p>Airworthiness authorisations issued to individuals only.</p>	<p>Defines the function of administering certain airworthiness activities.</p> <p>Paragraph (e) provides a catch-all provision to cover any other activity concerning the airworthiness of aircraft that an ASAO might propose to administer.</p> <p>Includes issuing an authorisation to an individual to undertake such an airworthiness activity as part of the function.</p> <p>Administering airworthiness activities includes developing competency standards and units of competency for the Part 149 airworthiness training that the ASAO requires a candidate to complete before being issued an authorisation to undertake an airworthiness activity. Any eligibility criteria that an ASAO imposes to issue an authorisation must be</p>

MOS	Administrative function	Sub-function	Application	Explanation section
	<p>relation to airworthiness activities).</p> <p>The airworthiness activities covered by this function include activities performed by individuals either without remuneration or on behalf of a Part 149 airworthiness organisation.</p>	<p>weight control procedures</p> <ul style="list-style-type: none"> <li>• developing a special flight permit scheme</li> <li>• developing aircraft airworthiness record keeping requirements.</li> </ul>		<p>set out in its aviation administration and enforcement rules.</p> <p>Administering airworthiness activities also includes approving modifications of the aircraft, approving procedures for weight control of the aircraft, developing a scheme for the issue of special flight permits, and developing requirements for keeping airworthiness records.</p> <p>Airworthiness activities may be performed by an authorised individual without remuneration or on behalf of an airworthiness organisation. An individual cannot be authorised under MOS 149.2.16 to perform maintenance services on a commercial basis.</p>
17(1)	<p>Administering persons (airworthiness organisations) that provide airworthiness services.</p> <p>Airworthiness services are commercial services relating to the airworthiness of an aircraft, including carrying out airworthiness activities, and managing the continuing airworthiness of the aircraft.</p>	<p>The function includes:</p> <ul style="list-style-type: none"> <li>• assessing a person to determine whether they are capable of providing airworthiness services</li> <li>• issuing an authorisation to provide specified airworthiness services</li> <li>• assessing the continuing capability of an authorisation holder to provide airworthiness services covered</li> </ul>	<p>All Part 149 aircraft except manned free balloons and hot air airships.</p> <p>Authorisations issued to individuals or incorporated entities to carry out airworthiness services.</p>	<p>Defines the function of administering organisations (individuals or body corporates) that provide airworthiness services for Part 149 aircraft.</p> <p>Administration includes an ASAO assessing an organisation and its procedures, practices, personnel and facilities to determine if it is capable of providing the airworthiness services. If satisfied, the ASAO would issue an authorisation to carry out airworthiness services. The function also includes ongoing oversight of the capability of the organisation to continue providing airworthiness services.</p> <p>An organisation carries out an airworthiness activity if an individual who holds an authorisation issued by an ASAO carries it out on behalf of an organisation approved by an ASAO to provide airworthiness services.</p> <p>The individual would have successfully completed the relevant training, been assessed by the ASAO and been issued an authorisation permitting the person to perform the airworthiness activities the person is qualified for.</p>

MOS	Administrative function	Sub-function	Application	Explanation section
		by the authorisation.		An individual who is not authorised by an ASAO cannot carry out maintenance for a Part 149 organisation.
18(1)	Administering persons who conduct airworthiness training for Part 149 aircraft.	<p>The function includes:</p> <ul style="list-style-type: none"> <li>• assessing a person to determine whether they are capable of conducting airworthiness training</li> <li>• issuing an authorisation to conduct specified airworthiness training</li> <li>• assessing the continuing capability of an authorisation holder to conducting the training covered by the authorisation.</li> </ul>	<p>All Part 149 aircraft except manned free balloons and hot air airships.</p> <p>Authorisations issued to individuals or incorporated entities to conduct airworthiness training in accordance with the units of competency, and assess candidates undertaking training against the competency standards, that have been developed by the ASAO.</p>	<p>Defines the function of administering a person who conducts Part 149 airworthiness training in relation to Part 149 aircraft.</p> <p>Part 149 airworthiness training is the training developed by the ASAO which it requires to have been completed before it issues an authorisation to an individual to perform an airworthiness activity.</p> <p>Administration includes an ASAO assessing an organisation and its procedures, practices, personnel and facilities to determine if the person is capable of conducting the training. If satisfied, the ASAO would issue an authorisation to conduct the training. The function also includes ongoing oversight of the capability of the organisation to continue to conduct training.</p> <p>Authorisations that an ASAO can issue under this function include the conduct of airworthiness training and the assessment of candidates against the competency standards developed by the ASAO for the training.</p> <p>An ASAO may itself assess candidates that have undertaken the training. It may also authorise the training organisation to conduct assessments and make recommendations to the ASAO for the issue of a MOS 149.2.16 airworthiness authorisation.</p>
<b>Administration of flight operations</b>				
19	Establishing procedures for the safe conduct of flight operations in Part 149 aircraft.	n/a	All Part 149 aircraft.	Defines the function of administering Part 149 aircraft by establishing procedures necessary for the safe conduct of flight operations.



MOS	Administrative function	Sub-function	Application	Explanation section
				<p>Procedures must be in accordance with any applicable CAO and any other provision of the civil aviation legislation that applies to the flight operations.</p> <p>These CAOs set out the conditions that must be complied with in order for the aircraft to be exempted from compliance with specified provisions of CAR and CASR (except sailplanes which are exempt from CAR only).</p> <p>Pending finalisation of proposed Part 103 of CASR, the safe conduct scheme relies on flight rules and requirements currently set out in applicable CAOs. The function also captures any other instruments containing flight rules and requirements that apply generally to a particular Part 149 aircraft.</p>
20	<p>Administering flight operations, including authorising individuals to perform a duty essential to the operation of aircraft.</p> <p>Flight operations include:</p> <ul style="list-style-type: none"> <li>operating aircraft</li> <li>conducting flight training in aircraft</li> <li>conducting flight tests or assessments of persons in aircraft to issue a pilot certificate, or to issue a rating or endorsement</li> <li>assessing the ongoing competency of the holder of a pilot</li> </ul>	<p>The function includes:</p> <ul style="list-style-type: none"> <li>establishing a certification scheme dealing with the privileges available under, and any limitations to, pilot certifications, ratings and endorsements, to operate aircraft</li> <li>developing competency standards and units of competency for flight training that must be</li> </ul>	<p>All Part 149 aircraft.</p> <p>Flight training includes certifying pilots, instructors and examiners.</p> <p>Authorisations issued to individuals only.</p> <p>Authorisations include:</p> <ul style="list-style-type: none"> <li>pilot certificates, or ratings or endorsements</li> <li>authorising instructors to:</li> <li>conduct flight training</li> <li>issue an endorsement to a pilot</li> <li>make recommendations to the ASAO to issue a rating</li> <li>authorising pilot examiners to: <ul style="list-style-type: none"> <li>assess candidates for the</li> </ul> </li> </ul>	<p>Defines the function of administering the flight operations of a Part 149 aircraft, including issuing authorisations to individuals for flight operational duties.</p> <p>The function includes establishing a certification scheme that deals with the privileges and limitations of a pilot certification and any associated system of ratings or endorsements.</p> <p>The function does not inhibit the way an ASAO may structure its pilot authorisations and the way it would confer flying privileges and limitations.</p> <p>The function includes developing competency standards and units of competency that would qualify an individual to be issued an authorisation to conduct a flight operation. It also covers other requirements applicable to, and assessments and testing of, pilots, including aeronautical knowledge, flight tests, experience, proficiency checks and flight reviews.</p>

MOS	Administrative function	Sub-function	Application	Explanation section
	<p>certificate to perform an activity authorised by the certificate, and any ratings or endorsements attached to the certificate</p> <ul style="list-style-type: none"> <li>conducting flight testing of aircraft</li> <li>conducting aeronautical knowledge training other than in an aircraft for a pilot authorisation.</li> </ul> <p>Administered flight operations include operations by individuals for themselves, on behalf of the ASAO, or on behalf of a Part 149 flight training organisation.</p>	<p>completed by a candidate for the issue of a pilot certificate, rating or endorsement (a pilot authorisation)</p> <ul style="list-style-type: none"> <li>developing any other requirements to issue a pilot authorisation, including any aeronautical knowledge requirements, flight tests, experience requirements, proficiency checks or flight reviews</li> <li>administering the conduct, other than in an aircraft, of aeronautical knowledge training and assessment required for flight training.</li> </ul>	<p>issue of a pilot certificate, rating or endorsement (including aeronautical examinations)</p> <ul style="list-style-type: none"> <li>○ assess the ongoing competency of the holder of a pilot certificate to perform an activity authorised by the certificate and any ratings or endorsements attached to the certificate</li> <li>• authorising persons to conduct flight tests for a pilot authorisation</li> <li>• authorising a pilot to flight test an aircraft</li> <li>• authorising an individual to conduct ground-based aeronautical knowledge training for a pilot authorisation.</li> </ul>	<p>Because flight training also includes ground training and theory not undertaken in aircraft, the function also includes the conduct and assessment of training not done in an aircraft.</p> <p>Any eligibility criteria that an ASAO imposes under the function to issue an authorisation must be set out in its aviation administration and enforcement rules. An ASAO may not reject an application for an authorisation on grounds other than the eligibility criteria.</p> <p>Flight operations include operating an aircraft for a flight and conducting flight training, a flight test or assessment in an aircraft to issue a pilot certificate, a rating or endorsement.</p> <p>Flight operations may be performed by an individual on the individual's own behalf, on behalf of an ASAO, or on that of an ASAO-administered Part 149 flight training organisation.</p> <p>Flight training authorised under this function is authorised only for private operations by individuals, the personnel of an ASAO in the performance of its functions, and a flight training organisation administered by the ASAO under MOS 149.2.21.</p>
21	Administering flight training organisations	<p>The function includes:</p> <ul style="list-style-type: none"> <li>assessing an organisation to determine whether it is</li> </ul>	<p>All Part 149 aircraft.</p> <p>Authorisations issued to individuals or incorporated entities to conduct flight training in one or more of:</p>	<p>Defines the function of administering organisations (individuals or body corporates) that conduct flight training (defined in MOS 149.1.5) or flight tests in Part 149 aircraft.</p> <p>Administration includes an ASAO assessing an organisation and its procedures, practices, personnel and</p>

MOS	Administrative function	Sub-function	Application	Explanation section
		<p>capable of conducting flight training, or flight tests</p> <ul style="list-style-type: none"> <li>issuing an authorisation to the organisation to conduct flight training activities</li> <li>assessing the continuing capability of an authorisation holder to conduct the flight training covered by the authorisation</li> <li>approving aeronautical examinations that may be conducted by a flight training organisation.</li> </ul>	<ul style="list-style-type: none"> <li>flight training</li> <li>flight tests</li> <li>aeronautical examinations in accordance with the units of competency and the competency standards that have been developed by the ASAO.</li> </ul>	<p>facilities to determine if the person is capable of conducting flight training and/or flight tests. If satisfied, the ASAO would issue an authorisation to conduct flight training and/or flight tests. The function also includes ongoing oversight of the capability of the organisation to continue to conduct flight training and/or flight tests and approving aeronautical examinations that may be conducted.</p> <p>Authorisations that an ASAO can issue under this function include the conduct of flight training, flight tests or aeronautical examinations to assess candidates undergoing flight training.</p> <p>An ASAO may itself choose to assess candidates, by flight tests and aeronautical examinations that have undergone flight training with a flight training organisation, or it may issue an authorisation to the organisation for it to assess the candidates.</p> <p>An individual who is not authorised by an ASAO under MOS 149.2.20 cannot conduct flight training, flight tests or aeronautical examinations for a Part 149 flight training organisation.</p>
22	Assessing other existing authorisations and issuing an ASAO authorisation based on the determination.	<p>The function includes:</p> <ul style="list-style-type: none"> <li>assessing an existing authorisation to determine whether the individual holder is competent to undertake an aviation activity administered by</li> </ul>	<p>All Part 149 aircraft.</p> <p>Authorisations issued to individuals only in relation to existing authorisations issued by CASA, another sport aviation body or an overseas authorisation that have not been suspended, varied or cancelled or subject to an exclusion period</p>	<p>Defines the function to administer individuals who hold an overseas authorisation, or an authorisation issued by CASA or another sport aviation body (including another ASAO) - (Note: sport aviation body is defined in Part 1 of the CASA dictionary).</p> <p>An overseas authorisation is an authorisation issued to an individual by the national aviation authority of a foreign country or a sport aviation organisation of a foreign country approved by the national aviation authority of that country to administer an aircraft or aviation activities in relation to an aircraft.</p>

MOS	Administrative function	Sub-function	Application	Explanation section
		the ASAO <ul style="list-style-type: none"> <li>issuing an ASAO authorisation to the individual to undertake the activity.</li> </ul>		<p>The function enables the holder of an overseas authorisation, or an authorisation issued by another sport aviation body or CASA, to apply to an ASAO for the issue of an equivalent authorisation on the basis of their existing authorisation by undergoing assessment against the ASAO's eligibility criteria (this may also include a flight test or written/oral examination).</p> <p>This would allow the person to undertake aviation activities in Australia without the necessity to re-qualify all over again.</p>
30	Administering the airworthiness of the tow release used in the towing system of an aircraft operated to tow a glider including authorising persons to carry out maintenance on the tow release.	n/a	<p>ASAOs that administer sailplanes and hang gliders.</p> <p>Authorisations issued to individuals or incorporated entities to maintain tow releases.</p>	<p>Defines the function to administer the airworthiness of the tow release used in the towing system of an aircraft operated to tow a glider, including authorising persons to carry out maintenance on the tow release.</p> <p>An aircraft operated to tow a glider could be any aircraft, including a Part 149 aircraft, but not exclusively so. The function is limited to the tow release, because any other maintenance for the aircraft is already covered, for a Part 149 aircraft, under the airworthiness function prescribed by the MOS and, for another kind of aircraft, under the applicable airworthiness provisions in CAR or CASR.</p>

**A.2 Table 2: Aviation administration functions relating to administration of parachuting activities**

MOS	Administrative function	Sub-function	Application	Explanation section
23	<p>Administering a parachute descent activity or issuing an authorisation to an individual to undertake a parachute descent activity. A parachute descent activity includes:</p> <ul style="list-style-type: none"> <li>• undertaking a parachute descent</li> <li>• conducting parachuting training during a descent</li> <li>• assessing persons:</li> <li>• to issue a parachutist certificate to undertake a parachute descent</li> <li>• to issue a rating or endorsement on a parachutist certificate to perform an activity</li> <li>• assessing the ongoing competency of the holder of a parachutist certificate to perform an activity authorised by the certificate and any ratings or endorsements attached to the certificate.</li> </ul>	<p>The function includes:</p> <ul style="list-style-type: none"> <li>• establishing a certification scheme dealing with the privileges available under, and any limitations to, parachutist certifications, ratings and endorsements</li> <li>• developing competency standards and units of competency for parachuting training that must be completed by a candidate for the issue of a parachutist authorisation</li> <li>• developing any other requirements of the ASAO for the issue of a parachutist authorisation, including any aeronautical knowledge requirements, tests, experience requirements and assessments of ongoing competency.</li> </ul>	<p>All parachutists, including parachute descent activities performed on behalf of the ASAO, or on behalf of a parachuting training organisation. Authorisations to undertake a parachute descent activity include:</p> <ul style="list-style-type: none"> <li>• a parachutist certificate entitling the holder to undertake parachute descents</li> <li>• authorising a person as a parachutist instructor to: <ul style="list-style-type: none"> <li>○ conduct parachuting training for a parachutist certificate, rating or endorsement</li> <li>○ issue an endorsement to a parachutist</li> <li>○ make recommendations to the ASAO to grant a rating or an endorsement to a parachutist</li> </ul> </li> <li>• authorising a person as a parachutist examiner to: <ul style="list-style-type: none"> <li>○ assess candidates for a parachutist certificate, rating or endorsement</li> <li>○ assess the ongoing competency of the holder of a parachutist certificate to perform an activity authorised by the certificate and any ratings or endorsements attached to the certificate.</li> </ul> </li> </ul>	<p>The function is to administer parachute descent activities of individuals, and to issue authorisations to them.</p> <p>The structure of the certification scheme for the privileges and limitations of parachutist certifications, ratings and endorsements is for the ASAO to develop, but must include competency standards and units of competency for parachuting training that the ASAO requires before issuing an authorisation. Parachuting training is the training and assessment required by an ASAO for the grant of a parachutist authorisation.</p> <p>The ASAO must also develop the requirements to be met for the issue of a parachutist authorisation. These requirements constitute the eligibility criteria that an ASAO imposes to issue an authorisation and which must be set out in its aviation administration and enforcement rules. An ASAO may not reject an application for an authorisation on grounds other than the eligibility criteria.</p> <p>Parachute descent activities can be performed by an individual on their own behalf, on behalf of the ASAO, or on that of a parachuting training organisation authorised by the ASAO under MOS 149.2.27.</p> <p>A person cannot be authorised under this function to perform parachuting training on a commercial basis.</p> <p>Authorisations that can be issued under this function include parachutist certifications to undertake parachute descents, authorisations of parachutist instructors to conduct certain activities, and authorisations of parachutist examiners to conduct</p>

MOS	Administrative function	Sub-function	Application	Explanation section
				<p>certain activities.</p> <p>Instructors and examiners are differentiated by the kinds of authorisations they can be given. An instructor can be authorised to conduct training, issue endorsements to a parachutist or make recommendations to an ASAO about the grant of a rating or endorsement to a parachutist. Examiners can be authorised to assess candidates for a parachutist authorisation or assess the ongoing competency of a parachutist.</p>
24	Establishing procedures for the safe conduct of parachute descents.	n/a	All parachute descent activities.	The administration of parachute descents by the ASAO requires establishing procedures necessary for their safe conduct and in accordance with any provision of the civil aviation legislation that applies to the descents.
25	Administering a business or undertaking that provides services of equipment to parachutists (excl. parachute training organisations)	n/a	<p>All parachute descent activities.</p> <p>Examples of such undertakings include entities operating a drop zone that do not undertake parachute training operations, as well as third parties that provide services and equipment directly to parachutists, parachute training organisations or non-parachute training organisations (e.g. rigging lofts).</p>	<p>Defines the function of administering an individual or organisation that provides services or equipment to a parachutist for a parachute descent on a commercial basis.</p> <p>The function covers businesses or undertakings (other than parachuting training organisations) and is prescribed to make these enterprises subject to administration by an ASAO that administers parachuting. This is because the activities of such enterprises will affect the safety of parachuting.</p> <p>The function is stated at a general level, such that it leaves it open to the ASAO to describe in its exposition the kinds of enterprises to be administered and the activities this would encompass.</p>
26	Administering the operation of an aircraft to facilitate a	Developing:	Parachuting aircraft and persons operating parachuting aircraft	The function comprises the administration of:

MOS	Administrative function	Sub-function	Application	Explanation section
	parachute descent, including administration of a jump pilot activity and the issue of authorisations to individuals to operate an aircraft for the purpose of a parachute training descent in a parachute training operation.	<ul style="list-style-type: none"> <li>competency standards and units of competency for jump pilot training for the issue by the ASAO of a jump pilot authorisation</li> <li>requirements for the operation of a parachuting aircraft (including, but not limited to, parachute training operations).</li> </ul>	<p>including, but not limited to, parachute training operations.</p> <p>A parachute training operation is an aircraft operation involving a parachute descent from the aircraft by a trainee parachutist or a tandem parachutist.</p> <p>The issue of jump pilot authorisations for the operation of an aircraft used in the conduct of parachute training operations to individuals and the ongoing assessment of, jump pilot authorisation holders to operate an aircraft used to conduct parachute training operations.</p>	<p>ASAO requirements and procedures in relation to the operation of parachuting aircraft used:</p> <ul style="list-style-type: none"> <li>to conduct parachute training operations and</li> <li>in parachuting operations other than parachute training operations</li> <li>ASAO competency standards and units of competency for jump pilot training (for both in-flight training and aeronautical knowledge training)</li> <li>ASAO assessment of pilots to issue a jump pilot authorisation to an individual to pilot an aircraft used in a parachute training operation</li> <li>ASAO requirements and procedures to assess the ongoing competency of a jump pilot authorisation holder.</li> <li>Parachute descents that are a parachute training operation comprises those where an aircraft is operated for a parachute descent of a person: <ul style="list-style-type: none"> <li>who is receiving training (a trainee parachutist) or</li> <li>whose harness is attached to the harness of an instructor who is in control of the descent (a tandem parachutist).</li> </ul> </li> </ul> <p>Authorisations that can be issued under the function include:</p> <ul style="list-style-type: none"> <li>a jump pilot authorisation that authorises the holder to operate an aircraft to facilitate a parachute descent and</li> <li>authorisations relating to authorising a person to be a jump pilot trainer, that comprises one or more of:</li> <li>conducting jump pilot training; <ul style="list-style-type: none"> <li>making recommendations to an ASAO about</li> </ul> </li> </ul>

MOS	Administrative function	Sub-function	Application	Explanation section
				<p>jump pilot authorisations</p> <ul style="list-style-type: none"> <li>o assessing candidates for a jump pilot authorisation or</li> <li>o assessing the ongoing competency of pilots.</li> </ul> <p>The requirements developed by the ASAO that must be met for the issue of authorisations in relation to jump pilots constitute the ASAO's eligibility criteria to issue the authorisations and must be set out in the ASAO's aviation administration and enforcement rules. An ASAO may not reject an application for an authorisation on grounds other than the eligibility criteria.</p>
27	Administering a parachuting training organisation.	<p>The function includes:</p> <ul style="list-style-type: none"> <li>• assessing an organisation to determine whether it is capable of conducting parachuting training</li> <li>• issuing an authorisation to the organisation to conduct specified parachuting training activities</li> <li>• assessing the continuing capability of an authorisation holder to conduct the parachuting training activities covered by the authorisation.</li> </ul>	All entities that conduct parachuting training.	<p>An ASAO would assess the person's organisation and its procedures, practices, personnel and facilities to determine if the person is capable of conducting the training. If satisfied, the ASAO would issue an authorisation to the person to conduct the training. The function also includes ongoing oversight of the capability of the person to continue to conduct training.</p> <p>An ASAO may itself choose to assess candidates that have undergone parachuting training with a parachuting training organisation, or it may issue an authorisation to the organisation for it to assess the candidates.</p> <p>An individual who is not authorised by an ASAO under MOS 149.2.23 cannot conduct parachuting training activities as a Part 149 parachuting training organisation.</p>
28	Administering the	Administering the	All individuals that undertake an	Airworthiness activity in relation to parachutes, means



MOS	Administrative function	Sub-function	Application	Explanation section
	airworthiness of a parachute used in a parachute descent.	airworthiness of a parachute used in a parachute descent includes: <ul style="list-style-type: none"> <li>• developing competency standards and units of competency for parachute airworthiness training</li> <li>• issuing an authorisation to an individual to undertake a parachute airworthiness activity.</li> </ul>	airworthiness activity in relation to parachutes.	packing, assembling or conducting maintenance on a parachute.  Parachute airworthiness training means training and assessment in all the units of competency required by an ASAO for the issue of an authorisation to undertake the parachute airworthiness activities covered by the authorisation.
29	Assessing other existing authorisations and issuing an ASAO authorisation based on the determination.	The function includes: <ul style="list-style-type: none"> <li>• assessing an existing parachuting authorisation to determine whether the individual holder is competent to undertake a parachuting activity administered by the ASAO</li> <li>• issuing an ASAO parachuting authorisation to the individual to undertake the activity.</li> </ul>	All authorisations issued to individuals only in relation to existing authorisations issued by CASA, another sport aviation body or an overseas authorisation that have not been suspended, varied or cancelled (149.435) or subject to an exclusion period (149.440).	Defines the function to administer individuals who hold an overseas parachuting authorisation, or an authorisation issued by CASA or another sport aviation body (including another ASAO) - (Note: sport aviation body is defined in Part 1 of the CASA dictionary).  An overseas parachuting authorisation is one issued to an individual by the national aviation authority of a foreign country or a sport aviation organisation of a foreign country approved by the national aviation authority of that country to undertake a parachute descent activity, a jump pilot activity, or a parachute airworthiness activity.  The function enables the holder of an overseas authorisation, or an authorisation issued by another sport aviation body or CASA, to apply to an ASAO for the issue of an equivalent authorisation on the basis

MOS	Administrative function	Sub-function	Application	Explanation section
				<p>of their existing authorisation by undergoing assessment against the ASAO's eligibility criteria (this may also include a practical test and/or written/oral examination or, in the case of a jump pilot authorisation, a flight assessment).</p> <p>This would allow the person to undertake parachuting activities in Australia without the necessity to re-qualify all over again.</p>

## **Appendix B**

### **Audit and surveillance guidance**

## **B.1 Introduction**

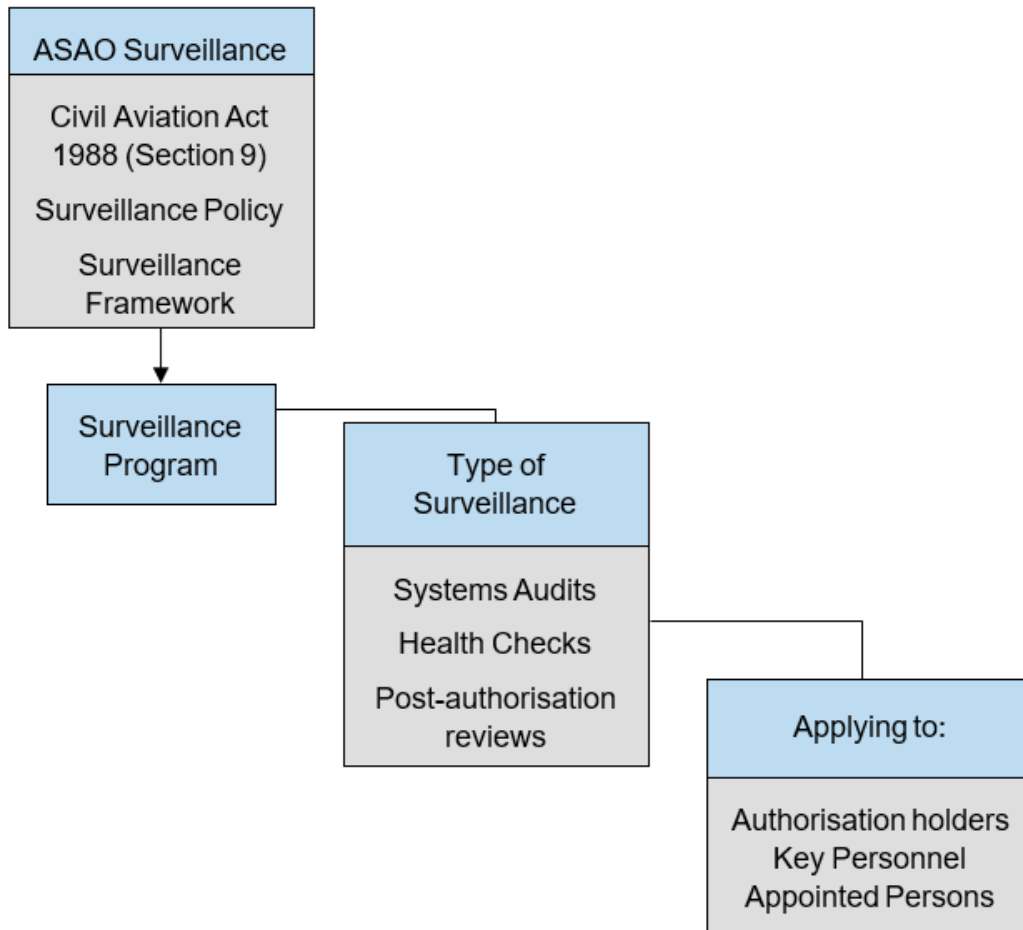
- B.1.1 Regulation 149.275 of CASR states the requirement to develop and incorporate an audit and surveillance system into an exposition. MOS 149.5.34 defines the requirements for the management of surveillance activities that an ASAO must consider.
- B.1.2 The surveillance system and processes used for assessing the safety performance of authorisation holders, key personnel and appointed persons will depend, among other things, on the nature of the authorisation holder's authorised activity and operational environment.
- B.1.3 An ASAO is required to define their overarching principles for audit and surveillance with consideration to a systems and risk-based approach. A robust audit and surveillance system must include the ASAO's surveillance obligations, policy, objectives, scheduling, procedures, data capture and reporting, relevant to the ASAO's approved functions.
- B.1.4 An effective audit and surveillance system will enable the ASAO to assess the safety performance of authorisation holders including their ability and willingness to comply with the applicant's exposition and civil aviation legislation.

## **B.2 Surveillance protocols**

- B.2.1 The primary objective of conducting surveillance is to determine whether an authorisation holder is fulfilling their obligations under the Regulations.
- B.2.2 Surveillance may be scheduled in accordance with a formal surveillance selection process, or unscheduled, opportunity based, random, or targeted across all facets of the organisation's operations.
- B.2.3 A commonly utilised surveillance method uses a systems and risk-based surveillance approach, utilising product checks as required, to assess the risk mitigation and compliance levels of authorisation holders.
- B.2.4 Utilising a risk-based approach to determine, prioritise and schedule surveillance activities will assist in managing the surveillance requirements required by Part 149.
- B.2.5 The ASAO must ensure that all surveillance processes, including associated checklists and forms, are appropriately documented and published then, when operating, are carried out in accordance with the documented procedures. To ensure consistency in approach and outcomes, all surveillance findings must be objective and factual. Any identified deficiencies should be presented to authorisation holders through formal documentation.
- B.2.6 Surveillance should be conducted by appropriately qualified, trained and experienced personnel, authorised to carry out the task being performed.
- B.2.7 The conduct of surveillance activities includes the acquisition of safety-related data which may be used to support other safety-related functions. To maintain a meaningful surveillance history of an authorisation holder all data should be recorded and retained in a manner consistent with established policies and legal obligations.

B.2.8 The organisation should be guided by the following standards to support the Surveillance Program and its commitment to risk management, quality and compliance:

- ISO 31000:2009 Risk Management
- AS 3806:2006 Compliance
- ISO 9001:2015 Quality management systems.



**Figure 1. Surveillance Framework**

### B.3 Key considerations for decision making

B.3.1 In accordance with the principles of procedural fairness and natural justice, the following considerations may be a factor in deciding whether, how, or when, proportionality and discretion should be applied in surveillance-related decision making:

- the seriousness of the safety-related implications of the instance of non-compliance
- mitigating or aggravating circumstances impacting on the appropriateness of the responsive action(s) contemplated
- the authorisation holder's history and background in relation to their demonstrated ability and willingness to:
  - o co-operate with the ASAO to address the particular matter

- o address relevant safety-related issues generally
  - o comply with regulatory requirements.
- the passage of time since the acts or omissions occurred, and when they were discovered by, or otherwise came to the attention of the ASAO
- the degree of responsibility of the individual(s) whose acts or omissions are under scrutiny
- the kind(s) of action that will effectively and efficiently address the safety issues that have arisen, or are likely to arise, in the particular circumstances
- the effect on the wider aviation community (including the general public) and confidence in the ASAO's administration of the requirements in the interests of safety
- the obsolescence or obscurity of the law
- whether the contemplated response would be perceived as counter-productive, for example, by bringing the ASAO or CASA into disrepute
- the availability and efficacy of appropriate alternatives to a particular regulatory response
- whether the consequences of the regulatory action contemplated would be unduly harsh or oppressive
- whether the matter is one of considerable public concern
- the actual or potential harm occasioned to an individual or the damage to property
- the nature and sufficiency of the evidence of non-compliance that is available.

## **B.4 Systems and risk-based approach to surveillance**

- B.4.1 A systems and risk-based approach to surveillance aims to encourage the development of authorisation holders' systems and to encourage and guide the industry to fully understand their responsibility for safety. This is achieved by highlighting the following to the authorisation holder management (should they have a management role e.g. Flight Training School CFI):
- management's responsibility for safety as specified in the civil aviation legislation
  - deficiencies in existing safety systems with regard to applicable civil aviation legislation
  - areas where the authorisation holder should be doing more to reduce the potential for deficiencies.
- B.4.2 Risk-based surveillance adopts a structured process and is often used in the oversight of authorisation holders and prioritisation of surveillance activities based on authorisation holders risk profiles. It focuses on an authorisation holder's effectiveness in managing the system's risks and enables targeted surveillance of high-risk areas of an authorisation holder's systems. It is also a method by which an ASAO can evaluate that all activities conducted by an authorisation holder are as safe as reasonably practicable.
- B.4.3 Generally, the ASAO will not dictate how an authorisation holder should resolve or reduce the potential for deficiencies; however, it does not preclude a surveillance team from advising how a problem should/could be fixed where it is appropriate to do so. The authorisation holder must be responsible for identifying the cause of the system

deficiency and areas of inadequate safety risk mitigation, identified during surveillance, as well as implementing the necessary changes. The authorisation holder should internally verify changes implemented and the ASAO's audit system should verify the effectiveness of these changes during future surveillance. The ASAO may provide assistance to an authorisation holder by highlighting the appropriate guidance material with necessary explanation.

## **B.5 Surveillance scheduling**

- B.5.1 Surveillance program scheduling should be driven by the risk to safety posed by authorisation holders and should be based on an assessment of relevant risk factors. These factors include the assessment of an authorisation holders known and reported safety performance, taking into account assessment factors indicated by assessment results, time since the last assessment, outstanding Safety Findings and findings history and safety-related risks specific to each authorisation holder. Based on this consolidated information, the ASAO would have an ability to prioritise surveillance activities commensurate with resources available.
- B.5.2 External intelligence gathered by or provided to the ASAO may also contribute to prioritising or determining a requirement for additional surveillance.
- B.5.3 Information provided by the ASAO's reporting system may also feature in the decision-making process regarding planned surveillance. Planned surveillance scheduling may be conducted using a classification and ranking approach to produce a prioritised list of authorisation holders, created and used as the basis for the annual development of an organisation-wide planned surveillance schedule, which is optimised in collaboration with the other business areas (e.g. operational/technical areas etc.).
- B.5.4 Response activities are those conducted in direct response to outside events. These may be an onsite surveillance or a desktop review, based on a safety report, complaint, accident, or other information received by the ASAO.

## **B.6 Surveillance phases**

- B.6.1 The surveillance phases set a standardised method of effectively applying data-driven, risk-based principles to the conduct of surveillance. Surveillance is a continuous process, looping from authorisation holder assessment through to the finalisation of a surveillance event and management of findings. The surveillance phases are briefly described in the following section and illustrated in the Figure 2.

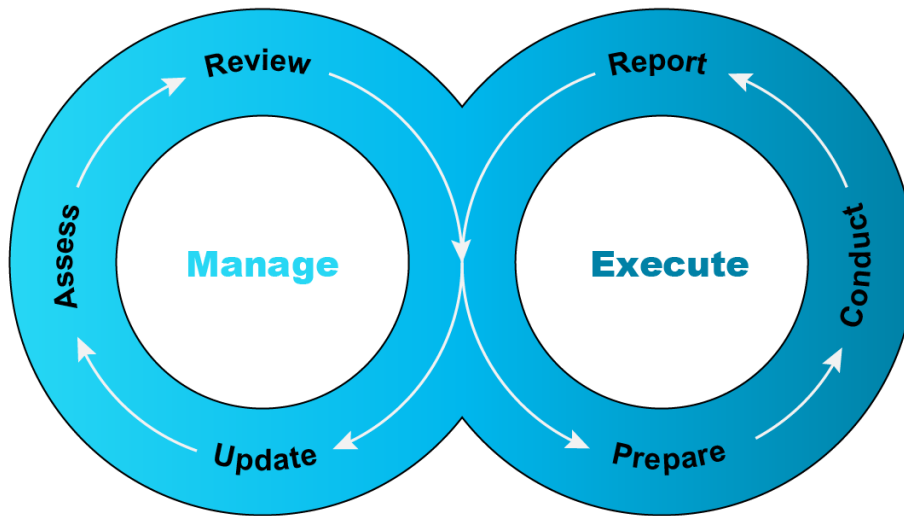


Figure 2: Surveillance Cycle

#### **B.6.2 Authorisation holder assessment (assess)**

B.6.2.1 The purpose of this process is for the authorisation management team to assess all available information relating to an authorisation holder's activities. This assessment allows for the identification of areas of concern and the development of proposals for surveillance to be considered in the surveillance priority review process. The output from this process step is the surveillance request.

#### **B.6.3 Surveillance priority review (review)**

B.6.3.1 The purpose of this process is to review and consider recommendations for surveillance. This is also the forum for reviewing completed surveillance and ensuring appropriate management of findings (Safety Findings, Safety Alerts and Safety Observations).

#### **B.6.4 Surveillance event preparation (prepare)**

B.6.4.1 The purpose of this process is to develop the strategies, schedules and work plans for surveillance events, including resources, timetable etc. The output of this process is a detailed surveillance plan that outlines the approved scope and ensures the assignment of appropriate resources to a surveillance event.

#### **B.6.5 Conduct surveillance event (conduct)**

B.6.5.1 The purpose of this process is to conduct the appropriate level of surveillance. The outcome of this process is the completion of an approved surveillance event, including collecting, collating and evaluating all relevant information.



### **B.6.6 Surveillance event reporting (report)**

- B.6.6.1 The purpose of this process is to compile a report based on objective evidence gathered during the surveillance event, this includes deficiencies identified regarding compliance and/or safety performance. The outputs of this process are surveillance findings (Safety Findings, Safety Alerts and Safety Observations), raised as applicable, and the Surveillance Report, which forms part of the official record of an authorisation holder's performance. Based on the report, the ASAO will be able to determine any necessary interventions.

### **B.6.7 Update system information (update)**

- B.6.7.1 The purpose of this process is to collect and validate a wide variety of information to inform the authorisation holder assessment phase. The output from this process step is an information package to enable analysis. This process also includes the management of surveillance findings, including the acquittal of Safety Findings and response to Safety Observations etc.
- B.6.7.2 The surveillance recording system should be updated to include the results of any surveillance event. There is also a wide variety of information that may be entered, such as intelligence, which may better inform the surveillance process.

## **B.7 Types of surveillance**

### **B.7.1 Systems audits**

- B.7.1.1 A systems audit is an audit based on a defined scope and is developed to take into account the specific activities conducted by an authorisation holder, ensuring their compliance with regulations and the authorisation holder's systems that are associated with the activities being subjected to the surveillance.

### **B.7.2 Health checks**

- B.7.2.1 This type of surveillance event is a reduced version of a systems audit and is usually of a shorter duration. The scope for a Health Check is based on a mandatory set of elements that, over time, have demonstrated significant non-compliance and/or poor safety risk mitigation across a specific aviation sector.

### **B.7.3 Operational checks**

- B.7.3.1 This type of surveillance event relates to less formal interactions with authorisation holders and may be in the form of checklist-based compliance and product checks of a specific section of its systems. The operational check frequently is used to verify the process in practice of the system being assessed and may take the form of:
- **Ramp check** – Inspection of an aircraft, equipment and procedures including documentation associated with operations.
  - **Site inspection** – An event comprised primarily of an onsite inspection of an authorisation holder's facilities, equipment, processes in practice or any other purpose other than those covered by other operational check event types.

- **Manual review** – An event comprised primarily of a review of an operational manual or suite of manuals. This event type will generally be a desktop review but can include an on-site component, if relevant.
- **Key personnel interview** – An event comprised primarily of an onsite or offsite interview or meeting with an authorisation holder's nominated key personnel for any purpose other than to assess them for the key organisational role.
- **Desktop review** – A desktop assessment of operational documents (other than a manual review), intelligence and/or other surveillance related information that may have been received.
- **Safety meeting** – An event comprised primarily of an onsite or offsite meeting with an authorisation holder's safety staff for any purpose other than to investigate an incident or occurrence.

## B.8 Systems and elements

B.8.1 Systems-based surveillance puts the focus on the system by:

- understanding all the elements of the system
- focusing on how the elements integrate
- determining whether the system is complete or missing key components
- determining how well the authorisation holder is managing its safety-related risks
- determining whether the system achieves all compliance requirements
- determining how the system and its elements interact with other systems.

B.8.2 The aim of a common set of system and element descriptions is to build up the surveillance picture over time on the same authorisation type and subsequently to compare the data on an individual authorisation holder against all other authorisation holders within that sector. This approach can assist an ASAO in understanding broader organisational risks, identifying where established processes may require attention, driving continuous improvement and informing change management requirements.

## B.9 Systems attributes

### B.9.1 Management responsibility

B.9.1.1 Management responsibility ensures responsibilities and authority are defined for the processes and that management has ensured the processes—those for organisational functioning and those for monitoring and improving these—are adequately designed and implemented. Management responsibility consists of:

- management commitment
- planning
- management review.

### B.9.2 Planning

B.9.1.2 Effective planning should support the management commitment through designing and implementing business processes that meet assigned objectives established for the various functions and levels within the organisation. Processes should include:

- hazard identification and risk management
- change management.

8.9.1.3 Infrastructure must be in place, including the various controls, to continuously ensure the updating and suitability in supporting the operation. Infrastructure includes four components:

- **Facilities** – All buildings and workshop facilities required for the satisfactory performance of activities authorised.
- **Tools, equipment and materials** – All tools, hardware, software, materials and equipment to perform authorised activities.
- **Data, information and records** – Documented policies and procedures, manufacturer's data etc., either in written or pictorial form in hard copy or an electronic system. Records provide evidence of performance and/or completion of tasks. Organisational policy and procedures should be established for effective control of data, information and records.
- **Personnel** – Personnel who are qualified, trained and competent to perform the processes in support of authorised activities.

#### **B.1.1 Systems and risk-based surveillance**

B.1.1.1 Systems and risk-based surveillance seeks to assess an authorisation holder's management system and its ability to identify and keep operational risks as low as reasonably practicable while ensuring compliance with aviation legislation. Risk-based surveillance adopts a structured process and is used in oversight of authorisation holders and prioritisation of surveillance activities based on the authorisation holder's risk profile. It focuses on an authorisation holder's effectiveness in managing its own systems risks and enables targeted surveillance of high-risk areas of an authorisation holder's systems.

B.1.1.2 Safety-related processes are assessed to determine whether they are functioning in accordance with the authorisation holder's documented systems and any applicable civil aviation legislation.

B.1.1.3 The systems and risk-based surveillance approach focuses the authorisation holder's attention on its safety obligations by providing a visible and understandable analysis and evaluation of the authorisation holder's systems and the safety risks that exist in these systems with specific emphasis on safety outcomes.

#### **B.1.2 Process details - consider surveillance**

B.1.2.1 The factors that could be considered in assessing an authorisation holder are extremely broad. While this consideration will be left to the professional judgement of the authorisation management team, some examples of factors that could be included in an assessment are:

- triggers requiring additional assessment e.g. intelligence of concern regarding the performance of the authorisation holder
- inadequately controlled authorisation holder safety risks

- previous surveillance and entry control history, such as Safety Findings, Safety Observations, entry control changes to personnel, facilities and aircraft and previous refusals to issue certificates
- other safety information, such as auditor's comments
- organisational changes
- current enforcement action
- conditions listed on or against the authorisation
- any previous or planned Regulatory Services tasks
- variation to authorisation holder
- change of financial situation, ownership or other significant changes.

### **B.1.3 Outstanding safety findings and findings history**

B.1.3.1 The processes for managing outstanding Safety Findings should be established and recorded by the organisation. Consideration of outstanding Safety Findings needs to be evaluated on a case-by-case basis as the circumstances of outstanding Safety Findings can vary greatly. Some of the factors that need to be taken into account may include:

- the number and complexity of the outstanding Safety Finding(s)
- the time the Safety Finding(s) has been outstanding
- whether the Safety Finding(s) has been responded to and whether the response was satisfactory or not satisfactory
- whether the Safety Finding(s) has been accepted pending verification.

B.1.3.2 Factors to consider in relation to findings history may include:

- the nature and seriousness of the breach(es)
- any apparent trends in deficiencies observed over time
- whether breach(es) has been finalised within prescribed timeframes
- whether there has been a history of recurrence,
- whether the authorisation holder has shown a positive attitude towards regulatory compliance and safety, or the acquittal processes have been generally problematic.

### **B.1.4 Prioritisation of surveillance activities**

B.1.4.1 The authorisation management team must obtain and continually monitor information for their assigned authorisation holders for such factors as rapid or unplanned growth, financial distress, personnel reductions, labour unrest, system risk data and other organisational changes or challenges. A system should be developed to assess identified issues and associated risks to determine whether additional (non-scheduled) surveillance is required.

B.1.4.2 If surveillance reprioritising is appropriate to focus additional resources in an area of concern, the authorisation management team should determine which risks within the authorisation holder's operation are related to the area of concern. The authorisation management may reprioritise oversight for the entire authorisation holder's operation, for selected systems factors or for indicators (i.e. either the surveillance timeline or the content/elements may change).

### B.1.5 Conduct surveillance event

#### Purpose

B.1.5.1 During a planned surveillance event, an authorisation holder's systems, safety risk control and processes will be significantly examined. Evidence is gathered to verify compliance with aviation legislation and assess the level of control the authorisation holder exercises over its operational safety risks. The effectiveness of authorisation holder's systems may be assessed using a variety of surveillance techniques available to surveillance team members e.g. documentation review, control effectiveness process, sampling, staff interviews and observation.

B.1.5.2 All planned surveillance events should include the following activities:

- notification to the authorisation holder
- a structured surveillance event timetable
- an entry meeting
- regular contact with the authorisation holder representative during the surveillance event, as required
- an exit meeting
- saving of all documentation and communication.

B.1.5.3 Evidence is collected while conducting a surveillance event with relevant information recorded to support any associated findings.

B.1.5.4 Evidence must be:

- objective
- obtained with the knowledge of the authorisation holder where it is located on the premises of authorisation holder
- verified for correctness, completeness and indicated as a true copy where applicable
- recorded accurately and concisely.

B.1.5.5 Evidence includes:

- oral evidence (record date, time, details of conversation notes taken during any surveillance event)
- documents sighted during the surveillance event (always reference the document and page numbers)
- copies of documents and records

**Note:** Where possible, ensure documents are certified by the person making the copy and have the person who has custody of the original document counter sign the copies.

- photographs (record time, date, place and photographer)
- video recordings (record time, date, place and video operator)
- physical evidence, such as original document, records or defective parts, receipted appropriately as required.

**Note:** It is imperative that clear and perceptive notes are recorded during the conduct of the surveillance. These notes should be scanned and stored for future reference.

### **Immediate rectification of breaches**

- B.1.5.6 It is not uncommon for authorisation holders to immediately rectify breaches on-site at the time of the surveillance event. In such instances, the rectification must be acknowledged and recorded as a positive measure. While this immediate rectification is accepted in a positive light, the breach should still be captured as a finding and issued with the associated Surveillance Report.

### **Process Details – Conduct process verification**

- B.1.5.7 During verification inspectors should actively confirm the 'process in practice' including outputs. All levels of an authorisation holder's operation must be considered in sampling.

**Note:** While the responsibility for conducting root cause analysis on any documented findings rests with the authorisation holder, the issuing inspector should conduct a basic or rudimentary root cause analysis on any possible findings for themselves so that they are better able to discuss their areas of safety concern at the exit meeting. This basic analysis will also assist the inspector to assess the authorisation holder's response to ensure the response focuses on the true cause of the identified deficiency.

### **Conduct pre-exit surveillance team meeting**

- B.1.5.8 The purpose of this meeting is for the surveillance team members to analyse the results of the surveillance and to determine what will be presented at the exit meeting. The development of a Surveillance Summary Form may assist with presenting the consolidated information to the authorisation holder at the exit meeting and be a valuable aid when formulating the Surveillance Report. This meeting is designed for surveillance events where there is more than a single inspector although some of the steps may be applicable for individual inspectors to prepare for the exit meeting.

### **Conduct exit meeting**

- B.1.5.9 The surveillance lead chairs the exit meeting and results identified during the surveillance event are brought to the authorisation holder's attention; however, specific findings are formulated and issued after finalisation in conjunction with the final report.

**Note:** An authorisation holder may, at any time during the surveillance process, suggest some form of written proposal, as an action plan to rectify issues. These issues may have been discussed generally during the surveillance event or may be issues that the authorisation holder has realised, while conducting the surveillance event, need to be addressed. An action plan may form part of a request for extension of time to complete the required actions associated with acquitting a Safety Finding as required.

### **Disclosure at exit meeting**

- B.1.5.10 When consulting with and providing feedback to the authorisation holder at the exit meeting, the surveillance team should provide full disclosure while being open and transparent when discussing any observed deficiencies or breaches. If there are breaches, it should be explained that finalised written findings will not be provided at the exit meeting, and the discussion should focus on explaining the procedural fairness and peer-review processes that will be applied. However, it is appropriate to advise the authorisation holder, on a provisional basis, of any potential surveillance related findings, including Safety Findings or Safety Observations, that have been identified and that may be issued. However, it must be made clear that these provisional findings

are subject to written confirmation and may change following the analysis of evidence collected and the peer-review process.

B.1.5.11 The reasons for this approach should be explained in the following terms:

- allows time to review evidence collected to confirm whether any breaches have occurred
- allows for time to consider the most appropriate action to take once the surveillance information has been assessed
- ensures the correct type of finding is used in relation to any breaches or deficiencies
- allows the opportunity for peer review of surveillance findings prior to release, ensuring standardisation of surveillance findings
- ensures observed deficiencies and breaches are properly consolidated into appropriate findings.

B.1.5.12 It must be explained that the authorisation holder will have the opportunity to consider and potentially object to any findings. It should also be made clear that no additional deficiencies or breaches will be reported unless prior advice is given and that the authorisation holder will be specifically contacted if any additional breaches are identified e.g. in the review process.

B.1.5.13 In addition, the authorisation holder should be advised that the Surveillance Report will be produced within a maximum timeframe from the date of the exit meeting and, if there are any delays expected, they will be notified before this time.

**Note:** Any breach that has not been explicitly discussed with the authorisation holder during the conduct of the surveillance event, but which is subsequently identified post-surveillance as part of the assessment of evidence or peer-review process, should be communicated to the authorisation holder prior to the issue of the Surveillance Report.

### **Recording notes/minutes**

B.1.5.14 The surveillance team should record all matters of significance discussed during an exit meeting. Where matters of significance are identified, they should be appropriately recorded in the exit meeting minutes.

B.1.5.15 Matters of significance could include:

- non-availability of important organisation position holders or documentation during the surveillance event which were brought to the notice of the authorisation holder
- any problems encountered during the surveillance e.g. failure to supply documentation
- significant views expressed by the authorisation holder regarding the surveillance
- intended changes or improvement actions as a result of findings from the surveillance event
- points of disagreement between the auditor and the authorisation holder, from both points of view, must be recorded in the exit meeting minutes.

B.1.5.16 Where no issues were identified during an exit meeting, the minutes should state 'Discussed – no issues raised' or if applicable 'Not discussed'.

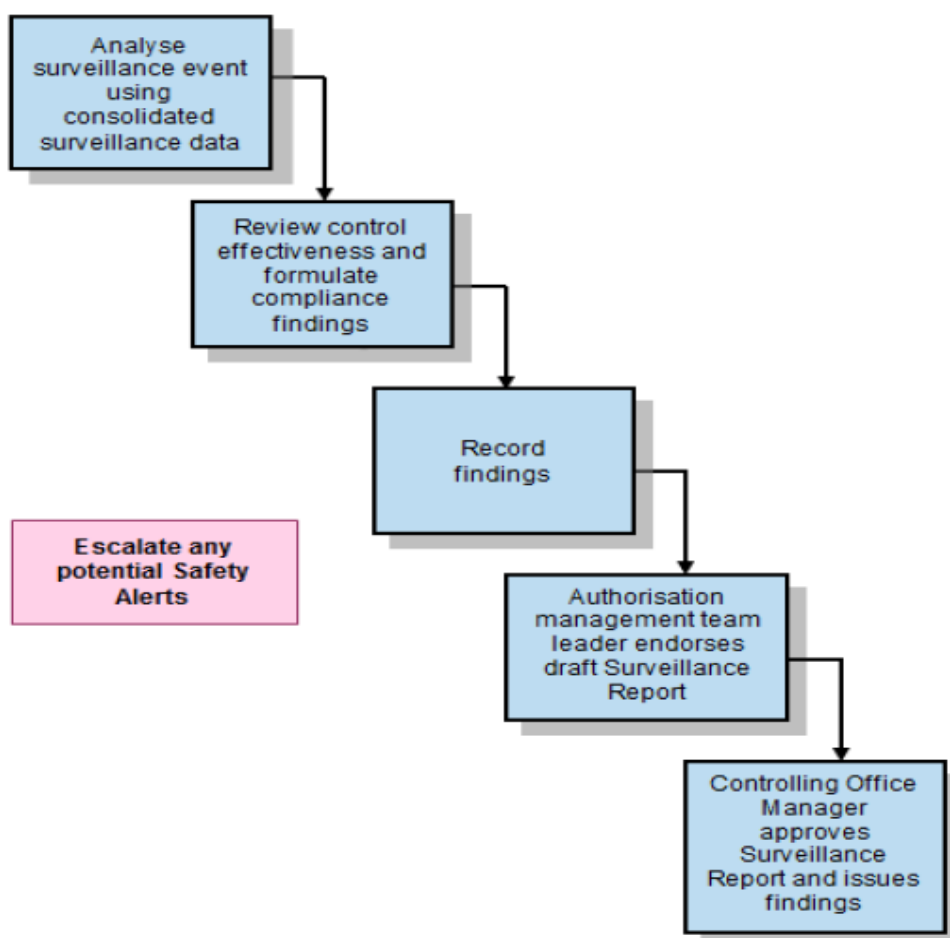
## B.1.6 Surveillance event reporting

### Purpose

B.1.6.1 Following the conduct of a surveillance event and review of evidence obtained on the assessed system elements, a copy of the Surveillance Report is provided to the authorisation holder to inform them of their current level of compliance and any identified findings.

### Reporting

B.1.6.2 The Surveillance Report provides an official record of the surveillance event, as well as information for the ASAO's own ongoing analysis and risk management. The role of the report is to give the ASAO enough information to be satisfied that an authorisation holder can either continue to operate in a safe and effective manner or is currently not operating safely, and appropriate action should be taken. The report also provides context to the authorisation holder about any findings. Figure 3, below, shows an example process diagram relating to the development of a Surveillance Report. The process includes a peer review component which assists in providing consistency of outcomes.



**Figure 3: Developing a surveillance report process**



### Control effectiveness review

- B.1.6.3 If a control effectiveness review is to be conducted after returning from the surveillance event and prior to drafting the Surveillance Report (including any associated findings) surveillance team members must consider the evidence obtained from their assigned tasks during the surveillance event.

### Surveillance findings

- B.1.6.4 A surveillance finding is used to highlight actual and/or potential breaches. An example of the type of findings that may be issued are:
- **Safety Alerts** - Action required prior to further operations.
  - **Safety Findings** – Action required within a defined timeframe.
  - **Aircraft Survey Reports (ASRs)** – Action required in relation to aircraft safety or compliance prior to further flight.
  - **Safety Observations** – Feedback in the interests of continuous improvement or to highlight an area that has the potential to become a breach if left unchecked.

### Writing safety findings

- B.1.6.5 A Safety Finding is issued to an authorisation holder to give written notice of a breach and must be responded to by the authorisation holder within the established timeframe.
- B.1.6.6 Safety Findings are issued where, as a result of surveillance, a non-compliance has been detected. If the post-event review process identifies any additional breach that had not been identified and discussed with the authorisation holder in the conduct of the surveillance, details of the breach must be communicated to the authorisation holder before the Surveillance Report is issued. A Safety Finding should be peer reviewed prior to issue in order to ensure it meets the requirements for a Safety Finding.
- B.1.6.7 Where an immediate safety concern is raised, a Safety Finding should be issued in conjunction with a Safety Alert and/or an ASR. Safety Findings must be associated with a surveillance event, recorded and issued to the authorisation holder with the relevant Surveillance Report.
- B.1.6.8 While a Safety Finding is provided primarily as a notification of a breach, it will generally be issued where the ASAO is satisfied that the authorisation holder has the willingness and the ability to take remedial and corrective action to address the breach. Where the ASAO is no longer satisfied that the authorisation holder is willing or able to do so (for example, as shown by repeated breaches of the same type, or where additional or new information indicates further safety issues), a Safety Finding will still be issued, and the matter should also be referred for enforcement action.
- B.1.6.9 The aim of issuing a Safety Finding is to highlight process or system deficiencies, not to provide consultancy nor tell the authorisation holder what to do. It is the authorisation holder's responsibility to investigate and identify the root cause, then take corrective action to address all the root cause(s). While the responsibility for conducting root cause analysis on documented findings rests with the authorisation holder, the auditor should form a view regarding the root cause so that, when assessing the response from

the authorisation holder, the auditor can ensure the authorisation holder has focused on the most appropriate area to rectify the true cause of the non-compliance.

B.1.6.10 The response to a Safety Finding can either take the form of an objection to the Safety Finding with supporting evidence, or the provision of details of root cause, remedial and corrective action taken in returning to a compliant state. If the objection is accepted by the ASAO, the Safety Finding may be withdrawn.

### **Safety observations**

B.1.6.11 A Safety Observation is used to provide an authorisation holder with written notice of the following:

- Identified latent conditions resulting in system deficiencies that, while not constituting a breach, have the potential to result in a breach if not addressed.
- Potential areas for improvement in safety performance through more effective control of risks.

B.1.6.12 The Safety Observation must indicate the identified latent conditions that the issuing inspector believes has resulted in a system deficiency and/or indicate the potential areas for improvement in safety performance.

B.1.6.13 A Safety Observation should be peer reviewed prior to issue to ensure it meets the requirements for a Safety Observation.

B.1.6.14 The aim of issuing a Safety Observation is not to provide consultancy or to tell the authorisation holder what to do. It is always the authorisation holder's responsibility to investigate and identify the appropriate means to address potential improvements to safety performance. In identifying any opportunity for improving safety performance, the Issuing Inspector must do so without providing a specific solution.

B.1.6.15 While an authorisation holder is not generally obligated to respond formally to a Safety Observation, the way in which an authorisation holder manages Safety Observations provides an indication of the level of maturity of their management system.

### **Develop and approve Surveillance Report**

B.1.6.16 A Surveillance Report is used to succinctly capture information obtained during the surveillance and its analysis, which supports the ASAO's actions and future surveillance of an authorisation holder.

B.1.6.17 Auditors must record findings made during the surveillance, evaluate the findings, and develop the report. This should include analysis of the authorisation holder's performance against the requirements, and a review of control effectiveness during the surveillance event.

B.1.6.18 The purpose of a Surveillance Report is not only to document the surveillance information in a logical manner, supported by facts, but to enable decision-makers (i.e. the authorisation holder and the ASAO) to understand the deficiencies identified. It also provides information to allow the authorisation holder to formulate appropriate action.

B.1.6.19 The Surveillance Report has a three-fold function to:

- Direct the authorisation holder to address deficiencies and achieve legislative compliance.
- Inform the authorisation holder of elevated safety risks and encourage the authorisation holder to act on the findings.
- Provide updated information to inform future assessments by the authorisation management team. This includes:
  - o focusing future surveillance
  - o enforcement strategies to secure compliance
  - o highlighting areas to target surveillance and/or education.

### **B.1.7 Managing objections to findings**

- B.1.7.1 In line with procedural fairness principles, an authorisation holder retains the right to object to a finding by submitting supporting evidence for their objection. Once the objection has been considered, the objection is either upheld and the finding withdrawn, or the finding management process proceeds as normal.
- B.1.7.2 Objections are considered and approved after the auditor has provided specific background information. While the detailed process for receiving and considering finding objections is left for the ASAO to develop, the following general instructions regarding actioning objections should be considered.

#### **Objection outcome – withdraw finding**

- B.1.7.3 If an objection is upheld and the withdrawal of the finding is approved, the reason the objection is accepted should be recorded. This should include details of the supporting evidence provided by the authorisation holder.

#### **Objection – downgrade Safety Finding to a Safety Observation**

- B.1.7.4 An outcome of an objection could be the downgrading of a Safety Finding to a Safety Observation. This would apply in circumstances where, after assessing the objection evidence, the reviewer decides that, while no actual breach has occurred, a system deficiency still existed, or there is potential for an improvement in safety performance.

#### **Objection – rejected**

- B.1.7.5 Where an objection is rejected after assessment of supporting evidence, the authorisation holder should be notified accordingly.

### **B.1.8 Response to findings received**

#### **Assess response**

- B.1.8.1 Any Safety Finding should be responded to by the authorisation holder within the established timeframe. It is important that the authorisation holder returns to a compliant state as soon as possible and the timeframe should be formulated with this in mind.
- B.1.8.2 The response to a Safety Finding should take the form of either an initial response indicating acceptance of the Safety Finding (response to remedial action/root cause analysis/corrective action), or an objection to the Safety Finding including supporting evidence.

B.1.8.3 The initial response to a Safety Finding from the authorisation holder should include advice covering the following:

- the remedial action that has been taken to return to a compliant state
- the root cause analysis that has been completed
- the corrective action that has been completed.

**Note:** If the remedial and/or corrective action has not yet been taken at the time of the initial response, the required course of action is for the authorisation holder to submit a request for extension of time to undertake and/or implement any necessary outstanding remedial and/or corrective action.

B.1.8.4 The response should provide evidence to auditor that the authorisation holder:

- has returned to a compliant state
- is actively working towards implementing the corrective action to mitigate potential recurrence, of the identified deficiency.

B.1.8.5 Assessment of remedial action is normally reviewed against the following criteria:

- Did the authorisation holder state the remedial action taken to remedy the identified breach?
- Did the remedial action adequately provide a short-term treatment for the identified deficiency?
- Has sufficient and conclusive evidence been provided to satisfy the inspector that all requirements have been met and the authorisation holder has returned to a compliant state?

B.1.8.6 Assess the adequacy of the corrective action taken by considering:

- Have the root causes been identified?
- Are the corrective actions necessary to address the breach and, if so, was it performed?
- When will the corrective action be completed?
- Is there sufficient validation of the response to acquit the Safety Finding?
- Is there any flow-on effect that could impact on other processes? If so, has this impact been considered?
- Has the corrective action been implemented in all relevant areas of the authorisation holder's organisation?
- What monitoring system has been implemented to track the effectiveness of the corrective action?

B.1.8.7 The response should answer the principal questions and/or detail the following required actions:

- **Remedial action** – Immediate action taken by an authorisation holder in response to a finding to address the deficiency which caused the breach and return to a compliant state.
- **Safety outcome** – An immediate, short-term treatment was put in place ensuring the operation was brought within safe parameters by eliminating the safety concern. If no remedial actions were applied, the deficiency may have become, or continue to be, an unsafe operation or act (i.e. error or violation).

- **Root cause** – The fundamental breakdown or failure of a process or system, which, when resolved, prevents a recurrence of the deficiency.
- **Corrective action** – Action required by an authorisation holder in response to a breach that reduces the potential for recurrence. The action must address the root cause of the deficiency that caused the breach while indicating how the effectiveness of the action will be tracked.

### **Management of Safety Finding – Acquittal**

B.1.8.8 Once a response has been accepted it may be considered for acquittal.

B.1.8.9 On occasions, a Safety Finding response may require the monitoring of the corrective action over time. This is particularly the case in circumstances involving larger organisations, changes in complex systems, the development of supporting procedures and documentation, or when training large numbers of personnel. This must be assessed on a case-by-case basis.

B.1.8.10 In managing the acquittal process, the issuing inspector must not acquit the Safety Finding unless they have verified evidence that the remedial action, root cause analysis and corrective action have been satisfied. In doing so, the following principles must be considered:

- The response provides satisfactory explanation and physical evidence that the remedial action taken removes all immediate threats to safe operations, while providing adequate and effective compliant short-term treatment.
- The response is supported by evidence of, not only a credible investigation by the authorisation holder, but also a root cause analysis process, resulting in findings that clearly and unambiguously identify the causal factor(s) that contributed to the deficiency.
- The response provides satisfactory explanation and physical evidence that the corrective action, already taken, will effectively eliminate or minimise any repeat of the deficiencies that led to the breach.

### **Satisfactory evidence**

B.1.8.11 Safety Finding verification, based purely on a proposed plan of corrective action, is not adequate for acquittal. Evidence must be direct and specific, rather than circumstantial. Unequivocal proof must be secured by way of material evidence, such as:

- documentation, e.g. manual amendments
- acquisition of hardware or software
- acquisition of plant or material
- addition of qualified staff
- observed behavioural changes, changes of procedures
- observed rectification of material damage or deficiencies.

### **Failure to verify**

B.1.8.12A Safety Finding should only be acquitted when the ASAO is satisfied that the authorisation holder has addressed the remedial and corrective actions, with all rectification action carried out within the agreed timeframe.

### **Unsatisfactory response**

B.1.8.13 An unsatisfactory response means that some or all elements of the response failed to satisfy the auditor that the Safety Finding had been appropriately addressed. The authorisation holder should be advised in writing including the reasons the response was rejected and setting a revised due date (a maximum timeframe should be advised) to respond with satisfactory remedial, root cause analysis and corrective action.

B.1.8.14 Until satisfactory remedial and corrective actions have been provided and verified, the Safety Finding must not be acquitted.

B.1.8.15 The response to a Safety Finding may be unsatisfactory if:

- remedial and corrective actions have not addressed the root cause of the deficiency
- documented evidence is not sufficient
- the response is not understood.

B.1.8.16 If the authorisation holder does not provide an adequate response, contact the authorisation holder to determine a way of resolution.

B.1.8.17 In circumstances where either of the following arises:

- the authorisation holder is repeatedly unable or unwilling to provide an adequate response, despite reminders of their responsibilities,
- or
- when it is clear the authorisation holder is not frankly and openly addressing the deficiencies raised, additional steps will be required to be taken, generally in accordance with the requirements of the enforcement rules.

### **No response received**

B.1.8.18 A response must be received within the specified timeframes. If no response is received, a reminder letter (Safety Finding Overdue letter) should be issued allowing a maximum timeframe of (xx) calendar days in which to respond.

B.1.8.19 If the authorisation holder fails to respond, one or several options can be considered and/or actioned:

- Contact the authorisation holder to determine a way of resolution. Document all communication and retain on file.
- Schedule an additional surveillance event to verify the current situation.

B.1.8.20 If the authorisation holder fails to respond after being reminded of their responsibilities the enforcement process should be initiated.

### **Closure of a Safety Finding without acquittal**

B.1.8.21 A Safety Finding can only be closed without acquittal if the authorisation holder is no longer operating i.e. their authorisation has been surrendered or cancelled.

## Self-reported deficiencies

B.1.8.22 At any time during the course of the surveillance cycle, a deficiency or other information may come to the ASAO's attention as a result of the authorisation holder's self-auditing, or its own continuous improvement processes. Such self-reporting should be encouraged and may be accepted as an indication of a mature, or maturing, operation and authorisation holders should be urged to continually share any ongoing progress with the ASAO.

B.1.8.23 Consideration by the ASAO should extend to the seriousness of the breach, whether it was deliberate or fraudulent, and whether it has been adequately addressed by the authorisation holder. If the self-reported deficiency constitutes a regulatory breach the ASAO should engage with the authorisation holder to achieve a satisfactory outcome and records made to inform the scope of the next surveillance event.

## B.1.9 Issue of new authorisation and Post-authorisation Review

B.1.9.1 Notification of an authorisation approval should trigger the recording of the new authorisation and ongoing surveillance monitoring.

B.1.9.2 A post-authorisation review may be conducted to check that all entry control requirements are being met and may be a reduced scope event focusing on elements of the authorisation holder's operations to have been identified as presenting an elevated level of risk. Depending on the authorisation type issued, this surveillance event should be considered to occur within six to 15 months following the initial issue. The scope of a post-authorisation review should be based on the authorisation type issued.

## B.1.10 Reporting to CASA

B.1.10.1 Table 1 provides an example of how an ASAO may report relevant information to CASA in accordance with the ASAO's exposition and relevant legislation.

**Table 1: Example Reporting Table**

Members	Totals
Affiliate	
Flying	
Non-flying	
Temporary	
<b>Authorisation Holders</b>	
Pilot	
Airworthiness 1	
Airworthiness 2	
Airworthiness 3	

Members	Totals			
Maintenance 1				
Maintenance 2				
Maintenance 3				
Aeronautical Product				
Weight Control				
Special Flight Permit				
Airworthiness Training				
Instructor Rating 1				
Instructor Rating 2				
Chief Flying Instructor				
Pilot Examiner				
Test Pilot				
Aircraft	Defects	Incidents	Accidents	Fatalities
Section 7				
Section 8				
Section 9				
Section 10				
Section 11				
Section 12				



## **Appendix C**

### **Part 149 management of change system**

## **C.1 Introduction**

- C.1.1 This Appendix discusses management of change in the regulatory context. It is aimed at applicants for, and holders of, a Part 149 Certificate. It seeks to explain the concept of management of change outside the scope of an SMS. It includes consideration of changes which require CASA approval, and the provision of guidance for the development of management of change processes and procedures.
- C.1.2 Changes occur in all aviation organisations with typical changes including:
- organisational change such as a new company structure or new key personnel
  - operational change such as a new operational authorisation being included in the exposition, introduction of a new system,
  - changes to operational or administrative processes or procedures
  - physical change such as, moving to a new head office
  - editorial changes or amendments to the ASAO's documentation.
- C.1.3 Change has the potential to introduce new hazards or alter existing risks within an organisation and may require the application of new risk controls. The level of change oversight and the specific change management processes should be proportionate to the potential impact the change may have on the ongoing risks associated with the operation.
- C.1.4 By taking a systematic approach to implementing change, organisations can clearly identify the objectives and risks associated with a change and then determine how to effectively and efficiently achieve the change with safety in mind.
- C.1.5 While an ASAO is required by the CASR to have a safety management system (SMS), the relevant regulations require that risk management forms part of the management of change process included in the SMS. Only after completing an initial evaluation of a specific change can an organisation determine whether a more formal risk assessment is required.
- C.1.6 For those seeking to understand the theoretical and in-depth aspects of aviation related risk management, including its application inside an SMS, it is recommended that you review other CASA SMS resources including the CASA SMS resource kit.

## **C.2 What is management of change?**

- C.2.1 A management of change process should provide a structured framework for managing the change. An ASAO is required to use their documented process, and this should assist in minimising the inherent risks arising from change and enhancing effectiveness whilst ensuring safety is maintained, or enhanced, and compliance with the respective CASR is achieved.

## **C.3 Elements of a management of change process**

- C.3.1 The initiation of a change process can be for many reasons, ranging from complex business and operational needs to the simplest form, where an individual recognises that an editorial issue exists in a document.

- C.3.2 As an ASAO must also have a safety management system (SMS), it will be required to utilise its safety assurance system to proactively assess changes to the organisation and its operations. Section 33(6)(c) of the Part 149 MOS requires the ASAO's safety assurance system in the SMS to include change management processes.
- C.3.3 The regulations do not mandate any specific elements for an ASAO's change process; however, a change process will typically consist of the following elements:
- A need is identified to change (a trigger event or circumstance)
  - A proposal to change is submitted by a change proposer (the person who submits the request to make a change)
  - Evaluation of the change which includes a risk assessment to consider hazards, consequences and likelihood of issues arising from conducting the proposed change and any controls or mitigating measures
  - A person (change approver) in the ASAO who assesses the acceptability of the identified risks, the proposed changes to operator procedures and authorises the implementation of the change.
  - A register of items (change register) that have been listed for change and includes a status such as draft, submitted for approval, completed etc.
  - The underlying method(s) (change procedures) of completing the organisation's change actions.
  - Ongoing review and monitoring of the change.

## **C.4 Change proposer and change approver**

- C.4.1 A change process may be managed by one or two individuals in the ASAO. For example, the safety manager can be a change proposer as well as a change approver.
- C.4.2 Larger, more complex ASAO's may need to consider establishing a change committee procedure to ensure change proposals are considered in the context of all organisational functions. For smaller organisations, a committee may not be required, and oversight may be satisfied by ensuring consideration of the matter is conducted at key person level.

## **C.5 Risk assessment**

- C.5.1 An ASAO should evaluate the changes they make in the context of the effect the change could have on aviation safety both within the ASAO's administered operations and also the wider aviation community.
- C.5.2 Accordingly, any proposed change needs to undergo an evaluation of the hazards that implementation of the change might introduce into the operation. For the simplest changes, this can easily be done by the change approver. For larger or more complex changes, the conduct of a risk assessment is likely to be necessary to understand and consider the risks involved.

## **C.6 Change register**

- C.6.1 A change register is a simple and effective way of recording the changes the organisation makes and is a useful adjunct to managing change.
- C.6.2 The method chosen by the organisation and the contents of such a document are not legislated, and it should be designed to suit the needs of the organisation. A simple spreadsheet may be appropriate.
- C.6.3 The following is a list of items in a typical change register:
- date of entering the proposed change into the register
  - title or summary of the proposed change
  - name of the Proposer
  - name of the Approver
  - date of Approval
  - document Reference / Amendment / Revision number where the change was implemented
  - other organisational references such as the file location, risk register number etc.

## **C.7 Change procedures**

- C.7.1 Change procedures are the detailed description in the exposition of how change is managed in the organisation. If applicable, the procedures will describe the forms required to be used and provide a flowchart or description of the process to be followed when considering, reviewing and implementing a change.
- C.7.2 Under Part 149, any change to an ASAO's exposition must be approved by CASA before the change is made, unless the exposition states the change does not require CASA approval.. A key regulatory aspect of the Part 149 change process is to identify whether the proposed change is one which does not require CASA approval prior to implementing the change.
- C.7.3 The flow chart in Figure 4 is an example of a suitable Part 149 Management of Change Process.

## **C.8 Regulatory requirements - management of change process**

- C.8.1 As an ASAO is required to have an SMS, the regulations require the management of change to be an integral part of the SMS.
- C.8.2 The ASAO's exposition must:
- a. detail the types of changes that do not require CASA approval (if any)
  - b. have a process for identifying those changes
  - c. have a process for managing changes that do not require CASA approval, including:
  - d. how the ASAO informs both CASA and their personnel of the changes, and
  - e. the time period within which the changes are to be notified, and
  - f. have a process for making applications for changes requiring CASA approval, including how the ASAO informs its personnel of any approved changes.

- C.8.3 In approving the ASAO's exposition, CASA is also reviewing and approving the management of change process outlined in the ASAO's documents. The ASAO must manage and make changes in accordance with their approved management of change process.
- C.8.4 A management of change process should provide a structured framework for managing the aspects of change. Adherence to an appropriate process minimises the inherent risks of change and should provide a means for compliance with the various CASR regulations that require a structured approach to management of change.

## **C.9 Changes that do not require CASA Approval**

- C.9.1 The regulations do not define what changes do not require CASA approval, however changes that have the potential to affect the operation in a significant way and are associated with proportionately higher risk factors, will generally require pre-approval from CASA prior to implementation.
- C.9.2 . There are certain kinds of changes to an exposition that should not be included in the list changes not requiring CASA approval. These changes relate to matters that CASA considers requires its approval. These changes include:
- the ASAO's key personnel
  - the qualifications, experience and responsibilities required by the organisation for any of the key personnel and appointed person positions
  - the maximum period that the position of safety manager and any other key personnel position in the organisation may be occupied by the same person simultaneously in an unforeseen circumstance
  - the period each vacancy in the key personnel of the organisation must be:
    - o notified to CASA
    - o filled.
  - the time for reporting to CASA under subregulation 149.425(2) of CASR
  - the approved process for identifying and making changes that do not require CASA approval
  - the kind of changes in the ASAO's exposition that do not require approval from CASA
  - the organisation's administration and enforcement rules
  - the organisation's audit and surveillance system
  - the organisation's procedures for listing of aircraft and the publication of a register of aircraft
  - changes to the exposition, including any approved system or process, that will not maintain or improve, or will not likely maintain or improve, aviation safety.
- C.9.3 In addition to the above items, it is expected that an ASAO may identify further items through consideration of how the proposed changes impacts upon:
- other airspace users
  - people not directly connected with the operation
  - third party property.

- C.9.4 ASAOs can make changes that have been identified as not requiring approval from CASA, however, the change must be made in accordance with its change process. The ASAO must have a means to ensure that both CASA and the operator's personnel are notified of all changes. The method by which this is accomplished must be described in the exposition.
- C.9.5 In respect to the method of notification, an acceptable means of compliance would be for the change process to ensure that CASA and the ASAO's personnel are provided with the amended operations manual or exposition with markings to highlight the changes. If the document suite is divided into volumes or separate documents, this may be achieved by distribution of the separate volume or part containing the amended element.

## **C.10 Determining the effect on aviation safety**

- C.10.1 When reviewing the proposed change, if the ASAO determines that the change does not maintain or improve or is not likely to maintain or improve aviation safety, the change is required to be considered as one which requires CASA approval. Equally, if the change results in a circumstance that provides a higher safety standard, the change may not require CASA approval—this will be subject to the approved management of change process.
- C.10.2 When considering the conduct of any change ASAOs are recommended to document their analysis and considerations. This is to ensure that documented reasons are available to prove that the documented change processes in the exposition was utilised.
- C.10.3 A risk management framework approach should be utilised in determining whether a proposed change is likely to affect aviation safety. If such an approach is proposed, the framework should consider the effectiveness of the established or proposed risk mitigation controls. To assist in determining the effectiveness of risk mitigation controls, the following approach should be considered:
- testing and / or limited scope / exposure trials, including simulation (if possible)
  - detailed consultation with the relevant SME and authorisation holders
  - the utilisation of suitable data or information from the organisation or from third-party sources
- C.10.4 An ASAO may propose to use different risk tools within their risk framework depending on the complexity of the change when determining whether a proposed change is likely to affect aviation safety. However, this may add a level of complexity to the process as consideration would need to be given to identifying when the different risk tools would be used.

## **C.11 ASAO process for making Changes**

- C.11.1 The exposition must describe the ASAO's process for making changes. The process for managing changes to an exposition should be developed to meet the particular types of functions administered by each organisation. An organisation may choose to develop

more than one process to meet specific organisational needs or outcomes. For example, a simplified process may be developed for editorial/layout/punctuation changes.

- C.11.2 In constructing a change process, it is recommended that the ASAO consider the following:
- a. How changes are initiated and assessed.
  - b. How unexpected changes are managed.
  - c. The process for developing a case for the change, including:
    - the safety impact of a change
    - whether that change will reduce or improve safety
    - how that assessment was made
    - the data or information was used in that assessment
    - how it was documented.
  - d. Risk assessment and planning processes, including:
    - implementing change in an incremental manner to minimise potential adverse effects (if necessary)
    - ensuring the use of resources will not impact on operational safety
    - ensuring communication and consultation takes place with all key stakeholders.
  - e. Preparation of a plan.
  - f. Application for approval of the change or notification to CASA of a change
  - g. Implementation of the change.
  - h. Ongoing monitoring and review of the change.

## **C.12 Process for making application to CASA for changes to the exposition that require CASA approval**

- C.12.1 An ASAO must make an application to CASA in the approved form and be accompanied by a copy of the part of the ASAO's exposition affected by the change, which is clearly identified.
- C.12.2 In addition to providing the details of the change, an ASAO should provide supporting information to allow CASA to assess the proposed changes. For example, the ASAO may provide the relevant outputs / outcomes from the management of change process.
- C.12.3 The inclusion of this supporting information may reduce the instances of CASA seeking further information from the applicant during the initial assessment.

**Note:** To effectively manage the requirement to make a decision on an application made under regulation 149.115 within the 21-day requirement, CASA encourages prior consultation with CASA. This consultation approach will permit CASA to determine the size, nature, complexity and inherent risk presented by the proposed change and will assist in assessment of the proposed change.

- C.12.4 Should consultation with CASA not be undertaken prior to making an application under regulation 149.115, CASA may not be in a position to approve the proposed change. Additionally, under subregulation 149.115(5), CASA may also request further information from the applicant about the application.
- C.12.5 Under subregulation 149.115(4), CASA may only approve the change if satisfied that (a) the requirements mentioned in subregulation 149.075(1) will continue to be met in relation to the ASAO; and (b) if approving the change would not be likely to have an adverse effect on the safety of air navigation.

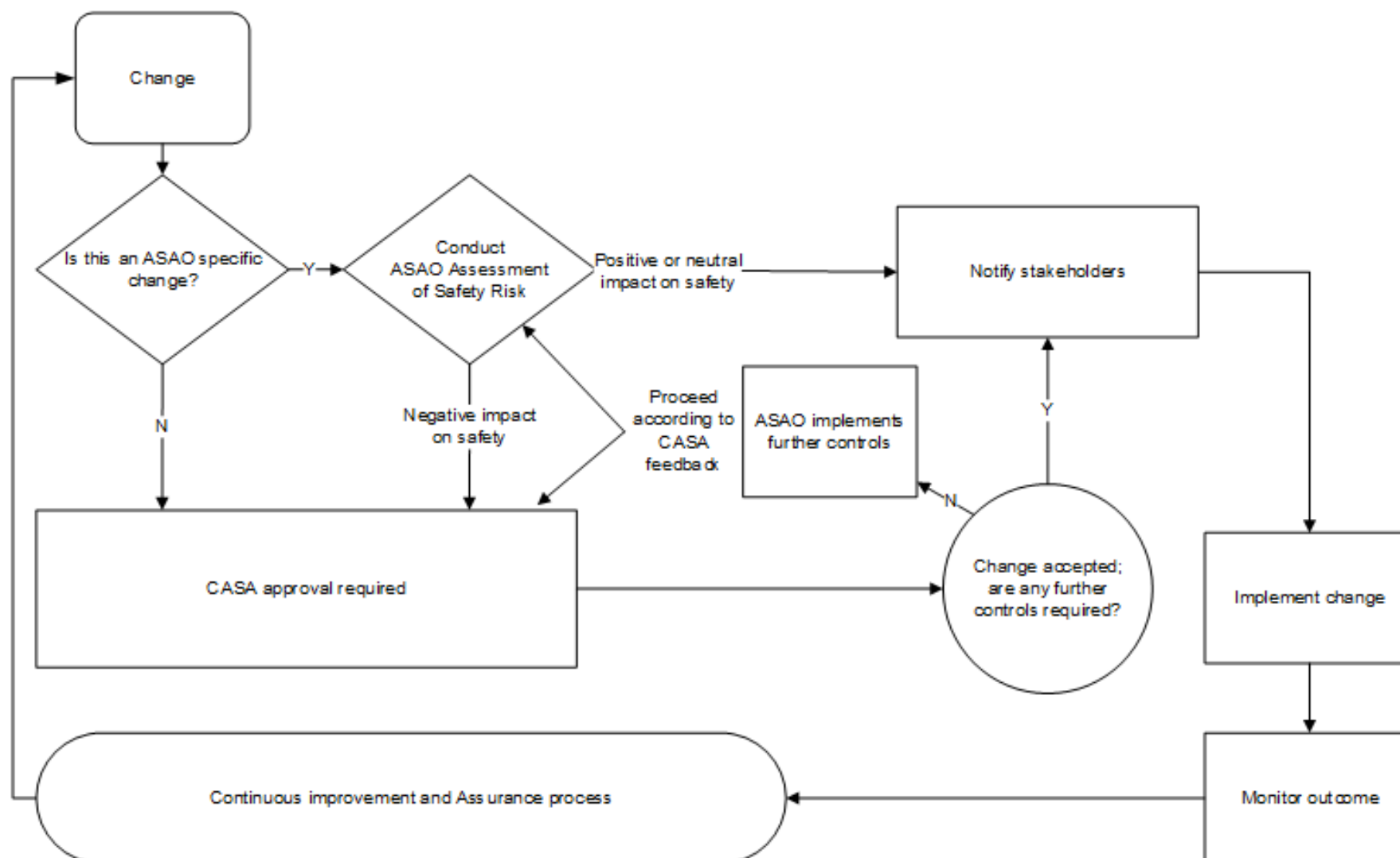


Figure 4: Sample change process



