



CASA Canberra Office,  
Aviation House, Board Room  
16 Furzer St, Phillip ACT 2606

Date: 1 December 2020, 09:00 – 12:10

## MEETING NOTES

Item No	Item	
<b>1. OPENING</b>		
<i>A review and status update of any open action items from previous meetings.</i>		
<b>2. REVIEW OF ACTION ITEMS</b>		
<i>A review and status update of any open action items from previous meetings.</i>		
<b>3. PRIORITY SAFETY MATTERS</b>		
<i>Agenda items brought forward by CASA or members relating to safety issues where action is considered necessary.</i>		
3.1	Safely returning to normal operations post COVID-19 - mental health ( <i>Chair</i> )	
<b>4. EMERGING RISKS AND AREAS OF INTEREST</b>		
<i>Aviation safety related emerging risks or areas of interest for discussion and/or notice.</i>		
4.1	RPAS development and integration update – ASAP standing agenda item	
<b>5. POLICY PROPOSALS</b>		
<i>Consultation/endorsement of a policy position.</i>		
5.1	Air Transport Continuing Airworthiness & Maintenance (“Charter Maintenance”) TWG Report	
5.2	Part 121 MOS TWG Report	
<b>6. PROJECT INITIATION</b>		
<i>Proposals to commence activity on a significant piece of work (including Technical Working Groups, etc).</i>		
6.1	Flight Operations suit transition – ASAP standing agenda item	
6.2	Regulatory Services and Surveillance Transformation – ASAP standing agenda item	
6.3	Part 135 seat break review update – discussion ( <i>Mr Crawford</i> )	
6.4	External validation panel for CASA’s Regulator Performance Framework ( <i>Mr Walker</i> )	
<b>7. OTHER BUSINESS</b>		
7.1	Flight Crew Licensing TWG update – ASAP standing agenda item ( <i>Mr Roger Crosthwaite</i> )	<b>10:00</b>
7.2	TWG status update ( <i>ASAP Secretariat</i> )	
7.3	Meeting dates for 2021	

## 1. OPENING

The Chair welcomed all Aviation Safety Advisory Panel (ASAP) members to the fourth and final meeting of the Panel for 2020.

In opening remarks, Mr Walker briefed the Panel on a Flight Examiner Rating (FER) review being conducted internally by CASA which was requested by Mr Carmody. The intention is for this review to complement some of the work produced by the Flight Crew Licensing Technical Working Group (TWG). Mr Walker advised that the outcomes of the review will be shared with the ASAP and the intention is to establish the sub-set of the Flight Crew Licensing TWG to look at the FER in 2021 (see Action Item 2020-3/3).

The Chair advised the Panel of frustration felt by the Flight Crew Licensing TWG members about a lack of updates on the resolution of the issues they identified in their meetings. The Panel requested that the outcomes of the internal review be shared with the TWG.

Mr Walker informed the Panel that CASA's intention is not to extend COVID-19 related exemptions past 31 March 2021 as this is a fair and reasonable timeframe with operators returning to normal operations. He also noted that industry can approach CASA to inform them of examples where they may still require an exemption. Mr Crawford emphasised that the exemptions are specific in nature in that operators can only use them if they are truly unable to access the relevant services such as flight simulators, DAMEs or flight examiners.

In respect of CASA operations, the Panel were advised that most staff around the country have returned to work, except for Melbourne who are following Victorian Government restrictions on office capacity.

The Minutes of the previous meeting were approved by the Panel.

## 2. REVIEW OF ACTION ITEMS

Action Items from the previous meeting were reviewed and are recorded at **Attachment 1** and, where appropriate, below.

### **2017-2/2 – In progress.**

Mr Crawford informed members that CASA had not progressed a blanket approval of foreign flight simulators based on these already having a recognised state approval. CASA is focused on COVID-19 related activities, including expediting the approval of the E170/E190 simulator at Narita in Japan to support Australian Regular Public Transport (RPT) operators. CASA has also reached out to the Australian business jet community regarding the foreign flight simulators that will need to be accessed to support their ongoing requirements beyond 31 March 2021. The ASAP is to maintain a watching brief.

### **2018-1/1 – In progress.**

The Chair raised ICAO's industry outlook that there will still be a shortage of skilled aviation personnel post COVID-19. There is anecdotal evidence of COVID prompting decisions on early retirement for many individuals. In light of the uncertainty and number of variables, ASAP will keep a watching brief.

### **2019-1/5 – In progress.**

Mr Walker advised that there had been no further developments with ASQA and will attempt to reengage in 2021. He informed the Panel that the General Aviation Advisory Network (GAAN) had also discussed the issues surrounding ASQA and VET FEE-HELP.

### **2020-2/1 – In-progress.**

Mr Crawford advised there had been no progress in reviewing solutions to the issue of congestion of IFR training flights but noted that CASA is open to the use of technology as a potential solution. The Chair commented that CASA expressed its in-principle support of the use of simulators and enquired if CASA would be open to acceptable means of compliance provided by flying training schools. There was general agreement that this was an appropriate pathway for consideration by CASA.

### **2020-3/1 – In-progress.**

Mr Crawford briefed the Panel that developing a strategic framework for airspace and Unmanned Traffic Management (UTM) related activities was an on-going process and CASA had recommended to the Department of Infrastructure, Transport, Regional Development and Communications (DITRDC) that they engage the RPAS and traditional aviation community members early in the consultations. It was noted from the Panel that there seemed to be more urgency on the matter than the previous meeting, for while Australia may not require its own system, it is important to have these discussions. Mr Simon Moore (DITRDC) advised that the Aviation Policy Issues Paper on National Emerging Aviation Technologies (NEAT) had undergone industry consultation. The Panel requested an out of session briefing paper from CASA on its work to develop an Australian strategic plan/framework for airspace and UTM and a briefing session at the next ASAP meeting for questions.

### **2020-3/2 – Closed.**

Mr Crawford confirmed that there will be training available for industry on the new flight operations regulations in the first half in 2021. The Panel discussed the benefits of beginning regulatory development discussions on the safety outcome being achieved prior to legislation development. Mr Crawford added that CASA intends to approach the ASAP to propose establishing TWGs to review the critical guidance material for these regulations.

### **2020-3/3 – In-progress.**

Once the recommendations from the internal CASA FER review have been considered, CASA intends to meet with a sub-set of the Flight Crew Licensing TWG in early 2021 to discuss and progress the proposed improvements.

## **3. PRIORITY SAFETY MATTERS**

### **3.1 Safely returning to operations post COVID-19 – mental health of safety-sensitive personnel**

The Chair asked the Panel to consider the potential for COVID-19 related matters to affect the mental health of pilots and other safety-sensitive personnel and if there was any role of CASA. Larger airlines have established peer-support systems but there is no similar system in general aviation. The Chair also expressed concern about an increase in surveillance on supervisory pilots and flight crew already flagged by CASA. A Panel member advised that risk controls within some organisations were already in place as pilots and other personnel return to work but acknowledged that there may be gaps in other organisations, though there is specific guidance and training on how to approach return to service in a useful way.

Mr Crawford confirmed that the inspectorate will be empathetic in their interactions with operators and their staff, with the surveillance emphasis being on how operators are managing safety risk as they return large numbers of flight crew to active service. In the case of witnessing flight crew in simulators, CASA's interest is what safety risks are being identified and targeted, the effectiveness of proposed mitigations and the learnings being captured rather than the performance of an individual flight crew member.

A Panel member commented that organisations should have their processes in place to manage these matters, which would be captured in their Safety Management System (SMS) and this is the area of focus CASA should be inspecting. Mr Crawford agreed and confirmed that was essentially

the approach being taken.

Another Panel member discussed the ways to reduce the unnecessary pressure involved with surveillance on operators and suggested CASA and industry conduct an awareness campaign focused on destigmatising mental health. Other members supported surveillance taking on a system approach as opposed to on an individual and raised concerns that the current messaging from CASA on surveillance could be misinterpreted by industry as a focus on individuals. CASA’s communications on the intended surveillance activity should be very clearly focused on inspecting the integrity of an operator’s system and not inspection on individuals. Mr Crawford agreed and reiterated that CASA officers would be sensitive to concerns expressed when they conduct their surveillance activities.

The Chair noted that the general aviation sector and particularly the flight training sector was becoming busier and flight examiners’ workload was likely to increase significantly in the run up to 31 March 2021, when the COVID-19 exemptions expired. Smaller operators were less likely to have the sophistication to appropriately manage the associated risks. Flight examiners would also be dealing with a large number of individuals returning to flying who do not work for an operator.

A Panel member noted that some sectors of the industry either maintained or saw an increase in activity during COVID-19, and many are CAR 30 organisation which are not required to have safety elements such as SMS and human factors training. An emphasis on a systems approach for large operators was supported but there is still high risk in some general aviation organisations that do not have those types of systems in place. Another member enquired as to how CASA and the industry were reaching out to the smaller organisations and suggested the sharing of learnings from larger organisations and a more proactive promotion and campaign that targets the smaller organisations. A third member suggested online educational and awareness materials or campaigns which could be targeted to specific sectors of the industry.

<b>Action / Recommendation</b>	<p>The ASAP:</p> <p><b>Recommends</b> that a watching brief is kept on the post-COVID return to work processes for safety sensitive personnel, particularly in respect of mental health.</p>
--------------------------------	--

#### 4. EMERGING RISKS AND AREAS OF INTEREST

##### 4.1 RPAS development and integration update

A Panel member advised that the strategic risks that were discussed at the previous ASAP meeting had not changed and noted that the biggest concern is ensuring the alignment of the many parallel activities currently being conducted in the policy area. He added that there is opportunity for the ASAP to contemplate how industry and CASA approach setting a regulatory framework in the sector. It was suggested TWGs would be able to assist and support CASA in a strategic manner in order to commence developing the detailed policy position. The initial tasks could be to lay out the strategic roadmap of the areas and issues to review, and to then suggest the issues that should be prioritised as the areas of focus.

A Panel member commented on the need to consider the linking of OneSky with the matters relating to UTM as it is important to determine how it will all strategically fit together. The first member stated that the opportunity with the RPAS sector is being able to review risk holistically, considering all the pillars that control safety (e.g. medical, airworthiness standards). The important aspect is to look at these areas together rather than in individual silos because of the need to determine the bigger strategic picture. Another Panel member noted that industry is becoming increasingly concerned that not enough attention is being given to seriousness of the issues outlined.

The Panel agreed with the concerns raised in the discussion and will provide advice to the DAS that the strategic regulatory framework for UTM and broader policy areas in the RPAS sector require urgent attention.

<b>Action / Recommendation</b>	The ASAP:  <b>Recommends</b> that the strategic regulatory framework for UTM and broader policy areas in the RPAS sector require urgent attention.
--------------------------------	--

## 5. POLICY PROPOSALS

### 5.1 Air Transport Continuing Airworthiness & Maintenance (“Charter Maintenance”) TWG Report

The Panel reviewed the report provided by the Charter Maintenance TWG. Mr Crawford explained that some members of the aviation community had expressed a view to CASA and the ASAP that the maintenance standards for charter operations should be different to the CASR Part 145 and 42 requirements for RPT. He added that the first role of the TWG was to commence discussions on a policy level to look at the outcomes of the maintenance standards. Mr Crawford also noted the primary topic of contention raised by the TWG was the matter of where the policies will be drafted in legislation. The Chair noted the concerns raised by the TWG in their report regarding CASA’s ability to develop and apply scalable regulation. A Panel member advised that during the discussions on a scalable Part 145, there were concerns of industry that maintenance organisations would be expected to have the highest level of standard, but this is not the case. He added that industry was advised that CAR 30 organisations would eventually transition into the Civil Aviation Safety Regulations (CASRs).

The ASAP noted the content and concerns of the TWG, and that CASA had not decided on the matter of where the policies will be drafted. A Panel member commented on the concerns raised by many CAR 30 organisations and suggested CASA provide more information and clarity on the proposals. He also stated that some maintenance organisations who have transitioned to Part 145 expressed concerns that they believe they may end up competing with organisations that become an “enhanced” CAR 30 standard under the proposed policies. The Panel recommended that CASA engage with the Regional Aviation Association of Australia regarding the decision made and of the significance and impacts of the proposed policies.

The ASAP supported the TWG’s recommendation, with CASA to progress the development of the proposed policies.

<b>Action / Recommendation</b>	The ASAP:  <b>Supports</b> the Charter Maintenance TWG’s recommendation and therefore supports CASA to progress in developing the proposed policies for air transport continuing airworthiness and maintenance regulations.
--------------------------------	---

### 5.2 Part 121 MOS TWG Report

The Panel reviewed the report provided by the Part 121 Manual of Standards (MOS) TWG. The Panel discussed the TWG’s request to remain engaged during the development of guidance material and acceptable means of compliance. As part of the ASAP’s advice, a request will be made for CASA to commit to continuing their engagement with industry, through the ASAP, throughout the implementation period. Mr Crawford confirmed that was CASA’s intention and referenced the response to Action Item 2020-3/2. The ASAP supported the TWG’s recommendation with CASA to proceed in making the Part 121 MOS.

<b>Action / Recommendation</b>	<p>The ASAP:</p> <ul style="list-style-type: none"> <li>(1) <b>Supports</b> the Part 121 MOS TWG’s recommendation and therefore supports CASA to progress in making the Part 121 MOS.</li> <li>(2) <b>Requests</b> CASA to commit to continuing engagement with industry, through the ASAP, throughout the implementation period on matters such as future MOS refinement, and the development of critical guidance material and acceptable means of compliance.</li> </ul>
--------------------------------	---

## 6. PROJECT INITIATION

### 6.1 Flight Operations Regulations Transition (ASAP Standing Agenda Item)

Mr Crosthwaite (Branch Manager, Flight Standards, CASA) briefed the Panel on the progress of the flight operations regulations. He noted that the restrictions resulting from COVID-19 provided the opportunity to reshape how CASA facilitated TWG meetings which were all conducted by videoconference since April 2020. He added that the method of shorter, frequent, and topic-focussed meetings has contributed to the significant amount of work the TWG have been able to complete in a short period of time.

Mr Crosthwaite advised that the flight operations regulations MOS are scheduled to be completed by mid-December and discussed that some may appear quite different to when they were publicly consulted in 2018. He explained this was due to the required format changes to make them more consistent with one another. The Chair advised that it is important to note any substantive changes to what has been agreed and added that the success of the ASAP and TWG process is anchored on trust.

A Panel member noted that most of industry would not be familiar with the process of developing and making regulation and suggested a story could be written in *Flight Safety Australia* which outlined the steps and processes involved as it would be a good eye-opener for those that do not understand the process. Mr Walker agreed and will provide the suggestion to the *Flight Safety Australia* team.

The Chair commented that feedback from various parts of industry is that the timeframe for the commencement of the flight operations regulations on 2 December 2021 is too ambitious. These comments have come at the back of industry managing with the impacts and disruption of COVID-19. Mr Crawford advised that the current commencement date is still planned but acknowledged that CASA’s intention is for a successful transition and therefore, the commencement date is subject to discussion with industry. However, he also noted that there are some delayed provisions which are aimed to reduce the implementation burden on industry and may assist with implementing the new regulations.

### 6.2 Regulatory Services and Surveillance Transformation (RSST) (ASAP Standing Agenda Item)

Mr Crawford informed the Panel that CASA is commencing the transition to its new operating model on 10 December 2020 with the intention to transition to the functional model over the next six months.

### 6.3 Part 135 seat-break review – discussion

The Chair reviewed the background and context to the Part 135 seat-break independent risk analysis report. He added CASA had determined that the regulation will remain as currently written and noted CASA stated that there will be a pathway developed for means of compliance for the carriage of more passengers. Mr Crawford advised that CASA conducted further analysis to decide on the path forward and that technology mitigators have been considered such as autopilot, TAWS-B, weather radar as well as other mitigators such as critical decision making and human factors training, fatigue management, demonstrable understanding of the type of operation (location

pairs), and an effective SMS. Mr Crawford advised that CASA will present the proposed pathway to the CASA Board on 3 December and confirmed the proposal is for the Part 135 regulation to remain as is currently written i.e. a maximum of 9 passengers, however operators will have an opportunity to use a pathway to carry greater than 9 passengers in single-pilot IFR operations. The ASAP will be informed of the outcome from the Board.

#### **6.4 External validation panel for CASA's Regulator Performance Framework**

Mr Walker informed the Panel that it has been identified as an appropriate external and independent forum to provide an external validation for CASA's Regulator Performance Framework given the breadth of industry representation. He added that this was presented at the meeting on 27 February 2020 where the Panel requested an example of a self-assessment report before determining whether to accept the task. The Panel discussed whether it would be appropriate to take the role of validating the self-assessment given its role and standing in industry and whether accepting the task could be perceived as diminishing the independence of the ASAP from CASA. A Panel member commented that the Panel could be considered the 'approved stakeholder' as determined by CASA, however this would require greater involvement by members such as being a part of the assessment and evaluation process of the Key Performance Indicators (KPIs). The Panel noted that the ASAP itself is listed as one of the performance measures within the KPIs and therefore it may be inappropriate to validate CASA's self-assessment on their performance with the ASAP.

The ASAP declined the request to validate CASA's self-assessment of the Regulator Performance Framework to maintain the Panel's strong independence from CASA. However, the Panel noted the possibility of being involved in the self-assessment process in the future so long as the appropriate structure and processes are in place.

### **7. OTHER BUSINESS**

#### **7.1 Flight Crew Licensing TWG update (ASAP Standing Agenda Item)**

Mr Crosthwaite briefed the Panel on the progress of the Flight Crew Licensing TWG. He stated that he was disappointed that work has not progressed on the issues identified by the TWG as quickly as originally intended and noted that most resources have been focused on the flight operations regulations. Mr Crosthwaite emphasised that CASA is committed to dealing with the issues. On the topic of the FER and Form 61-FER, he commented that an issue with generic standards for authorisations is the tendency to revert to prescriptive levels of experience to qualify for such an endorsement. It is important to take a proportionate approach to making decisions when dealing with outcome-based regulation, however without detail, it can be challenging to make those decisions. Mr Crosthwaite acknowledged the need to discuss the proposed recommendations from the FER review and the associated appropriate level of criteria for the FER authorisations with the TWG. Mr Walker also briefed the ASAP on matters relating to the FER in the opening remarks (Agenda Item 1).

The Chair advised of communication from members of the Flight Crew Licensing TWG who were concerned that CASA was not going to resolve their identified 'pain-points'. The Panel advised CASA to provide an update to the TWG as soon as practicable to allay some of the concerns.

#### **7.2 Technical Working Group (TWG) status update**

The Secretariat updated the Panel on TWG activity since the previous meeting and noted the significant activity that has occurred via videoconference. Mr Crawford reiterated that some TWGs could be established with the task to review and assist with the development of guidance material for the flight operations regulations (see Action Items 2020-3/2 and 5.2). The Panel discussed the need to amend or refine the tasking instructions for some of the flight operations regulations TWGs, so they are relevant and applicable to work on guidance material. This includes a refinement of the tasking instructions for the Part 138 TWG for their ongoing work on the Part 138 MOS and

other policy areas identified in their recent report to the ASAP.

A Panel member enquired about the Part 147 sub-group nominations. The Secretariat advised that the nominations will be provided to the ASAP for their appointment on the sub-group. He added that a discussion will be held with the Part 66 TWG to notify them of the intended work of the subgroup and will provide any nominations from the TWG to the Chair.

<b>Action / Recommendation</b>	The ASAP:  <b>Requests</b> the Chair to work with the Secretariat to refine/amend the tasking instructions of the flight operations regulations TWGs so they are applicable and relevant for work on guidance material. This includes the Part 138 TWG for their ongoing work on the MOS and other policy areas.
--------------------------------	--

Patrick Murray  
Chair  
December 2020



## **CHAIR**

---

Prof Patrick Murray

## **ATTENDING PANEL MEMBERS**

---

Mr Stuart Aggs

Mr Mark Awad (via teleconference)

Dr Reece Clothier

Mr Graeme Crawford

Ms Adrienne Fleming

Mr John Gissing

Mr Malcolm Sharp

Mr Mark Thompson

Mr Rob Walker

## **APOLOGIES**

---

Mr Ray Cronin

## **OBSERVERS**

---

Mr Matthew Di Toro      ASAP Secretariat  
Civil Aviation Safety Authority

Mr Andreas Marcelja      ASAP Secretariat  
Civil Aviation Safety Authority

Mr Simon Moore      Executive Director Aviation and Airports  
Department of Infrastructure, Transport, Regional Development and  
Communications

## **ATTACHMENT 1**

---

Updated Action Register