



Australian Government

Civil Aviation Safety Authority

# Notice of Proposed Rule Making

## Recreational Aviation Administration Organisations

Proposed Part 149 of the  
*Civil Aviation Safety Regulations 1998 (CASR)*

### Who this NPRM applies to

*It is expected that this proposal will affect the following persons in the aviation community:*

*Existing sport and recreational aviation administering bodies operating under a Deed of Agreement with CASA.*

*Organisations who may in future seek to self administer existing sectors of aviation in parallel with existing sport and recreational aviation administering bodies.*

*Organisations who may in future seek to self administer new sectors of aviation not presently administered by existing sport and recreational aviation administering bodies.*

Issued as part of the process of public consultation by  
CASA's Regulatory Development Management Branch

Document NPRM 0704OS – July 2007



## Foreword

### **Context of this NPRM**

This Notice of Proposed Rule Making (NPRM) is issued by the Civil Aviation Safety Authority (CASA) under its program for Regulatory Reform which aims to develop standards that are appropriate, clear, and concise and which are aligned with international practice to the greatest practicable extent.

Proposed CASR Part 149 is part of a suite of Civil Aviation Safety Regulations (CASR) Parts that address the administration and operation of various recreational aviation activities. By the very nature of sport and recreational aviation, many of the rules that are applicable to larger aircraft are not relevant to this sector, and the concept of a set of “simple rules for simple aircraft” has been developed.

One of the objectives of regulatory reform has been on compliance with the standards and recommended practices of the International Civil Aviation Organizations (ICAO) international harmonisation with the ICAO standards and practices. There are very few applicable international standards for these activities. The approach taken by Australia in devolving the administration of sport and recreational aviation to the aviation community, and applying simplified forms of the ICAO rules, has been adopted by a number of other advanced aviation countries who have also reviewed their regulatory framework over the past decade. Thus the proposed rules bear a practical harmonisation to the rules of other developed aviation nations and form a workable template for nations whose aviation regulatory framework is less sophisticated.

The proposed CASR Part 149 will provide a framework for the relationship between self administering Recreational Aviation Administration Organisations (RAAOs) and CASA.

### **Background**

CASA initially published NPRM 9805RP entitled Aviation Administration Organisations setting out the proposed rules (lay-drafts) in plain language – in June 1998. This paper attracted responses which were taken into account when developing subsequent drafts.

NPRM 9808RP was subsequently followed by a set of rules drafted by the Attorney-General’s Department Office of Legislative Drafting and Publishing (OLDP) – in NPRM 0007MS Recreational Aviation Administration Organisations – which was published in April 2000 but was withdrawn shortly afterwards by the then Director of CASA.

In 2002 the project teams were re-convened to define a set of policy guidelines for sport and recreational aviation. These were accepted by the then Minister for Transport following a meeting in July 2003 chaired by Mr Ted Anson (then chairman of the CASA Board) and subsequently published as CASA policy.

This set the framework for further development of proposed CASR Part 149 – Recreational Aviation Administration Organisations and allowed for proposed CASR Parts 103 and 105 to be refined to their present status (NPRMs for these CASR Parts are currently open for consultation).

This NPRM was developed under the general guidance of the SCC, a joint industry/CASA body that meets quarterly and advises CASA on regulatory reform matters. The SCC has established the Recreational Aviation Standards Sub-Committee to more immediately oversee the project teams developing this suite of CASR Parts, and to review the proposed legislation prior to its release for public consultation.

The proposed CASR Part 149 rule set initially evolved slowly through an iterative process of CASA/industry negotiation. In mid 2006 the SCC Recreational Aviation Standards Sub-Committee concluded that under the Civil Aviation Act, in its current form, the only way RAAOs could be empowered to administer recreational aviation activities was by being issued with a delegation to carry out certain regulatory functions of CASA.

Delegations are a well tested way of authorising functions held by government agencies such as CASA, to be performed by individuals or organisations tasked with administering a government function such as a sector of aviation. The proposed CASR Part 149 provides for the delegation of functions to RAAOs to enable the organisations to perform functions which are CASA responsibilities under the Civil Aviation Act.

## Proposed Changes in a Page

The **time-conscious reader** will obtain a quick appreciation of this NPRM through the **Proposed Changes in a Page** (NPRM Section 2).

A **text synopsis** of the proposed changes is provided as background (NPRM Section 3).

If you require **complete information** about the proposed changes, refer to the Conceptual Drafting Notes and Unsettled Consultation Draft of proposed CASR Part 149 regulations at Annex A to this NPRM and the draft Advisory Circular (AC) at Annex B.

## How you can help us

**CASA is responsible under the Civil Aviation Act 1988, amongst other functions, for developing and promulgating appropriate, clear and concise aviation safety standards. In the performance of this function and the exercise of its powers, CASA must, where appropriate, consult with government, commercial, industrial, consumer and other relevant bodies and organisations.**

*Civil Aviation Act 1988 Subsection 9(1)(c) and Subsection 16*

**“CASA is committed to working cooperatively with the aviation industry to maintain and enhance aviation safety. This is especially important as far as the development of standards and regulatory material is concerned.”**

*CASA Standards Development and Rule Making Manual, 2.6.1*

To ensure clear and relevant safety standards, we need the benefit of your knowledge as an aviator, aviation consumer and/or provider of related products and services **by completing the Response Form** (in this NPRM) **and returning it to CASA by 24 September 2007.**

I would like to thank you for expressing interest in this proposal and emphasise that no rule changes will be undertaken until all NPRM responses and submissions received by the closing date **24 September 2007** have been considered.



Greg Vaughan  
Group General Manager  
General Aviation Operations

23 July 2007

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<b>* <u>YOU CAN RESPOND ONLINE OR BY FAX, POST OR EMAIL</u> *</b>	
A web-based online response form is offered as an alternative to the printed form in this NPRM. Online submission is the preferred method of sending your comments to CASA. If you are connected to the Internet, type <a href="http://casa.gov.au/newrules/ors">casa.gov.au/newrules/ors</a> into your web browser and follow the links for this NPRM.	
<b>Annex A – Proposed Civil Aviation Safety Regulations 1998 (CASR) Part 149 – Recreational Aviation Administration Organisations – Consultation Draft .....</b>	<b>A1</b>
<b>Annex B – Draft Advisory Circular – AC 149-01(0) – Regulatory Enforcement for CASR Part 149 Organisations .....</b>	<b>B1</b>

## Abbreviations

<b>AC</b>	Advisory Circular
<b>AGL</b>	Above Ground Level
<b>AMC</b>	Acceptable Means of Compliance
<b>CAAP</b>	Civil Aviation Advisory Publication
<b>CAR</b>	Civil Aviation Regulations 1988
<b>CASA</b>	Civil Aviation Safety Authority
<b>CASR</b>	Civil Aviation Safety Regulations 1998
<b>CAO</b>	Civil Aviation Order
<b>CEO</b>	Chief Executive Officer (used within CASA and in some RAAOs)
<b>DP</b>	Discussion Paper
<b>EASA</b>	European Aviation Safety Authority
<b>ft</b>	Feet
<b>GA</b>	General Aviation
<b>GM</b>	Guidance Material
<b>ICAO</b>	International Civil Aviation Organisation
<b>IFR</b>	Instrument Flight Rules
<b>IP</b>	Intellectual Property
<b>kg</b>	Kilograms
<b>kt</b>	Knots
<b>LSA</b>	Light Sport Aircraft
<b>MOSP</b>	Manual of Standard Procedures
<b>MTOW</b>	Maximum Take-off Weight
<b>NFRM</b>	Notice of Final Rule Making
<b>NM</b>	Nautical Mile
<b>NPRM</b>	Notice of Proposed Rule Making
<b>OLDP</b>	Office of Legislative Drafting and Publishing
<b>RAAO</b>	Recreational Aviation Administration Organisation
<b>SCC</b>	Standards Consultative Committee
<b>VFR</b>	Visual Flight Rules
<b>VMC</b>	Visual Meteorological Conditions

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## 1. The Consultation Process

1.1 CASA is committed to working cooperatively with the aviation community to maintain and enhance aviation safety. The SCC is a joint industry/CASA forum that brings together CASA staff and representatives from a diverse range of aviation industry organisations, to jointly develop regulatory change material. The SCC examines proposed regulatory changes to determine if they are worth pursuing and assists CASA in establishing and servicing change projects. CASA and industry experts work together in SCC Sub-Committees and project teams, to develop regulatory material (both new regulations and amendments).

1.2 The people involved in the development and formulation of the proposals contained in this NPRM comprise the following CASA and aviation community representatives.

### **Aviation Community**

Peter Bennett, representing - Sport Aircraft Association of Australia

Adrian Clements, representing - Australian Ballooning Federation

Daryl Connell, representing - Gliding Federation of Australia

Stephen Dines, representing - Aircraft Owners and Pilots Association, AAFI and Australian Warbirds Association Limited

John Evans, representing - Australian Sport Rotorcraft Association

Chris Fogg, representing - Hang Gliding Federation of Australia

Danny Galbraith, representing - Australian Ballooning Federation

Damien Gates, representing - Hang Gliding Federation of Australia

Dr Bob Hall, representing - Australian Sport Aviation Confederation and Gliding Federation of Australia

Bill Hamilton, representing - Aircraft Owners and Pilots Association and Australian Warbirds Association Limited

Peter Harris, representing - Australian Sport Rotorcraft Association

Henk Meertens, representing - Australian Sport Aviation Confederation and Gliding Federation of Australia

Trevor Merton, representing - Australian Warbirds Association Limited

Paul Middleton, representing - Recreational Aviation Australia

Lee Ungermann, representing - Recreational Aviation Australia

Mike Valentine, representing - Gliding Federation of Australia and Recreational Aviation Australia

Craig Worth, representing - Hang Gliding Federation of Australia

## CASA

Jonathan Aleck - Head – Legal Services Group

Mike Cleaver - Project Leader – Sport Aviation, General Aviation Operations

George Dukats - Maintenance Standards, General Aviation Operations

John Grima - Programme Manager – Regulatory Development Management Branch

Peter O’Keefe - Legislative Counsel – Legal Services Group

Mark Taylor - Maintenance Standards, General Aviation Operations

Andrew Ward - Formerly Acting Section Head – Sport and Recreational Aviation, General Aviation Operations Group and now Regulatory Development Programme

Coordinator – Regulatory Development Management Branch

1.3 The unsettled consultation draft of indicative legislation contained at Annex A of this NPRM was developed from a draft prepared by the OLDP of the Attorney-General’s Department. That Office will also develop the final legislation following the evaluation of comments made on this proposal.

1.4 Further Advisory Circulars (ACs) or other guidance material may be published separately during the consultation period, rather than being included in this NPRM, depending on the demand for information.

### What CASA does with your comments

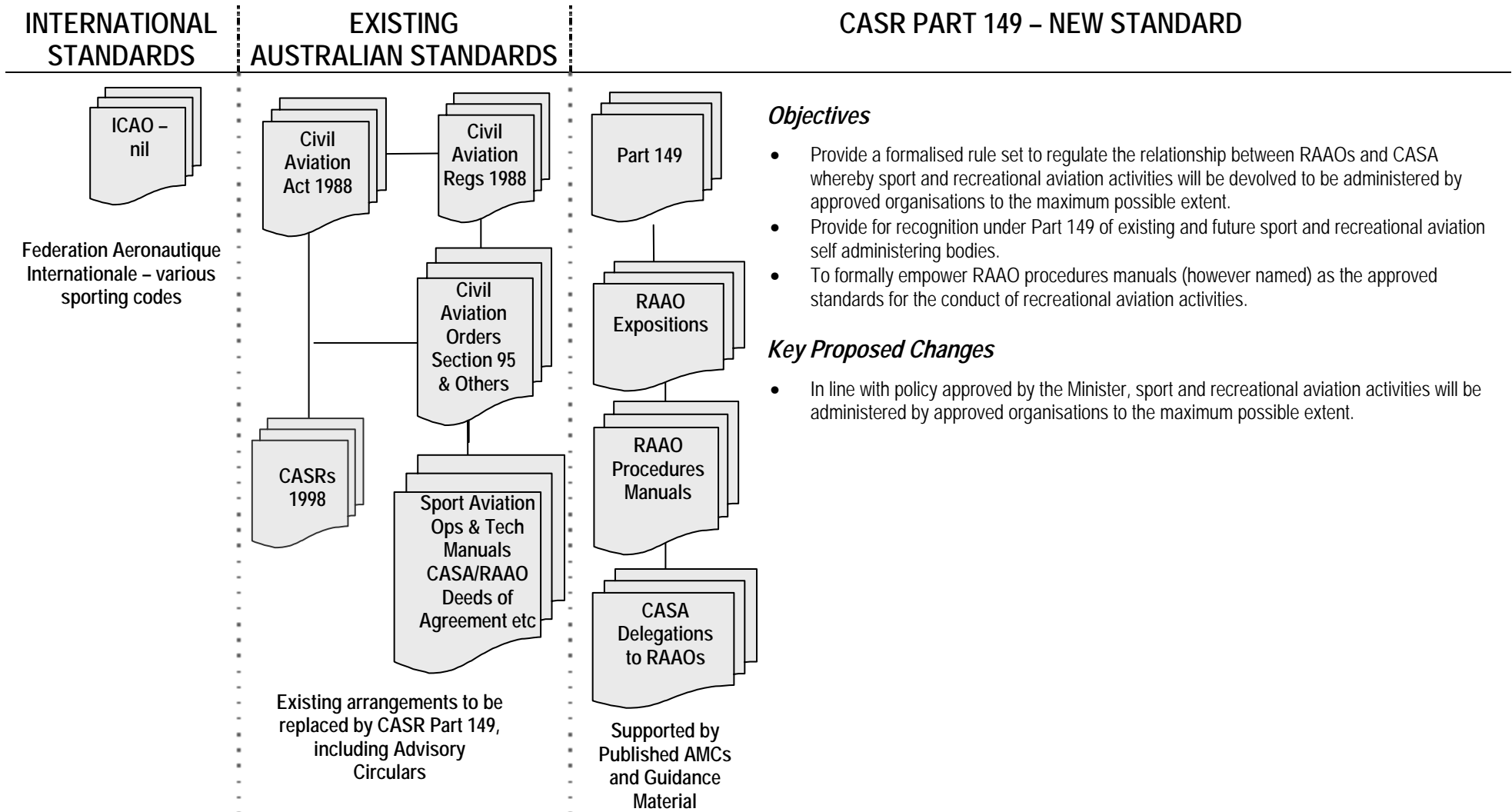
1.5 At the end of the response period for public comments, all submissions will be analysed, evaluated and considered. Subsequent to the closing date for comments, a Notice of Final Rule Making (NFRM) will be prepared, and made publicly available in conjunction with the making of the final rule.

1.6 CASA is required to register each comment and submission received, but will not individually acknowledge a response unless specifically requested. However, the names of contributors will be published in the subsequent NFRM, except where CASA is specifically requested not to do so.

1.7 CASA and the industry project team will review the suggestions and comments received as a result of this NPRM, and CASA will decide on changes that will be incorporated into the final rule. These will then be referred to OLDP, for the drafting of the final rule, for submission to the Governor-General to be made as a new regulation.

1.8 Because of these processes, and the fact that the draft published for consultation is not a fully cleared settled legal draft, it is probable that there may be some reasonably significant changes to the actual form of the regulations in the final rule. However, the policy intent to produce outcome-based regulations will result in rules with the same final outcome, except where the consultation indicates that a different outcome is desirable. The NFRM will explain changes of this nature.

## 2. Proposed Changes in a Page



## 3. Synopsis of Change Proposals

### 3.1 Purpose of this NPRM

3.1.1 The purpose of this NPRM is to expose for public consultation the proposed rule set that has been developed by CASA, working together with affected industry organisations that presently administer the sport and recreational aviation disciplines that would be recognised and operate within the scope of the proposed rules.

3.1.2 In the case of individual sport and recreational aviators and parachutists, CASR 103.100 and CASR 105.040 will provide a parallel path by which such persons can be authorised by CASA to operate as individuals who do not subscribe to the rules of an organisation that is approved under proposed CASR Part 149. Such persons will be directly responsible to CASA for their operations, but will be required to meet the same standards as persons who choose to operate within the supervision of a proposed CASR Part 149 organisation. Such individual operation independent of an RAAO has become termed ‘the parallel path principle’. The ACs being developed as guidance material for CASR Parts 103 and 105 provide more detailed information on this subject.

3.1.3 Individual glider and balloon pilots operating on the ‘parallel path principle’ will operate using Part 103 and the same standards as RAAOs. Individual parachutists operating on the ‘parallel path principle’ will operate using Part 105 and the same standards as RAAOs. Individual aeroplane and rotorcraft pilots operating on the ‘parallel path principle’ will operate using the normal CASA general aviation rule set.

3.1.4 Proposed CASR Part 149 is designed to provide a simple set of rules that formalises the arrangements which have been established over time between CASA and RAAOs, whereby RAAOs carry out CASAs functions for the administration of certain sporting and recreational aviation activities.

### 3.2 Background

3.2.1 The rules in this proposal were developed by a joint CASA/industry project team, from a draft developed by an industry working group, working under the oversight of the Recreational Aviation Standards Sub-Committee. The proposed rules build on the concepts proposed and circulated to the public and the aviation community in an NPRM issued in August 1998 but have moved significantly from those proposals which received widespread criticism from the affected sectors of industry at that time.

3.2.2 Proposed CASR Part 149 further provides for new RAAOs to be formed that might administer:

- totally new aviation activities;
- aviation activities presently administered by CASA; and
- operations in parallel areas of sport and/or recreational aviation with existing RAAOs.

3.2.3 Proposed CASR Part 149 provides how such organisations might be delegated certain functions and powers and the prerequisites that would need to be fulfilled for the self administration of sport and/or recreational aviation.

### 3.3 Reasons for change

#### Positive rules rather than exemptions

3.3.1 One of the principles behind CASA's regulatory reform has been to express aviation safety regulations in the form of a positive requirement, and to remove exemptions from the rule set as far as possible.

3.3.2 Accordingly, the rules for sport and recreational aviation have been designed from the outset to be cast in the form of a discrete rule set for these activities, which follows the same principles and where appropriate uses the identical words as the 'mainstream' rules.

3.3.3 Proposed CASR Part 149 is designed to provide a simple set of rules that formalise the arrangements which have been established over time between CASA and RAOs, and in which CASA delegates self administration for certain sporting and recreational aviation activities to dedicated industry bodies established for the purpose.

3.3.4 Proposed CASR Part 149 provides for an appropriate recognition and authority for established and existing organisations engaged in self administration for certain sporting and recreational aviation activities. Such organisations are currently only identified in conditions attached to various exemptions under the Civil Aviation Regulations 1988 (CAR) and published in Civil Aviation Orders (CAO).

3.3.5 Proposed CASR Part 149 provides for a simple, clear, concise and easily-understood set of rules ideally suited to a devolved administration of what CASA requires for recreational aviation activity.

3.3.6 A decision was taken early in the rule development process, and later confirmed by various review panels, that rather than rely on a CASA manual containing technical specifications, standards and procedures in sport and recreational aviation, **considerable reliance would be placed on the procedures manuals of the administering organisations**. It is CASA's intention to publish an Acceptable Means of Compliance (AMC) which sets out a sample format and generic content of what is acceptable to CASA as the procedures manual for a RAO operating under proposed CASR Part 149.

### 3.4 Objective

3.4.1 The objective of proposed CASR Part 149 is to provide a legally acceptable, accountable and easy to understand model to manage the historically well proven but legally ill-defined process of self administration of sport and recreational aviation.

3.4.2 It is the further objective of proposed CASR Part 149 to provide a process that is acceptable to the aviation industry generally and established RAAOs specifically, enabling this sector of industry to continue the self administration of sport and recreational aviation and to allow for future growth.

3.4.3 Proposed CASR Part 149 applies only to sport and recreational aviation operators and Recreational Aviation Administration Organisations (RAAOs). There is public debate at this time about the self administration of certain aviation activities of a personal flying nature (including flying training) without the limitations on aircraft size that are contained in Part 103. Details of any proposals for the self administration of general aviation are still under development, but will be the subject of ongoing consultation processes through the SCC. This may include the issuing of DPs and NPRMs and related proposals separate to this project. **Self administration of general aviation is a different concept to this NPRM and should not be confused with proposals contemplated by this NPRM. Proposed CASR Part 149 - Recreational Aviation Administration Organisations.**

### 3.5 Key change proposals – Regulatory philosophy

3.5.1 **Administering Arrangements and the Concept of Self Administration** - The key change in the philosophy of the proposed CASR Part 149, compared to the past, is that proposed CASR Part 149 now gives formal recognition and empowerment by delegation of specified functions to self administering sport and recreational aviation organisations. Such bodies are defined in proposed CASR Part 149 as RAAOs.

3.5.2 This kind of regulatory model has historically proved to be suitable in the recreational aviation environment. The procedures immediately relevant to a participant are those of an industry body that administers them with the express consent of the Australian Government, and where the intended outcomes are both consistent with and able to be reinforced if necessary by regulations that have a basis and power in law. Furthermore this form of oversight enables the regulator to focus a greater proportion of its finite resource on passenger transport operations instead of becoming unduly involved in the affairs of aviation participants who are well informed about their participation in aviation and are able and willing to make their own responsible safety choices.

3.5.3 Proposed CASR Part 149 will work in concert with CASR Part 101 and proposed CASR Parts 103 and 105, which will form the basis for CASA to authorise and approve industry-based organisations to administer recreational flying and parachuting activity, on behalf of the Australian people, on a day-to-day basis and in a manner consistent with the rules for related activities that are managed more directly by CASA.

3.5.4 Whilst CASA will retain overall responsibility for the standards and their safe application, CASA will devolve day to day enforcement of the standards and operational rules to the relevant RAAOs which must act in accordance with its exposition, procedures manual and rules. Thus, routine compliance oversight will be carried out by the administering organisations as part of their procedures. However, in the case of persistent, repeated or blatant breaches of CASA's standards, CASA will have the ability to address such matters directly under the applicable provisions of the Civil Aviation Act 1988 or of the CASRs, either by arrangement with the administering organisation in the event the administering organisation finds itself unable to adequately enforce the standards, or unilaterally, in the event an RAAO should fail to meet its legal responsibilities in this regard.

*Note 1: Interested readers may also see CASR Part 103 and Part 105 NPRMs Section 3.6 where this issue is further explored under the heading "Regulatory Enforcement".*

*Note 2: Section 3.8 of this NPRM covers penalty provisions in relation to proposed CASR Part 149 organisations (RAAOs) as distinct to individuals.*

3.5.5 Classification of Operations. Australian flying was, for many years, classified into four main classes of operations: Regular Public Transport (RPT), Charter, Aerial Work, and Private. As a general rule:

- Air Operator's Certificates and some mandatory insurance requirements applied to all classes except Private; and
- Sport and recreational flying was considered to be Private.

3.5.6 In early 2007, CASA's reclassification of aviation activities policy was published. Aviation activities will in future be classified in accordance with their underlying safety risks and mitigators. No longer will operations be classified on the basis of broad industry demographics and whether or not a commercial transaction has been involved. The new policy is based fundamentally on how an aircraft is to be used, and who or what is carried in the aircraft.

3.5.7 This NPRM has been prepared consistent with the new policy. The overall effect of the policy on the sector of aviation covered by proposed CASR Part 149 is expected to be negligible; however the policy serves to emphasise that such aviation activities will be afforded minimal CASA oversight.

3.5.8 The new classification scheme relies on clearly identifying - and regulating the safety of - the four types of people carried by aircraft:

- Passengers (fare-paying and non-fare-paying);
- Task specialists;
- Participants; and
- Crew.

3.5.9 Passengers are defined as occupants who are not expected or assumed to have knowledge of the risks they are exposed to and have little or no control over the risks (other than choosing not to fly).

3.5.10 Task specialists are occupants who have assigned in-flight duties related to a specialised use of an aircraft and are informed of and accept the associated risks.

3.5.11 Participants are occupants who voluntarily engage in an aviation activity, are informed of the risks, and have explicitly accepted the risks of their involvement in that activity.

3.5.12 In the allocation of resources and regulatory oversight of aircraft occupants, CASA's priority is to ensure passengers have maximum protection. To that end:

- The rules for carrying passengers will specify the highest safety standards;
- The rules for carrying task specialists, participants and crew-only will specify safety standard minima that suit the activity but are lower than those for passenger carriage; and
- Rules for crew-only flights will be the baseline rules.

3.5.13 The majority of sport and recreational flying activities are crew-only or with participants on board. As such, CASA's regulatory oversight of most sport and recreational flying will be minimal, relying on the RAOs established under proposed CASR Part 149 to administer the rules for persons who build, and/or fly their aircraft and conduct flight training under Part 103.

3.5.14 It is an important feature of the new classification system that additional rules and higher standards will need to be complied with in future if flights involving task specialists or passengers are contemplated. More information on the classification system has been published in a recently-updated Policy Notice (CEO-PN001-2004), available on the CASA website at <http://www.casa.gov.au/corporat/policy/>. The Policy Notice is titled *CASA's Industry Sector Priorities and Classification of Civil Aviation Activities*.

3.5.15 **Delegation** – The *Civil Aviation Act 1988* allows the Director of CASA to delegate CASA's functions and powers.

*s94 Delegation by the Director*

*(1) The Director may, in writing, delegate all or any of CASA's powers under this Act to an officer.*

*s98 Regulations etc.*

*(1) The Governor-General may make regulations, not inconsistent with this Act:*

*(3B) Nothing in this Act ... is to be taken to prevent regulations being made which provide for the delegation of:*

*(a) a function conferred on CASA under subsection 9(1) [of the Act]; or*

*(b) a power of CASA for or in connection with the performance of that function;*

*to a person who is not an officer.*



3.5.16 The effect of these provisions of the *Civil Aviation Act* is as follows:

- If the CASR regulation permits, CASA may delegate by legal instrument to an RAAO some of CASA's functions; and
- Proposed CASR Part 149 has been written to provide such an avenue for delegations to be legally made.

3.5.17 Such a delegation:

- will not be for longer than 5 years;
- may be renewed at the end of that time if CASA considers that renewal is in the interests of the safety of air navigation; and
- in addition to the general conditions on delegations under this Part each delegation will be subject to particular conditions relevant to the functions performed.

3.5.18 A delegate will be subject to any written direction of the CASA Director in the exercise of a power, or the performance of a function, delegated. A written direction may not be inconsistent with the conditions on a delegation provided for by this Part.

3.5.19 Proposed CASR Part 149 sets out certain arrangements for the safety regulation of sport and recreational aviation in Australian territory by:

- providing for CASA to delegate certain of its functions and powers under the *Civil Aviation Act*;
- describing the persons to whom such delegations may be given; and
- setting out the conditions under which the delegated functions and powers may be exercised and performed.

3.5.20 CASA's Director may withdraw or place conditions on a delegation if the relevant RAAO fails to comply with any conditions or directions under this Part, or if the Director considers that suspension or revocation is necessary in the interests of the safety of air navigation. Such an exercise of power must be performed by CASA's Director personally and cannot be delegated.

3.5.21 Delegates - CASA may issue a delegation under this Part only to an RAAO listed in Schedule 1 of proposed CASR Part 149:

- all existing self administering recreational aviation organisations that seek a proposed CASR Part 149 delegation will be included in Schedule 1; and
- before a new organisation can be given a delegation under proposed CASR Part 149, it must be added to Schedule 1. This would be done by following CASA's normal rulemaking process, after the organisation was subjected to a safety assessment by CASA. Amending the Schedule would require the approval of the CASA CEO, the Minister for Transport and Regional Services and finally, the Governor-General acting on the advice of the Federal Executive Council.

3.5.22 The addition of any new self administering organisation to the proposed CASR Part 149 Schedule would require public consultation. Such consultation would be conducted by the publication of an NPRM.

### **European (EASA) style regulations**

3.5.23 In late 2005 a joint Australian aviation industry/CASA team visited Europe to learn first hand about the philosophies used to regulate aviation safety under the European model. The study tour revealed that the EASA regulatory model for maintenance provides a safety-focused, pragmatic, flexible and outcome-based regulatory environment for industry to operate in. The model demonstrably embraces human factors in search of an improved safety outcome and at the same time, accommodates changing technology and the reality of commercial practices; it devolves to industry many responsibilities and privileges.

3.5.24 The project team concluded that the EASA maintenance regulations provide a sound starting point for development of equivalent Australian regulations for maintenance.

3.5.25 The Recreational Aviation Standards Sub-Committee was quick to see the opportunity demonstrated by the adoption of this new regulatory philosophy, and it was resolved to incorporate the advantages of the EASA style system into the sport/recreational aviation regulatory suite.

3.5.26 EASA style legislation involves the use of brief regulations that express the high-level safety outcomes sought, supported by detailed Acceptable Means of Compliance (AMC) and Guidance Material (GM).

3.5.27 One significant advantage of this safety outcome-based style of regulation is that it allows industry the flexibility to use the most appropriate systems and procedures to meet safety outcomes. AMCs provide straightforward and positive methods of satisfying the regulator, but are not binding on those industry participants who wish to put forward approved alternative methods of compliance- thus allowing for innovation and improvement to occur naturally.

3.5.28 Outcome based legislation does not automatically mean that the legislation is not prescriptive; a better description would be that the regulations are less prescriptive. For example there may be detailed technical specifications that are 'required' for a particular function performed by an RAAO. These would be documented in appendices to the regulations and would therefore be regulatory in nature.

### **Expositions**

3.5.29 Organisations become RAAOs under proposed CASR Part 149 through a series of technical and legal process that result in them being listed in Schedule 1 of proposed Part 149.

3.5.30 The technical part of the aforementioned process is the provision to CASA of documentation supporting the RAAOs claim to have sufficient competence; experience and resource to self administer a particular part of the aviation community. In proposed CASR Part 149 such documentation is referred to as an exposition.

3.5.31 Expositions are a document written by the RAAO in their own words to explain the way that the RAAO is going to meet the required safety outcome. It is expected that a major portion of a RAAOs exposition will be based closely on the present operational and technical manual suite of the RAAO.

3.5.32 RAAO expositions include the certificate of incorporation or equivalent document for the organisation and the procedures manual of the RAAO. This includes Operations Manuals; Airworthiness Manuals; Technical Manuals; MOSPs and suite of documents that the RAAO uses in administering its aviation related functions. Most existing RAAOs have established and mature documents suites that are resident on the World Wide Web and have through experience been refined over time and tested through audit.

3.5.33 The RAAO exposition would nominate the governance and disciplinary rules of the organisation including the rules of incorporation or similar regulatory or company structure and the rules outlining the process of dealing with aviation safety related disciplinary and compliance matters.

3.5.34 The RAAO exposition would nominate the management system for the aircraft and aviation activities and the overarching management structure whereby the RAAO administers their segment of aviation.

3.5.35 The RAAO exposition would nominate the name and organisational title of the Accountable Manager. Who this person is would vary between RAAOs but would usually be the President, General Manager or CEO.

3.5.36 The RAAO exposition would contain a statement signed by the accountable manager that the exposition and procedures manual demonstrate that the RAAO complies, and will comply, with the requirements of Part 149.

3.5.37 The RAAO exposition would further contain the names and organisational titles of each nominated designated person, and each key person whose duties are to assist the accountable manager to ensure that the RAAO complies with the requirements of this Part including:

- Designated Persons are persons who perform a specific technical role and are qualified to perform that role within the RAAO that are of interest to CASA. They are nominated as having to be advised to CASA in the RAAO exposition. This would usually be the Operations Manager and Airworthiness Manager (however named); and
- Key Persons are persons within the RAAO of interest to CASA and are nominated as having to be advised to CASA in the RAAO exposition. This would usually be the CEO/GM and President if they were not the Accountable Manager.

3.5.38 The Accountable, Manager Designated and Persons Key Persons are all senior members and possibly employees within an RAAO. All would be identified in an RAAOs exposition as being the holders of certain RAAO positions and as persons that would be notified to CASA upon them assuming that role. Such position holders do not have to be pre approved by CASA or notified to CASA in advance of assuming the role however when a position holder changes, the onus would be on the RAAO to advise CASA of the new position holder's name.

3.5.39 The positions that must be named to CASA do not extend to instructors or airworthiness personnel within an RAAO not occupying senior positions of management responsibility or junior RAAO employees.

3.5.40 The RAAO exposition would nominate the duties and responsibilities of the Accountable, Manager Designated and Persons Key Persons and the minimum qualifications and experience requirements that each person and position holder must meet.

3.5.41 The RAAO exposition would provide CASA an organisation chart showing chains of personal responsibility from the Accountable Manager and anyone who is responsible to the accountable manager, through nominated designated persons and key persons, to any State and Territory parts or branches (however described). The organisation chart need only mention the relevant organisational titles, not names, of the persons concerned.

3.5.42 The RAAO exposition would provide CASA the management system used by the RAAO, the procedure for amending the exposition.

3.5.43 The RAAO exposition would provide CASA the document control and retention procedures of the RAAO and the facilities and equipment to be used in carrying out a CASA function under a delegation.

3.5.44 Proposed CASR Part 149 uses the term participant for a person who operates under the auspices of an RAAO. The proven model for such a participant/RAAO relationship is for the participant to be a member of an organisation and to agree to abide by that association's rules, however the possibility of another model of participation being used has been left open. The RAAO exposition would provide CASA a description of how that RAAO/individual relationship is structured, who may be a participant, how the person may become a participant and how the governance and disciplinary rules of the RAAO will ensure that each participant obeys the rules and complies with the procedures manual of the RAAO.

3.5.45 The potential for an RAAO to be able to change its exposition or procedures manual without reference to CASA has been left open in proposed Part 149 due to the wide variety of RAAOs and the aviation forms that they administer. Such changes would be permitted within the limits of the change process stated in the exposition and procedures manual which would be negotiated with CASA from the outset.

3.5.46 However, a delegated RAAO may only amend the change procedures that control their ability to make changes if the amendment is approved by CASA.

3.5.47 Existing RAAOs at the date of making of the proposed Part 149 have 3 years to be fully compliant with all items required in an exposition. Until that time those RAAOs (but not new ones) can rely on their procedures manuals as is the case at present.

### **Acceptable Means of Compliance (AMC)**

3.5.48 AMCs set out acceptable methods of demonstrating compliance with specific regulations. For example, if an industry applicant for an authorisation follows the relevant AMC the applicant may be assured of satisfying the associated regulatory requirements governing entitlement to a particular authorisation.

3.5.49 The following points cover the considerations and requirements for AMC material:

- The AMC material must be related to a specific regulatory provision;
- The AMC cannot impose a regulatory requirement;
- The AMC contains material that will allow an applicant to satisfy CASA of the related regulatory requirement if they follow the AMC material;
- Material which is not regulatory in nature and does not address a means of compliance may be suitable for use as guidance material;
- An applicant can propose alternative means of meeting the regulation and this, if approved by CASA, (after removal of IP or commercially sensitive information) could be made into another AMC; and
- If material is the ONLY way an applicant can comply then the material is not suitable content for an AMC. The material will in that case either become a regulation or an Appendix to the regulation.

### **Guidance Material (GM)**

3.5.50 Guidance Material provides suggestions, explanations and amplification of a regulations policy intent, rather than a means of compliance with a regulation.

### **Manuals**

3.5.51 The RAAO operational and technical manual suite is considered to be a large subset of the requirement of the preparation of an Exposition. CASA will be releasing guidance material which details the generic items that would need to be included in an RAAO manual in order for an organisation to gain the status and enabling delegation to become a proposed CASR Part 149 RAAO.

3.5.52 The RAAO manual and the management of changes to that manual are both central to the safety system operated by the RAAO and the relationship between the RAAO and CASA.

3.5.53 The involvement of CASA in the content of the manual of the RAAO is limited to matters of safety only. Accordingly, any consultation with CASA and/or action taken by CASA must be justified on safety grounds.

3.5.54 The RAAO is responsible for the preparation and maintenance of its manuals describing standards and procedures for all operations under its control. The standards in these manuals will be jointly owned by CASA and the RAAO. This joint ownership is limited to matters affecting safety only.

3.5.55 As part of the initial approval of an RAAO for inclusion in the Schedule to proposed CASR Part 149, these manuals will be subject to approval by CASA. When proposed CASR Part 149 is implemented the existing organisations will be grandfathered in as scheduled organisations and the existing manuals considered already approved.

3.5.56 Changes to RAAO manuals required by the change from the current regulations to proposed CASR Part 149 will be inserted by the RAAO as soon as practical but within three years.

3.5.57 As a central component of the safety systems operated by the RAAO, these manuals will be regularly updated as required to maintain and provide for continuous improvement in safety outcomes.

3.5.58 The RAAO manual will specify a safety management process whereby the manual and the standards and procedures are regularly considered in the light of experience and appropriate changes made to achieve these outcomes. RAAO manuals are the definitive repository of the safety systems, standards and procedures used by the RAAO.

3.5.59 This safety management process will specify appropriate consultation with persons affiliated with the RAAO which will, amongst other things, meet the requirement placed on CASA to consult reflected into the safety management system used by the delegated RAAO.

3.5.60 CASA will be included in the consultation process for manual changes – at least to the extent of notification of proposed changes as soon as practical. As part of this consultative process, CASA may also initiate action by the RAAO under appropriate circumstances.

3.5.61 Implementation of any change is not dependent on formal approval by CASA however, because CASA is ultimately responsible for aviation safety, CASA will have the right to veto, (disallow or reject), any specific proposal for change to the RAAO manual.

3.5.62 As soon as CASA becomes aware of concerns regarding a change to a manual, CASA will notify the organisation involved with the safety reason for this potential rejection.

3.5.63 The RAAO will then consider the issues raised by CASA and if necessary, based on safety grounds raised by CASA, modify the proposals appropriately.

3.5.64 The processes described will recognise that the expertise lies within the RAAO and that these processes should be developed explicitly to assist the RAAO to achieve good safety outcomes.

3.5.65 CASA has the final responsibility for a safe aviation environment. If the procedures manual change process fails to reach an outcome acceptable to CASA, CASA may then require that certain material be inserted into the manual of the RAAO. This authority will be exercised by a high-level CASA delegate and only after failure of the consultation process described above.

3.5.66 Independent of the above processes, the RAAO has the authority to implement changes in an emergency where the safety of an operation is at risk, immediately, by issue of a directive. The RAAO will be required to justify this action through the above processes after implementation of the changes.

3.5.67 Similarly, CASA has the right to require changes to the operating procedures or standards under similar emergency circumstances which threaten the safety of aviation – especially where this involves the safety of other airspace users, innocent third parties or the travelling public – but, similarly, CASA will justify that requirement as soon as practical. Again this action will be taken by a high-level CASA delegate.

### **3.6 Benefits and impacts**

3.6.1 The proposed regulations have been developed by a joint Industry/CASA working group established under the Recreational Aviation Standards Sub-Committee. The proposed regulations will be consistent with a model that has been developing over the past 50 years, and that is consistent with existing CASA policy, and to the Charter Letters issued by Mr John Anderson as the then Minister for Transport and Regional Services, and the scheme for recreational aviation self administration endorsed by the House of Representatives Standing Committee on Transport Safety in 1987.

3.6.2 This continues existing policy but on a more formal footing, with the rules spelled out in positive requirements rather than by exempting participants from a set of regulations with conditions that do not have a formal status.

3.6.3 This policy gives effect to self-administration by industry of sport and recreational aviation activities which have been identified at Ministerial level as suitable for self-administration by industry organisations that meet the criteria to be established in the development of proposed CASR Part 149.

3.6.4 The proposed CASR Part 149 will spell out the relationship between these organisations and CASA, and set formal standards for their participation in the administration of sport and recreational aviation activities – parachuting Part 105 (NPRM 0605OS out now), model aircraft (Part 101), and operation and maintenance of the aircraft identified in the NPRM for Part 103 (NPRM 0603OS out now). All three NPRMs will remain open for public comment until end of the consultation period for proposed CASR Part 149.

### **Benefits and costs of the proposal**

3.6.5 The proposed regulatory style has shown itself over the years to achieve an adequately safe level of operations, with only a slightly higher accident rate than the more highly regulated forms of aviation where the public have greater exposure to the activity. However, in sport and recreational aviation, risk is under the control of informed participants who are encouraged to take responsibility for the consequences of their own actions but are given the responsibility to make such informed choices.

3.6.6 At the same time, the cost to the nation of ensuring compliance is retained at the lowest level consistent with desired safety outcomes. As in the past, the rules will be administered by devolving the responsibility in the most efficient and effective manner to proven and mature organisations who can most cost-effectively carry out this role, subject to audit and oversight by a small group of specialist CASA staff.

3.6.7 The proposals do not cause a great departure from existing practice, other than to simplify the process of maintaining a set of rules by placing the detail of all but the most fundamental requirements under the control of responsible delegated organisations. Hence there will be little change to routine operations.

3.6.8 Costs will be contained and effective administration of the rules encouraged by this proposal. The formal devolution of administration to industry organisations that have in some cases successfully administered them on a less formal legal footing for half a century means participants are insulated from the financial impact of the cost of regulation by government and retain the level of self-interest and self-determination they have done in the past.

3.6.9 Similar regulatory models have been adopted by many of Australia's aviation peer nations, including the UK, Canada, New Zealand and South Africa, and even the USA with its adoption of the Light Sport Aircraft / Sport Pilot rules in 2004.

3.6.10 CASA retains the power to monitor and direct standards in the interests of public safety, to set rules that conform to international standards and practices and, in those rare cases where it may be necessary, to intervene for enforcement-related reasons. This is balanced by the willingness of the administering organisations to accept the responsibility for encouraging compliance with the rules. The controls put in place by the CASR recreational aviation regulatory package justify continued, and in some areas enhanced, access to shared airspace on an equitable footing, where the capacity has been demonstrated to deliver the appropriate level of training and to monitor compliance.

### **3.7 Persons and organisations affected**

3.7.1 The persons and organisations affected by the provisions in proposed CASR Part 149 will be those persons and organisations who currently engage in sport and recreational aviation, and new participants who may choose to become involved in the future. These may include existing industry participants in general aviation that see the sport and recreational arena as an attractive way to participate in aviation.



3.7.2 These include:

- Recreational Aviation Administration Organisations;
- individual participants in recreational and sport aviation (pilots, operators maintainers and parachutists);
- sport and recreational aviation clubs;
- existing aviation businesses who wish to expand their involvement by formally associating with an administering organisation and subscribing to their standards and administration; and
- existing aviation manufacturing and support businesses who see this area as a fertile market for their products and services.

**The “Parallel Path Principle” – The right of individuals to be administered by CASA**

3.7.3 Some “individual rights” issues will be resolved by enshrining the rights of individuals to “opt out” of the supervision of the organisations and elect to operate under direct CASA supervision. This establishes the so-called “CASA “Parallel Path Principle”. Operation outside an RAAO is possible under CASR Parts 103 and 105. Individuals will not have the same status as proposed CASR Part 149 organisations (RAAOs) but instead will be confined to operations excluding training under:

- CASR Part 103 for gliders and balloons;
- Part 105 for individual parachutists; and
- The wider CASR rule set is available for aeroplanes (ultralight/microlight) or rotorcraft (gyroplanes) and will be applicable to individual participants outside an RAAO.

3.7.4 Thus a parallel path participant is able to operate aeroplanes and rotorcraft in general aviation within CASR Parts 42, 61 and 91, and within the scope of Part 21 for aircraft certification.

3.7.5 The “parallel path” participant in gliding and ballooning is proposed to be administered by undertaking to CASA to adhere to the rules and standards of RAAOs that administer gliding and ballooning. This option however may be more costly to the participant, due to the involvement of government. Government financial policy determines that these participants must pay the “fee for service” for CASA’s involvement and so will not impose a drain on the public purse. This is expected to have a modifying effect on the likely numbers of people who choose this option.

3.7.6 CASR Parts outside those dedicated to sport/recreational aviation do not, for simplicity, contain rules for gliders or balloons.

3.7.7 The rules for sport/recreational glider (paraglider/ hang glider/ sailplane and motorised versions thereof) operations outside an RAAO will be contained in CASR Part 103.

3.7.8 The “parallel path” already exists for persons operating model aircraft under CASR Part 101.

### **Audits and Inspections**

3.7.9 Audits and Inspections will continue to be carried out on RAAOs by CASA in a manner that continues the protocols that have been established and refined since 2001.

- Corporate (head office) audits will be carried out by appointment involving senior RAAO officers and CASA. Audits of RAAO operators will be carried out by the RAAO.
- CASA will regularly review the RAAO audit process, however in line with its industry sector priorities resources for this will be limited.
  - This will be done as part of the RAAO ‘head office audit’.
  - CASA will also observe and review RAAO conducted audits of their own operators.
- Only in the rare circumstances or in urgent safety related matters will audit or surveillance be exclusively be carried out by CASA on an RAAO operator. All audits conducted on RAAOs or their operators will be done only with the authority of a senior CASA officer.

3.7.10 The rules for sport/recreational balloon operations outside an RAAO will be contained in CASR Part 103 whilst balloon operations under an AOC will be placed in a stand-alone proposed CASR Part 115B being developed concurrently to this Part.

3.7.11 CASA and industry will review the status of CAO 95.4.1 in light of Classification of Aviation Activities Policy released earlier this year.

*Note: Further detail on the parallel path principle is available in NPRMs for CASR Parts 103 and 105 and is the subject of a pair of soon to be published draft Advisory Circulars for those CASR Parts.*

## **3.8 Enforcement of Regulatory Requirements**

3.8.1 Enforcement of regulatory requirements in proposed CASR Part 149 takes place at two levels:

- enforcement of CASA requirements in relation to RAAOs operating under proposed CASR Part 149; and
- enforcement of RAAO requirements by an RAAO in relation to individuals operating under that RAAO.

3.8.2 **The enforcement of CASA requirements in relation to RAAOs operating under proposed CASR Part 149.** Proposed CASR Part 149 will establish offences and penalties in the same way and for the same reasons these appear in all other CASR Parts. Thus, if an RAAO is found to have breached one or another of the requirements imposed on it under the regulations, this may amount to an actionable offence, for which an infringement notice may be issued or, in what will presumably be rare cases, the matter may be referred for prosecution.

3.8.3 The Australian Government Solicitor has confirmed that the inclusion of such sanctions in connection with the delegation scheme contemplated by proposed CASR Part 149 is lawful, and that the regulations may provide that penalties may be imposed on delegates for the breach of conditions to which their delegations are subject.

3.8.4 Clearly it is in best interests of CASA and RAAOs alike to maintain a cooperative relationship, and to address any issues of concern in a constructive, cooperative spirit. As in other contexts, the resort to a punitive approach to the breach of a regulatory requirement will be limited to cases in which the conduct in question has significant safety-related implications, and/or where there is a demonstrable inability or unwillingness on the part of a delegate to adhere to the requirements of the law.

3.8.5 In the majority of cases in which CASA may need to engage an RAAO on enforcement-related issues of any kind, the preferable approach will be to identify the issues that require attention, and to allow the RAAO to address those matters and to correct any deficiencies in a mutually acceptable manner.

3.8.6 In those rare instances where enforcement action of any kind may be necessary, CASA will be guided by its commitment to a measured and proportionate response, minimising, in so far as possible, any unavoidable limitations on the continuing operations of the RAAO and its participants.

3.8.7 If an RAAO receives an infringement notice, like any other recipient of such notices, it will have the option of seeking a withdrawal of the notice, paying the prescribed administrative penalty or having the matter determined by a court. As RAAOs will not hold ‘civil aviation authorisations’ within the meaning of subsection 3(1) of the Civil Aviation Act, however, RAAOs cannot incur demerit points and they will not be subject to the demerit point scheme under the Act and the Regulations.

3.8.8 Where necessary and appropriate, the Director may consider imposing additional limitations or conditions on the delegations held by an errant RAAO. This is expected to be a very rare event.

3.8.9 Rarer still, but necessarily available to the Director, where an RAAO has shown itself to be seriously or persistently unable and/or unwilling to fulfil its safety-related obligations under the regulations, the Director may initiate action to suspend or revoke the RAAO’s delegations.. Naturally, such action would be reserved for the most serious of circumstances.

**3.8.10 Enforcement of RAAO requirements by RAAOs in relation to individuals operating under the RAAO.** This is covered by Draft AC 149-01(0) which is published with this NPRM and proposed regulation CASR 149.070. Proposed regulation CASR 149.070 requires the RAAO to have governance and disciplinary rules that address the following principles:

- each participant, and all aircraft and aviation activities, must comply with the RAAOs procedures manual;
- each participant must submit to the disciplinary jurisdiction of the RAAO for breach of the procedures manual;

- the suspension of an authorisation given to a participant by the RAAO under a delegation may occur if the RAAO has evidence that a participant has failed, is failing or is demonstrably likely to fail to observe the procedures manual;
- if the RAAO considers that its disciplinary procedures have failed or are failing to prevent unsafe conduct by a participant, the participant will be reported to CASA and notified in writing that a report has been made to CASA;
- disciplinary action involving revocation of an authorisation given by the RAAO under a delegation must proceed in accordance with the principles of natural justice.

3.8.11 The principles of natural justice require that:

- a person must be given a reasonable opportunity to respond to any statements, claims or allegations made about or against them, and to the reasons for any decision affecting their rights or interests that is to be taken on the basis of those statements claims or allegations; and
- there is no real or reasonably perceived bias against the person affected by the decision on the part of the person or persons deciding the matter.

3.8.12 Implicit in the first principle are the requirements that (a) relevant statements, claims, allegations and reasons will normally be provided to the person in writing; and (b) except where it is otherwise necessary in the interests of safety, this information will be provided to the person *before* a decision is taken, and with enough time to allow the person to formulate a meaningful response. Where the interests of safety require that a decision be taken immediately, that information must be provided to the person *as soon as possible* after the decision has been taken.

3.8.13 Implicit in the second principle is the requirement that the person or persons deciding the matter does/do not have a personal or pecuniary interest in the outcome of that decision.

3.8.14 Established RAAOs already have and use their own disciplinary schemes. The requirements proposed by CASR 149.070 provide for a standardised expectation by the regulator in terms of what is required of an RAAO and provide the RAAO with a better defined legal backing than is possible under present arrangements that generally rely on the rules of association of the RAAO.

### **3.9 Implementation and review**

3.9.1 It is anticipated that, because no major departures from existing practice are called up by the new regulations, less cost and time will need to be devoted to this than other sectors of the aviation industry subject to more significant change in their regular operations. A period of time will be necessary for updating the manuals and standards of the existing organisations, but this will be within the likely time-frame of normal review and revision cycles for the most part, and will not involve lengthy delays negotiating for CASA approval of detailed word-for-word text. Many of the existing RAOs have for some years been gradually updating their manuals in anticipation of proposed CASR Part 149. Proposed regulation 149.005 provides for a 3 year transition period for established RAOs transitioning to proposed CASR Part 149.

3.9.2 The monitoring and review of the new regulations would be conducted on an ongoing basis during the implementation/transition phase, and in a standard post-implementation review approximately 12 months after the commencement of the new regulations. Thereafter, monitoring and review would be conducted on an as required basis as required by the Government.

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# NPRM 0704OS Response Form

## RECREATIONAL AVIATION ADMINISTRATION ORGANISATIONS – PROPOSED CASR PART 149

**Please complete your response by 24 September 2007  
and return it by one of the following means:**

**Online (preferred method\*)** [casa.gov.au/newrules/ors](http://casa.gov.au/newrules/ors)

**Fax** 1800 653 897 (free call in Australia)

**Post (no stamp required in Australia)**

CASA Regulatory Development Management Branch  
Reply Paid 2005, Canberra ACT 2601, Australia

**E-mail (use the response format in this NPRM)**

[nprm0704os@casa.gov.au](mailto:nprm0704os@casa.gov.au)

\* A web-based online response form is offered as an alternative to the printed form in this NPRM. Online submission is the preferred method of sending your comments to CASA. If you are connected to the Internet, type [casa.gov.au/newrules/ors](http://casa.gov.au/newrules/ors) into your web browser and follow the links for this NPRM.

### Your Details

Please provide relevant information below and indicate your acceptance or otherwise of the proposal presented in this Notice of Proposed Rule Making by ticking [✓] the appropriate boxes.

Your name: \_\_\_\_\_ ARN\* (if known): \_\_\_\_\_

Organisation: \_\_\_\_\_ ARN\* (if known): \_\_\_\_\_

Address: \_\_\_\_\_

\*Aviation Reference Number, usually your CASA-issued licence or certificate number

Your telephone number (optional): \_\_\_\_\_ (to enable the Project Leader to contact you as necessary)

Do you consent to have your name published as a respondent to this NPRM? YES [ ] NO [ ]

Signed: ..... Date: .....

### How are you responding to this questionnaire/proposal, i.e. whose views are represented in your response?

Private individual     Aviation industry body/association     Staff association/union     Government agency/authority/department/council     Aviation business owner/service provider     Other

### Please advise your main involvement in aviation:

Passenger/public consumer of aviation services     Air crew for passenger-carrying activities     Air crew for non-passenger-carrying activities     Ground support for passenger-carrying activities     Ground support for non-passenger-carrying activities     Other (specify below\*)

\* **Details:** \_\_\_\_\_

### Are you satisfied with CASA's consultation on this issue?

Very satisfied     Satisfied     No opinion     Dissatisfied     Very dissatisfied

### Key Change Proposals (refer to NPRM Section 3)

CASA invites you to advise your comments on the subject matter proposed in this NPRM by indicating your preference by ticking [✓] the appropriate box and commenting below:

***Regulatory Philosophy – Concept of industry administration***

- acceptable without any changes
- acceptable but would be improved if changes were made
- not acceptable but would be acceptable if changes were made
- not acceptable under any circumstances
- no opinion

Additional explanation (and, if appropriate, an estimate of any consequential impacts including costs): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

***Classification of Aviation Activities – Sport/recreational aviation will be the classification requiring least involvement by CASA***

- acceptable without any changes
- acceptable but would be improved if changes were made
- not acceptable but would be acceptable if changes were made
- not acceptable under any circumstances
- no opinion

Additional explanation (and, if appropriate, an estimate of any consequential impacts including costs): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

***Delegation – CASA will by legal instrument, delegate to an RAAO the necessary functions and power***

- acceptable without any changes
- acceptable but would be improved if changes were made
- not acceptable but would be acceptable if changes were made
- not acceptable under any circumstances
- no opinion

Additional explanation (and, if appropriate, an estimate of any consequential impacts including costs): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

***The use of an exposition and the role of the procedures manual to set parameters for individuals to participate in their chosen aviation sport/recreation through an RAAO***

- acceptable without any changes
- acceptable but would be improved if changes were made
- not acceptable but would be acceptable if changes were made
- not acceptable under any circumstances
- no opinion

Additional explanation (and, if appropriate, an estimate of any consequential impacts including costs): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



***CASA may suspend or revoke a delegation – The power to suspend or revoke a delegation of an RAAO would be reserved at a high level within CASA***

- acceptable without any changes
- acceptable but would be improved if changes were made
- not acceptable but would be acceptable if changes were made
- not acceptable under any circumstances
- no opinion

Additional explanation (and, if appropriate, an estimate of any consequential impacts including costs): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

***CASA safety approval and full public consultation process required for new RAAOs***

- acceptable without any changes
- acceptable but would be improved if changes were made
- not acceptable but would be acceptable if changes were made
- not acceptable under any circumstances
- no opinion

Additional explanation (and, if appropriate, an estimate of any consequential impacts including costs): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

***CASR Part 149 will contain Penalty Units in the same way as do all other CASR Parts***

- acceptable without any changes
- acceptable but would be improved if changes were made
- not acceptable but would be acceptable if changes were made
- not acceptable under any circumstances
- no opinion

Additional explanation (and, if appropriate, an estimate of any consequential impacts including costs): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

***RAAO disciplinary systems to incorporate rules of natural justice***

- acceptable without any changes
- acceptable but would be improved if changes were made
- not acceptable but would be acceptable if changes were made
- not acceptable under any circumstances
- no opinion

Additional explanation (and, if appropriate, an estimate of any consequential impacts including costs): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_







Please forward your response to CASA by  
*24 September 2007*  
by one of the following means:

**Online (preferred method)**

[casa.gov.au/newrules/ors](http://casa.gov.au/newrules/ors)

**Fax**

To: Regulatory Documentation Coordinator  
1800 653 897 (free call) or international +612 6217 1691

**Post (no stamp required in Australia)**

Reply Paid 2005  
Regulatory Documentation Coordinator  
CASA's Regulatory Development Management Branch  
Canberra ACT 2601, Australia

**E-mail (use the response format in this NPRM)**

[nprm0704os@casa.gov.au](mailto:nprm0704os@casa.gov.au)

Additional information is available from:

**Mike Cleaver - CASR Part 149 Project Leader**

**Andrew Ward – Regulatory Development Programme Coordinator**

**Post (no stamp required) Reply Paid 2005**

Civil Aviation Safety Authority  
Canberra ACT 2601, Australia

**E-mail** [mike.cleaver@casa.gov.au](mailto:mike.cleaver@casa.gov.au)

**Telephone:** 02 6217 1752 or 131 757 (for the cost of a local call)  
International +61 2 6217 1752

**Fax:** 02 6217 1691  
International +61 2 6217 1691