



**AERODROME RESCUE AND FIRE FIGHTING SERVICES (CASR PART 176)
ASAP TECHNICAL WORKING GROUP (TWG)
TASKING INSTRUCTIONS and FIRST REPORT
16 June 2022**

The Part 176 Technical Working Group is established to operate and report to the Aviation Safety Advisory Panel (ASAP) in accordance with the Terms of Reference of the ASAP dated November 2021 (or as amended).

BACKGROUND

Responsibility for developing Civil Aviation Safety Regulations (CASR) 1998 related to Aerodrome Rescue and Fire Fighting Services (ARFFS) resides with CASA. ARFFS standards are incorporated in CASR Subpart 139.H (Regulation) and Manual of Standards Part 139H (MOS).

The Government's response to Recommendation 2 of the Aviation Safety Regulation Review (ASRR) tasked DIRD with undertaking a regulatory policy review. On 18 December 2015 a consultation that considered future arrangements in relation to the provision of ARFFS at Australian airports was released for public and industry comments. The paper closed on 12 February 2016.

In December 2016, the former Minister for Infrastructure and Transport, the Hon Darren Chester MP announced the outcomes of the ARFFS regulatory policy review by issuing a series of agreed recommendations (Government policy). On 7 March 2017 the Department chaired a Steering Group meeting, of which CASA and Airservices Australia are members, to establish a term of reference for the group to implement the Government policy through a review of the Regulation and MOS.

In June 2018, the Deputy Prime Minister and Minister for Infrastructure and Transport, the Hon Michael McCormack MP adjusted the regulation policy reforms.

Prior to 2017 a number of exemptions have been issued to ARFFS provider(s) from compliance with certain regulations due to contemporary changes in operational delivery of an ARFFS, and amendment to the standards and recommended practices (SARPs) of ICAO Annex 14 Chapter 9. The topic or subject of these exemptions have formed part of the amendment of the Regulation and MOS.

The Department is currently instructing the Office of Parliamentary Council for the drafting of amended regulations. Drafting instructions for the MOS are being prepared by CASA.

PURPOSE

The role of the TWG will be to provide relevant technical expertise and industry sector insight in relation to the draft CASR Part 176 and Part 176 Manual of Standards (MOS) to enable implementation of government policy for the regulation of ARFFS.

The Technical Working Group will:

- Provide industry sector insight and understanding of current needs and challenges
- Provide current, relevant technical expertise for the development, analysis and review of legislative and non-legislative solutions to identified issues
- Assist with the development of draft regulations, guidance materials and other supporting materials
- Provide endorsement and/or conditional endorsement of draft regulations, guidance materials and other supporting materials for consideration by the ASAP and CASA

SPECIFIC OBJECTIVES

The objective of the TWG is to ensure the Regulation and MOS will achieve the policy intent. This will be achieved by:

- 1) Evaluating whether the draft CASR Part 176 and draft Part 176 Manual of Standards (MOS) will:
 - a) Achieve the identified policy intent, and
 - b) Be implementable by Australian aviation industry
- 2) Provide a concise summary to the ASAP recommending either:
 - a) That the ASAP endorse CASR part 176 and the Part 176 MOS.
 - b) That the ASAP endorse the CASR Part 176 and the Part 176 MOS noting that further discussions are required in relation to certain provisions.
 - c) That the ASAP does not endorse CASR Part 176 and the Part 176 MOS due to underlying policy inconsistencies.

TWG MEETINGS

The Part 176 TWG met on the following occasions:

- 2 February 2022
- 3 February 2022
- 9 February 2022
- 16 March 2022
- 16 June 2022 (*First TWG Report*)

ROLES AND RESPONSIBILITIES

CASA	TWG Members
<ul style="list-style-type: none">• Organise meetings and workshops, and produce agendas, papers and supporting materials• Facilitate meetings and workshops• Record insights and findings• Communicate openly and consistently with TWG members about project status and issues• Respect the time of all TWG members by minimising work required to achieve outcomes	<ul style="list-style-type: none">• Commit to supporting the project objectives and timeline• Engage and collaborate constructively at all times• Prepare for working group activities by reviewing agendas, papers and supporting materials• Provide timely and considered advice in meetings, and between meetings as required• Respond to requests for feedback on draft materials within agreed timeframes

CONSENSUS

A key aim of the TWG is that a consensus be reached, wherever possible, in the finalisation and preparation of advice for the ASAP.

The TWG will be guided by the ASAP Terms of Reference (Section 6 - attached) with respect to determining and documenting consensus.

MEMBERSHIP

Members of the TWG have been appointed by the ASAP Chair, following ASAP processes.

The Part 176 TWG meeting was attended by the following members:

- Wesley Garrett
- Samuel Woodman
- Scott Chamberlin
- Brian Greeves
- Mike Willson
- Sandy McFeeters
- Trevor Roger (*Observer*)
- Warren Makings (*Observer*)
- Karen Titmuss (*Observer*)

Apologies

- Shane Wallis
- Glenn Robinson
- Peter McMahon
- Chris Nealon
- James Goodwin
- Nicholas Dyce-McGowan

The TWG CASA Lead, Roy Tuomela, was supported by CASA subject matter experts during the meeting.

The ASAP Secretariat was represented by Mwala Puteho.

Process for achieving consensus

As required by the ASAP (& TWG) Terms of reference, there must be agreement by all participants on the method used for obtaining consensus.

To obtain consensus, the TWG will discuss their views on the provided material during the meeting then address the below Outcomes.

The CASA Lead has also provided commentary of the effectiveness of the TWG and whether it is believed that the recorded outcomes are a fair representation of the TWG from a CASA perspective.

SUMMARY OF OUTCOMES – FIRST TWG REPORT, 16 June 2022

- 1) Does the TWG agree that the proposed draft changes to the aerodromes rescue, and firefighting services policy (New Part 176) is suitable for public consultation?

FULL CONSENSUS / **GENERAL CONSENSUS** / DISSENT

Comments:

There was a general consensus amongst the TWG that the Part 176 Policy Proposal is suitable for public consultation subject to the concerns noted below. The TWG support the intent of the draft Policy Proposal however expressed serious safety concerns about particular aspects as noted below:

- The extent to which Clause 3.1.6.8 relating to foam testing requirements, achieves the Government's response to Recommendation 3 of the Senate Rural and Regional Affairs and Transport References Committee's report on the Provision of Rescue, Firefighting and Emergency Response at Australian

Airports.

- Whether factors such as cost saving measures in the updated policy proposal (May 2022) were given priority over safety and operational outcomes.
- Whether it was necessary to maintain the ICAO establishment criteria in respect of graduated ARFFS services to avoid possible safety risk in the current policy proposal by delaying the establishment of full services. *(The ICAO criteria is that "Rescue and firefighting equipment and services shall be provided at an aerodrome" [Annex 14- 9.2.1]. It is Australia that has implemented the 350,000 pax trigger and, under the new policy, this will refer to the total pax number of Scheduled Passenger Air Transport services (both domestic and international)).*
- Whether aerodrome operators and ARFFS providers should be required to establish a mechanism for the earliest implementation of an ARFFS based on planned /forecast increase of passenger number as per other facilities such as terminal expansion, rather than waiting for the trigger to be exceeded.
- A strong objection was made to the Policy Proposal in reference to multiple elements of the former government's policy position entwined into the document. A TWG member strongly recommended that the policy proposal should be reviewed and reset in line with the current government's policy position prior to the public consultation.
- The removal of prescriptive regulatory requirements and modernization raised issues of responsibility for standard setting in a more outcome-based set of requirements.

Whilst the TWG support the policy proposal in general, the concerns and reservations that have been raised in the previous meetings would need to be addressed. The TWG requested a reconvening of the group to discuss the results of the consultations.

CASA Lead Summary

Roy Tuomela

Comment:

CASA acknowledges and appreciates the general support for the Part 176 Policy Proposal and endorsement for public consultation. It has always been CASA's intention to retain and rely on the TWG until all public consultation activities are complete including reviewing comments to consultation on the Policy Proposal and CASA's responses, as well as reviewing the exposure drafts on the new Regulation and Manual of Standards.

At no time has CASA looked at cost savings at the expense of safety during the development of the revised ARFFS policy.

In relation to the specific comments:

Foam Testing Requirements

CASA acknowledges the concerns of the TWG over the performance of firefighting foam, regarding conducting fire testing of foam at ambient temperatures, and specifically at higher temperatures than required by ICAO. However, there is insufficient independent research and data to support the assertion that the ICAO standards are deficient and there are many countries around the world that experience the same hot temperatures as Australia during the year. CASA relies on the regulated service provider, being Airservices Australia, to inform CASA that the

standard foam test is unsuitable, noting that the ICAO standard allows for 15° or more, therefore higher temperature testing is permissible. That said, CASA is intending to provide advice in an Advisory Circular to give consideration to higher temperature testing if necessary for safety reasons. Also, CASA would support a recommendation to ICAO to amend the standards if sufficient data and evidence was available.

Graduated ARFFS Services

CASA acknowledges the establishment of a new ARFFS is an expensive, complex and lengthy process and intends to permit the initial establishment of an ARFFS emergency response capability pending the establishment of a full category ARFFS. Implementation of a graduated ARFFS, would require a comprehensive Safety Case, including timeframes, which will be subject to critical review and approval by CASA. Allowing the service provider to implement a lower category in the interim period would provide increased safety benefits at the aerodrome much earlier than with the commencement of a full ARFFS.

Implementation of ARFFS Based on Planned /Forecast Passenger Numbers

When placing a regulatory burden on organisations CASA needs to consider the cost impact under the Civil Aviation Act 1988 and must conduct a Regulation Impact Assessment, and prepare a Regulation Impact Statement if required, as part of its standards development process. Although Airport Master Plans can forecast passenger numbers and BITRE data can show an upward trend in passenger numbers these are not definitive enough to place a regulatory impost on an organisation. This is due to the fact that a number of variables could come into play which mean the passenger numbers don't actually reach the 350,000 trigger in a financial year. The cost of establishing an ARFFS and associated aerodrome infrastructure e.g. crash gates and service roads is prohibitive and it would be inappropriate to require an aerodrome operator and ARFFS provider to outlay this cost if the trigger is not met. What is essential is to have an appropriate transition period for an ARFFS provider to establish the regulated service in a timely manner.

Removal of Prescriptive Regulatory Requirements

CASA is a safety regulator and the move to outcome-based regulations allow the service provider more flexibility to provide a service. Outcome-based regulations do not lead to a less safe situation. These outcome-based regulations still refer to specific requirements where CASA has assessed that there is not one regulatory solution. CASR Part 176 will require an ARFFS provider to have an exposition which outlines how a service provider complies with the regulations. This exposition needs to be approved by CASA and is the subject of surveillance, therefore these alternative methodologies are documented and audited.

Appendix

1. Extract from ASAP Terms of Reference

Appendix 1

ASAP and TWG Terms of Reference regarding Consensus (Extract)

- 6.1** A key aim of the ASAP is that a consensus be reached, wherever possible, in the finalisation and preparation of advice to the CEO/DAS.
- 6.2** For present purposes, 'consensus' is understood to mean agreement by all parties that a specific course of action is acceptable.
- 6.3** Achieving consensus may require debate and deliberation between divergent segments of the aviation community and individual members of the ASAP or its Technical Working Groups.
- 6.4** Consensus does not mean that the 'majority rules'. Consensus can be unanimous or near unanimous. Consensual outcomes include:
 - 6.4.1 Full consensus**, where all members agree fully in context and principle and fully support the specific course of action.
 - 6.4.2 General consensus**, where there may well be disagreement, but the group has heard, recognised, acknowledged and reconciled the concerns or objections to the general acceptance of the group. Although not every member may fully agree in context and principle, all members support the overall position and agree not to object to the proposed recommendation.
 - 6.4.3 Dissent**, where differing in opinions about the specific course of action are maintained. There may be times when one, some, or all members do not agree with the recommendation or cannot reach agreement on a recommendation.

Determining and Documenting Consensus

- 6.5** The ASAP (and Technical Working Groups) should establish a process by which it determines if consensus has been reached. The way in which the level of consensus is to be measured should be determined before substantive matters are considered. This may be by way of voting or by polling members. Consensus is desirable, but where it is not possible, it is important that information and analysis that supports differing perspectives is presented.
- 6.6** Where there is full consensus, the report, recommendation or advice should expressly state that every member of the ASAP (or Technical Working Group) was in full agreement with the advice.
- 6.7** Where there is general consensus, the nature and reasons for any concern by members that do not fully agree with the majority recommendation should be included with the advice.
- 6.8** Where there is dissent, the advice should explain the issues and concerns and why an agreement was not reached. If a member does not concur with one or more of the recommendations, that person's dissenting position should be clearly reflected.
- 6.9** If there is an opportunity to do so, the ASAP (or Technical Working Group) should reconsider the report or advice, along with any dissenting views, to see if there might be scope for further reconciliation, on which basis some, if not all, disagreements may be resolved by compromise.