



## **PRINCIPLE**

# **(OPS.10) Key personnel assessment**

October 2023



### Acknowledgement of country

The Civil Aviation Safety Authority (CASA) respectfully acknowledges the Traditional Custodians of the lands on which our offices are located and their continuing connection to land, water and community, and pays respect to elders past, present and emerging.

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# Terminology

## Acronyms and abbreviations

**Table 1.** List of acronyms and abbreviations

| Acronym/abbreviation | Description                                  |
|----------------------|--|
| AMC                  | Acceptable Means of Compliance               |
| AOC                  | Air Operator's Certificate                   |
| AWC                  | aerial work certificate                      |
| CEO                  | chief executive officer                      |
| FCL                  | flight crew licence                          |
| FDAP                 | flight data analysis program                 |
| FRMS                 | fatigue risk management system               |
| FSTD                 | flight simulation training device            |
| FTO                  | flight training organisation                 |
| GM                   | guidance material                            |
| HF&NTS               | human factors and non-technical skills       |
| HOFO                 | head of flying operations                    |
| HOO                  | head of operations                           |
| HOTC                 | head of training and checking                |
| ICAO                 | International Civil Aviation Organization    |
| LIRA                 | Legal, International, and Regulatory Affairs |
| MCC                  | multi-crew cooperation courses               |
| QAM                  | quality assurance manager                    |
| QAMS                 | quality assurance management system          |
| SM                   | safety manager                               |
| SMS                  | safety management system                     |

## Definitions

Table 2. List of definitions

| Term         | Definition  |
|--------------|---|
| competency   | A combination of skills, knowledge and attitudes required to perform a task to the prescribed standard.   |
| nominee      | A person nominated by the operator for the position of check pilot.                                       |
| organisation | Product or service provider, operator, business, and company, as well as aviation industry organisations. |

## Reference to regulations

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

## Reference to operator documentation

Throughout this principle document, references to operator documentation or equivalent phraseology means the operator exposition or operations manual as applicable to the associated Part of the CASR against which the applicant is being assessed (i.e. Part 119 or Part 138).

# 1. Assessment scope

Section 28 of the *Civil Aviation Act 1988* (the Act), and Subpart 119.D, Subpart 137.C, Division 138.B.4, Subpart 141.D and Subpart 142.D of the *Civil Aviation Safety Regulations 1998* (CASR) require CASA to be satisfied that key personnel are fit and proper persons and have the required qualifications and experience.

For an Australian air transport operator, key personnel are defined as:

- Chief Executive Officer (CEO)
- Head of Flying Operations (HOFO)
- Head of Training and Checking (HOTC)
- Safety Manager (SM)
- Head of airworthiness maintenance control (e.g. maintenance controller or CAMO).

For an aerial application operator key personnel are defined as:

- Chief Executive Officer (CEO)
- Head of Flying Operations (HOFO)
- Head of Aeroplane Maintenance Control (for Part 137 only).

For an aerial work operator, key personnel are defined as:

- Chief Executive Officer (CEO)
- Head of Operations (HOO)
- Head of Training and Checking (HOTC) – if a training and checking system is required
- Safety Manager (SM) – if a safety management system is required.

For a flight training organisation, key personnel are defined as:

- Chief Executive Officer (CEO)
- Head of Operations (HOO)
- Safety Manager (SM) – applies to Part 142 activities conducted in an aircraft
- Quality Assurance Manager (QAM) – applies to Part 142 activities conducted in a flight simulation training device (FSTD) only
- Head of Airworthiness Maintenance Control (if any) – for Part 142.

An assessment of key personnel may consist of all or part of the following:

- desktop assessment
- interview/examination
- flight test (only in specific cases).

This principle has been designed to assist the inspector in the decision-making process to determine:

- whether an assessment is required
- what form that assessment should take
- whether the person is suitable and competent for the role.

A worksheet has been developed for each key personnel position. Each worksheet commences by considering the nominee against the experience and qualification requirements. This initial assessment activity is primarily a desktop assessment. The worksheets then progress into considering suitability and competency of the individual. In certain cases, the nominee will be known to CASA, and a desktop assessment may be sufficient. Where the nominee is not known to CASA, the inspector should conduct an interview/examination to determine suitability.

## 1.1 Assessment worksheet user instructions

This principle provides guidance to the inspector when using the associated (OPS.10) worksheets. The worksheets provide inspectors with a regulation-based tool for recording the outcomes of the assessment. Worksheets are set out as follows:

- user instructions
- assessment worksheets
- assessment summary
- approval data sheet.



## 2. Desktop assessment

The purpose of the desktop assessment is to confirm that the nominee meets the minimum regulatory requirements for the position. At the completion of the desktop assessment, inspectors will be able to determine whether an interview and/or examination is required. Where the nominee's position includes the conduct of proficiency checks and/or emergency procedure training, the inspector may conduct a practical assessment in accordance with (OPS.21) Check pilot assessment or (OPS.15) Emergency and safety equipment instructor assessment.

For existing operators undergoing a change in key person, many of their processes and plans to achieve compliance with regulatory provisions should already be established in their documentation. The inspector should confirm that the nominee has knowledge and understanding of the processes that are in place. For the initial issue of an air operator's certificate (AOC) or aerial work certificate (AWC), the review of proposed operator documentation should be checked against the assessment of the nominee to confirm that this has been described correctly within the operator documentation.

Where the application is for a significant change to replace existing key personnel, the inspector must confirm that the exposition accurately reflects the name and ARN of the nominated person. Inspectors must provide the names and ARNs of persons who have vacated the key person position, or reverted to an alternate key person, on the approval data sheet so that the regservices can update EAP records.

### 2.1 Common desktop elements for all key person assessments

#### 2.1.1 Fit and proper person assessment

Key personnel have regulatory responsibilities and are accountable for safe and compliant operation. CASA must be satisfied the nominees are fit and proper for appointment, have appropriate qualifications and are capable of satisfactorily discharging their duties and responsibilities.

The application form requires the nominee to make a statement about their history. The history should include any accidents or incidents or CASA enforcement action that occurred within the previous 5 years.

The concept of a 'fit and proper' person is a fundamental one in many professions, jurisdictions and organisations as it is used to determine a person's honesty, integrity and reputation in order to confirm that they are fit and proper for the role they are undertaking.

Subregulations 119.070(3), 138.040(3) and 142.085(3) describe the matters CASA may consider in deciding whether a person is a fit and proper person. For a Part 141 flight training organisation (FTO), subregulation 141.060(3) refers to subregulation 11.055(4) for a description of a fit and proper person.

#### Fitness and propriety

CASA must be satisfied that each of the proposed key personnel are fit and proper persons to be appointed to the position.

In assessing fitness and propriety, CASA may take into account a number of matters including the following:

- the nominee's record of compliance with regulatory requirements (in Australia or elsewhere) relating to aviation safety and other transport safety
- the applicant's demonstrated attitude towards compliance with regulatory requirements (in Australia or elsewhere) relating to aviation safety and other transport safety
- the applicant's experience (if any) in aviation
- the applicant's knowledge of the regulatory requirements applicable to civil aviation in Australia
- the applicant's history (if any) of serious behavioural problems
- any conviction (other than a spent conviction, within the meaning of Part VIIC of the Crimes Act 1914) of the applicant (in Australia or elsewhere) for a transport safety offence

- any evidence held by CASA that the applicant has contravened:
  - the Act or these Regulations
  - a law of another country relating to aviation safety
  - another law (of Australia or of another country) relating to transport safety.
- any other matter relating to the fitness of the applicant to hold the authorisation.

If any matter is identified that raises concerns as to whether the nominee is a fit and proper person, the inspector must request a peer review by their manager and Legal, International, and Regulatory Affairs (LIRA) before proceeding with any action that would cancel or refuse the application.

#### Example

If the nominee was involved in an incident/accident within the previous 5 years, with adverse safety findings that were clearly attributable to the actions of the nominee, such as disregarding standard operating procedures, then CASA may consider that this does not meet the fit and proper test.

### 2.1.2 Approval to vary qualifications and/or experience

The regulations allow an operator to gain approval to vary the qualifications and/or experience applicable to the CEO, HOFO, HOO and HOTC. This approval is issued under regulations 119.025, 138.025, 141.035 and 142.040 as applicable. The approval does not provide the ability to reduce the experience where there is likely to be an adverse effect on the safety of air navigation, but rather, provides the flexibility to vary the experience of the nominee by considering other mitigating factors.

Where an operator's exposition/operations manual details experience requirements for key personnel that have been approved under the regulations, the inspector will need to reassess the approval when a new person is nominated to fulfil the position.

Note: refer to section 1.1 of this principle for further information.

#### Example

An operator conducts air transport operations under Parts 133 and 135. The current HOFO holds a Flight Crew Licence (FCL) with an aeroplane rating. The operator holds an approval under regulation 119.025 for their exposition. The exposition details the organisational structure which includes an individual who holds a FCL with a rotorcraft rating, who reports directly to the HOFO and is responsible for the oversight of the rotorcraft fleet.

The operator has nominated a new HOFO who holds a rotorcraft rating but not an aeroplane rating. In this case the inspector will need to review the effect on the organisational structure detailed in the exposition and the regulation 119.025 approval to ensure there is no adverse effect on safety.

Note: the appointment of a person to support the HFO in this case does not require CASA approval, however, may be a significant change under regulation 119.020.

### 2.1.3 Familiarisation training

The operator is required to have a process for ensuring familiarisation training is provided to each of its key personnel, prior to them carrying out their responsibilities. Each temporary or alternate key person must also have received familiarisation training in relation to the key person's responsibilities and accountabilities, prior to carrying out the responsibilities of the position.

The content of the familiarisation training should be documented within the operator's exposition/operations manual and should include:

- the operator's organisational structure, governance and management
- the scope of the operator's authorisation

- the operator's processes and procedures to support the conduct of the duties associated with the responsibilities
- the reporting requirements for key personnel and other management, and the duties and responsibilities of all personnel
- the legislative framework governing civil aviation
- the operator's policies
- the operator's systems
- the SMS, safety policy and safety culture (if applicable)
- the quality management system (QAMS) (if applicable)
- key risks and risk management strategies
- familiarisation with the exposition/operations manual, supporting manuals and documents and the processes and procedures described therein
- any other relevant internal procedures and approval processes.

The inspector should confirm that the content of the familiarisation training is suitable for the role and appropriate training records exist.

## 2.1.4 Management of air operations

Organisational management of air operations involves coordinating an organisation's resources by means of leading, planning, organising and controlling the resources at a managerial level, with the overall aim of achieving the objectives of the organisation.

### Organisational management

Organisational management of air operations may include, but is not limited to:

- setting the strategic direction via business planning
- determining and implementing a marketing strategy
- resource planning
- developing and implementing a personnel recruitment and training strategy
- liaising and managing the relationship with key stakeholders such as regulatory authorities, investors, financial institutions, suppliers and clients
- managing organisational change.

### Operational management

Operational management of air operations may include, but is not limited to:

- ensuring compliance with legislative requirements
- safety management
- quality assurance management
- resource allocation
- maintenance scheduling for aircraft/simulators.

### Financial management

Financial management of air operations may include, but is not limited to:

- budget planning and finance allocation
- investment strategies and policies

- capital and operational expenditure control
- resource funding and purchasing
- profit and loss monitoring
- cash flow monitoring
- personnel payroll management
- creditor/debtor management.

## People management

People management of air operations may include, but is not limited to:

- personnel recruitment
- establishing position descriptions, responsibilities and accountabilities
- induction/familiarisation training
- managing personnel work arrangements
- implementing and managing personnel performance processes
- conducting staff performance appraisals
- overseeing personnel training, development and mentoring
- managing industrial relations, including liaison with employee trade unions
- establishing and maintaining a workplace compliant with work health and safety legislation
- conducting personnel termination actions
- any records relating to the nominee's previous areas of operations (held on CASA's internal files or in CASA databases).

## 3. Chief executive officer

### 3.1 Sufficient and relevant experience (Part 119 and Part 142)

In considering the application, the inspector should confirm that the nominee meets the regulatory requirements and any additional requirements that may be listed in the specific operator exposition/operations manual. The inspector should be satisfied the nominee holds the most senior position in the organisation.

The applicant must provide evidence to demonstrate that the CEO nominee holds the experience required. The inspector should review the submitted documentation to verify the nominee's qualifications and experience. For example, the nominee's qualifications and experience may be verified through the submission of a curriculum vitae which sets out the nominee's employment history.

The level of experience required for the CEO will vary, dependent upon the size and scope of the operator's organisation and the scope of the proposed activities.

Without limiting the considerations involved in determining what is deemed to be 'sufficient' and 'relevant' experience for a CEO nominee, the following are pertinent:

- the nature and complexity of the proposed activities, and whether the nominee holds management experience from within a similar operation
- the need to ensure safe conduct of the activities in accordance with the operator's exposition and civil aviation legislation
- leadership, management and standard-setting skills for the proposed activities, and whether the nominee's previous experience demonstrates these skills and enables them to carry out the responsibilities of the position
- the need to maintain adequate corporate and financial governance
- the need to take all reasonable steps to ensure each proposed activity, and everything done in connection with each activity, is carried out with a reasonable degree of care and diligence
- how recently the nominee has used their aviation skills.

Paragraph 119.125(3)(a) and regulation 142.175 requires the nominee to have experience in a number of matters for managing air operations. A description of the various elements of 'managing air operations' is provided in section 2.1.4 of this principle.

#### Part 119 air transport operator

If the nominee has not previously worked in an aviation organisation, this does not automatically exclude them from consideration. However, the operator would be required to apply for an approval under regulation 119.025 and paragraph 119.125(2)(a), as the nominee would not meet the criteria as described in subregulation 119.125(3).

Particularly for larger operators, it is common for the CEO to be recruited from other business/industry sectors and, in some cases, the CEO nominee may never have worked in the aviation environment. In this instance, the inspector should review the nominee experience and the organisational structure to understand whether the operator has a structure that facilitates the use of a CEO who does not have substantial and relevant aviation experience.

The assessment of a nominee who does not have substantial relevant aviation experience should seek to understand whether the candidate has received sufficient training/exposure to enable them to describe how they will conduct their role and responsibilities in consideration of the operator's structure.

#### Part 138 operator

Where the aerial work operator is required to have a training and checking system under regulation 138.125, the position of CEO and HOTC may be occupied by the same person only if the operator holds an approval under regulation 138.025. The operator must provide a safety assessment (see section 3.3 and 3.4 of the

operations protocol framework) which details how the organisation can be managed safely. To determine suitability, the inspector should take into consideration the size, scope and complexity of the aerial work operations. Generally, operators with more than 10 crewmembers should separate the position of CEO and HOTC.

If the inspector determines that the CEO and HOTC key personnel positions can be occupied by the same person, the inspector must complete both the CEO and HOTC worksheets. If the inspector determines that an interview is required, the inspector should conduct the interview in such a manner as to confirm the nominee's suitability for both positions.

## 3.2 Satisfactory record (Part 119 only)

This question is specifically focussed on determining if the nominee has demonstrated experience in the conduct or management of air operations.

If the nominee has not previously held a key person position in an aviation organisation, this does not exclude them from consideration. However, this would require the operator to apply for an approval under regulation 119.025 and paragraph 119.125(2)(a) as the nominee would not meet the criteria as described in subregulation 119.125(3).

In this circumstance the assessment of the nominee will require an interview to confirm they hold the required knowledge and understanding to safely manage air operations.

Where the nominee has not previously held a key person position but has worked in other positions in the aviation environment, an assessment of whether the nominee has suitable and satisfactory experience in deputy or supervisory roles with other operators should be conducted.

CASA records relating to the nominee may be considered when determining the suitability of the nominee for the position, such as:

- the nominee's compliance history
- the nominee's enforcement history (obtained through LIRA)
- any records relating to the nominee's previous areas of operations (held on CASA's internal files or in CASA databases).

## 3.3 Sufficient suitably experienced, qualified and competent personnel

To assess this element, the inspector should refer to the operator's exposition/operations manual and determine whether the nominee understands their responsibilities.

These may include, but are not limited to:

- conducting regular management reviews of staffing levels and qualifications
- undertaking recruitment action as necessary to maintain the appropriate number of staff
- recruiting personnel in a planned manner, including assessment of competence and the retention of recruitment records and evidence of qualifications and experience.

## 3.4 Suitable management structure

To ensure the operator has a suitable management structure, the exposition/operations manual must describe how the CEO will carry out the functions required to fulfil this responsibility. These may include, but are not limited to:

- monitoring, reviewing and modifying the management structure as necessary to ensure it remains appropriate and relevant to the scope and nature of the activities
- establishing position descriptions for each management position that clearly articulate the responsibilities and accountabilities of the position.

### 3.5 Adequate financing and resourcing

To ensure that adequate financing and resources are available for the safe conduct of the activities, the operator must ensure the CEO has the authority to approve or obtain funding. Where the finances of the organisation are controlled by a board of directors, CASA must be satisfied that the board (if the applicant is a company and has a Board of directors) has provided the CEO with this authority.

The CEO's authority to approve or obtain funding must be sufficient to enable them to carry out the functions necessary to fulfil the responsibility. This includes, but is not limited to:

- ensuring the activities are carried out in accordance with the procedures contained within the exposition/operations manual and supporting documentation
- the ability to maintain and upgrade personnel qualifications as required, including training and competency verification activities and staff mentoring and development activities
- ensuring aircraft are maintained in accordance with legislative requirements
- ensuring training devices/equipment are maintained in accordance with the operator's maintenance schedule
- ensuring the facilities are appropriate to the proposed activities.

### 3.6 Compliance with civil aviation legislation

To ensure the operator complies with civil aviation legislation, the exposition/operations manual must describe how the CEO will carry out the functions required to fulfil this responsibility.

These may include, but are not limited to:

- ensuring other key personnel provide regular documented reports on compliance issues
- making required resources available for remedial actions, to ensure findings of non-compliance identified via either internal audit, CASA surveillance or third-party audit are adequately addressed.

### 3.7 Compliance with laws of each foreign country

To ensure the operator complies with any foreign aviation safety laws, the exposition/operations manual must describe how the CEO will carry out the functions required to fulfil this responsibility. These may include, but are not limited to:

- appointing a project officer or responsible person to manage the international operation and to report to the CEO on matters of safety and compliance
- ensuring the operator's personnel are briefed regarding the host country's rules, regulations and procedures, and that relevant legislation is made available to them prior to commencement of air operations within the country
- documenting standard operating procedures to ensure compliance with the host country's civil aviation requirements, and any conditions detailed on the international AOC (if any). Requirements of a general nature, and relevant to all overseas operations, may be provided within the operations manual (e.g. instructions regarding validity of pilot licences and ratings, flight documentation to be used, and flight planning requirements).

### 3.8 Implement and manage safety management system

The CEO holds full accountability for the SMS, and is responsible for its implementation, maintenance and ensuring necessary safety activities are adequately resourced. The processes and procedures for the management of these matters should be addressed within the operator SMS documentation in the exposition/operations manual.



The exposition/operations manual must include a statement of the operator's safety policy, established by the CEO, which describes the safety culture of the organisation and demonstrates organisational commitment to safety. This statement is part of the operator's exposition/operations manual.

To ensure the operator implements and manages the SMS, has procedures for ensuring personnel understand the safety policy and ensures the independence of the safety manager (SM), the exposition/operations manual must describe how the CEO will carry out the functions required to fulfil these responsibilities. These may include, but are not limited to:

- communicating the operator's safety policy to all personnel, and maintaining a program of ongoing safety promotion and communication
- clearly defining, for all personnel, their accountabilities and responsibilities for the development and delivery of the operator's safety strategy and performance
- establishing a system of formal, documented and regular communications between the CEO and the SM (e.g. having procedures that require the SM to provide a monthly written report to the CEO)
- supporting safety investigations by making necessary funding and resources available
- ensuring findings and recommendations made by the SMS are actioned in accordance with the SMS processes and procedures, including making the necessary funding and resources for any such action available
- supporting the continuous improvement of the SMS and supporting training and professional development of the SM in human factors and SMS topics
- setting policy and establishing guidelines to ensure the SM remains independent from operational areas, reports directly to the CEO or senior management and is not subject to undue influence.

### 3.9 Set and maintain standards

For many operators, the CEO will not be involved in the actual assessment of line personnel as this will be conducted by other senior personnel in the management structure. However, the CEO is responsible for setting the standards for the organisation. This can be done through leadership and by ensuring the right internal culture to foster and support the required standards.

To ensure standards are set and maintained, they should be documented in exposition. Activities which support setting and maintenance of standards include:

- induction training, which includes familiarisation with policy and documented standard operating procedures
- providing mentoring and supervision of staff
- monitoring standards through internal surveillance activities.

### 3.10 Leasing and financing matters

This communication between CASA and the operator about leasing and financial matters is only applicable when the operator becomes aware that the supply of such an aircraft may affect the safe conduct of air operations. In this circumstance, the operator is required to advise CASA of the matter and the operator's exposition/operations manual must describe how the responsibility of the CEO will be carried out. Possible methods for this may include:

- monitoring the activities conducted in the aircraft - this may include receiving regular reports from the HOFO in relation to the operation of the aircraft and any potential or known threat to safety
- notifying CASA in writing as soon as becoming aware of any known or potential threat to safety resulting from the arrangement for the supply of the aircraft
- notifying CASA in writing as soon as becoming aware that a provision of civil aviation legislation, or the law of the country in which the aircraft is registered, will be contravened.



### 3.11 Foreign registered aircraft

To ensure the operator maintains each foreign registered aircraft in accordance with the foreign country's laws, the operator's document suite must describe how this responsibility of the CEO will be carried out. Possible methods to do this include:

- establishing a system that manages the maintenance and continuing airworthiness applicable to the laws of the foreign country in which the aircraft is registered - the system may include appointing a maintenance controller to control the maintenance of the aircraft, and should include:
  - how scheduled and unscheduled maintenance will be controlled
  - where the maintenance will be carried out
  - how compliance with the airworthiness requirements of the foreign country will be complied with, including any airworthiness directives and service bulletins.

### 3.12 Implement and review safety performance indicators and targets

To ensure the operator's safety performance indicators and targets are established and regularly reviewed, the exposition/operations manual must describe how the CEO will carry out the functions required to fulfil this responsibility. These may include, but are not limited to:

- establishing performance indicators and targets that assist in the evaluation of safety performance, in consultation with the SM and HOFO/HOO
- conducting regular safety audits to measure performance and make improvements or take corrective action
- establishing formal, regular and documented communications with the SM.

### 3.13 Monitor and manage exposition/operations manual for continuous improvement

To ensure the exposition/operations manual is monitored and managed for continuous improvement, the exposition/operations manual must describe how the CEO will carry out the functions required to fulfil this responsibility. These may include, but are not limited to:

- establishing and maintaining a schedule for review of the exposition/operations manual (to ensure it remains compliant with the regulations)
- ensuring personnel can make suggestions for amendments to the exposition/operations manual
- ensuring the processes and procedures described within the exposition/operations manual meet the requirements of the regulations and adequately address the authorised activities
- implementing actions required to correct any deficiencies within the exposition/operations manual and supporting documents (in accordance with the operator's management of change processes)
- ensuring that any amendments made to the exposition/operations manual do not contradict other sections or procedures within the operator documents, or legislative requirements.

### 3.14 Training and checking activities (Part 119 only)

'Operational safety-critical personnel' is a broad term intended to capture all of the other personnel whose activities can affect the safe operation of an aircraft. The term encompasses crew of an aircraft as well as ground personnel. For a Part 119 operator, the HOTC is responsible for the provision of training to flight crew, the CEO is responsible for all other crew training. Accordingly, the operator exposition must describe how this is accomplished as part of the CEO responsibilities. Possible methods to do this include ensuring the exposition describes some of the following:

- allocation of training and checking activities to the HOTC

- allocation of training and checking activities to subordinate managers who report to the CEO (e.g. the training and assessment of ground personnel may be allocated to the operator's Ground Operations Manager)
- detailed course syllabi and learning objectives
- assessment criteria standards for determining competency
- required qualifications for any personnel conducting the training and assessments
- processes to create applicable training and competency assessments
- how records will be made and stored applicable to the training events
- resource requirements.

Where the CEO assigns training and checking activities to another manager, the CEO retains the regulatory responsibility for the conduct of this training. Any assessment of the CEO should confirm that they are aware of this retained responsibility and can describe how this is achieved.

### 3.15 Supervision and monitoring of other key persons

The organisational structure is the basis for the operator's chain of command. The chain of command provides the reporting structure of the operator and must be appropriate to ensure that the activities can be conducted safely. The CEO is positioned at the pinnacle of the organisational hierarchy and holds overall responsibility and accountability for the operator.

To ensure that key personnel carry out their responsibilities to a satisfactory standard, the exposition/operations manual must describe how the CEO will carry out the functions required to fulfil this responsibility. This may include:

- ensuring key personnel undertake familiarisation training prior to carrying out their duties
- ensuring each key personnel position responsibilities and accountabilities are documented within the operator documentation and fully understood by each incumbent
- establishing a method of regular reporting and communication with key personnel
- conducting regular key personnel performance reviews and providing remedial training when required.

### 3.16 Direction to undertake an assessment/training

#### Training

In deciding whether to direct a nominee to undertake training, the inspector should consider the previous experience of the nominee – such as holding a similar position. CASA has developed training courses, specifically designed for key personnel, which are hosted on the Aviation Worx platform. The course includes the ability for the nominee to download and complete a workbook. If the inspector requires the nominee to complete the training, the request should include a requirement to complete the associated workbook which can then be used as evidence to support an abbreviated interview/examination.

Note: the courses are still under development. The inspector will need to confirm which courses are available.

#### Interview/Examination

The decision to conduct an interview/examination will depend on the nominee's previous experience and the size and scale of the operations. Unless the nominee has held the equivalent position for another operator, and is known to CASA, the inspector should conduct an interview to determine suitability. Where a nominee will be occupying several key personnel positions, the interview/examination should include all elements for each position.

If the nominee has completed the Aviation Worx training, the inspector should review the nominee's workbook to determine the scope of the interview. For example, the interview of a nominee who provided comprehensive workbook responses should be limited to matters affecting their specific operations. In this instance, the interview time would be significantly less than otherwise.

Chapter 8 of this principle provides guidance on the conduct of an interview and the use of the interview worksheet.

## 4. Head of flying operations and head of operations

### 4.1 Qualifications and experience

In considering the application, the inspector should confirm that the nominee meets the regulatory requirements and any additional requirements that may be listed in the specific operator exposition/operations manual.

The applicant must provide evidence to demonstrate that the nominee holds the experience required. The inspector should review the submitted documentation to verify the nominee's qualifications and experience.

The HOFO/HOO nominee should provide documented evidence of their qualifications and experience as part of the application process. If this has not been provided, regulation 11.040 states that the applicant may be asked to provide documentation in order to consider the application.

Documentation and information which may be considered when determining the suitability of the nominee's qualifications and experience for the position include:

- the nominee's pilot logbook
- the nominee's flight crew licence and medical certificate
- the nominee's employment history, such as that detailed in a CV/resume
- any CASA records relating to the nominee, such as:
  - a CASA qualifications report
  - compliance history
  - enforcement history (obtained through the Investigations branch of LIRA)
  - records relating to the nominee's previous areas of operations (held on CASA's internal files or in CASA databases).

The level of experience required for the HOFO/HOO will vary dependent upon the size and scope of the operator's organisation and the scope of the proposed activities. The Part 119 AMC/GM and the Part 138 AMC/GM provide clarifying information to assist in considering whether the nominee has the appropriate level of experience. Regulation 137.070 (3) and (4) detail the specific experience requirements that must be met by the nominee. For the purpose of regulation 137.070(4), the inspector should consider the HOFO meets the requirement if they hold an aerial application rating with the appropriate aerial application endorsement.

GM 119.135 of the Part 119 AMC/GM and GM 138.090 of the Part 138 AMC/GM provide considerations applicable to the HOFO/HOO qualifications where the operator has multiple types in regular use. There is no prescriptive regulatory requirement that determines what meets the definition of 'a significant proportion of the operator's Australian air transport/aerial work operations'. In some cases, this may be determined by the largest fleet of aircraft, in other cases it may be linked to the most complex or largest aircraft in use. Where this situation occurs, the inspector should focus on understanding how the organisation is structured to support any perceived deficiencies in the HOFO/HOO qualifications and experience.

The size and complexity of some operators may make it challenging to find a nominee who has experience in all parts of the flight operation. Where this occurs, the assessment should consider any proposal by the operator and the nominee to ensure that the nominee is provided with sufficient means to oversee the flight operation. Such proposal should be part of documents submitted with a significant change application and be contained in a document that is part of the exposition/operations manual. The Part 119 AMC/GM and Part 138 AMC/GM documents discuss the use of type specialists and fleet managers as possible solutions to this matter. Inspectors should be aware that the approval of a person who fills the role of a type specialist or fleet manager does not require CASA approval. If the operator were to put such a structure in place, the approval of the HOFO/HOO nominee is contingent on this structure remaining in place unless the nominee subsequently obtains sufficient experience such that the structure is no longer required. Any change to this structure would likely be considered a significant change as described in paragraph 119.020(a)(iv) and 138.012(a)(iv). Any proposal to change or revise the structure would need to be considered against the requirement to maintain or improve aviation safety.

## Flight crew licence requirements

The nominee for HOFO under Part 119, or HOO under Parts 141 and 142, may have obtained their qualifications overseas prior to commencing with the operator. If the nominee does not hold either an Australian flight crew licence or a Certificate of Validation (CoV) then the nominee does not meet the qualification requirements of the regulations. The requirement for the Part 119/141/142 key person to hold an Australian licence remains applicable in the circumstance where a foreign registered aircraft is added to the operations.

### Part 138 HOO flight crew licence requirements

Part 138 does not specify that a nominee for HOO must hold an Australian flight crew licence, but rather, paragraph 138.090(1)(b) requires the nominee hold the applicable rating within the meaning of Part 61.

For a Part 138 operator who conducts aerial work activities in a foreign registered aircraft, it is acceptable for the HOO to hold a foreign flight crew licence with the applicable foreign rating.

For example, if an operator applied to operate a foreign registered DHC8 aircraft in a firefighting role (dispensing operations), then the HOO nominee could be suitable if they held either an Australian flight crew licence and rating or the equivalent foreign flight crew licence and rating that would permit operation of the DHC8.

However, a person who only holds a foreign flight crew license may not be suitable as the HOO for a Part 138 operator who conducts aerial work activities in both Australian and foreign registered aircraft. In this case the inspector needs to take into consideration which type, or class of aircraft, is used to conduct the greatest proportion of the aerial work operations. To be suitable the inspector will need to consider how the aerial work operators' organisational structure will ensure effective oversight of the aerial work activities.

Note: The inspector must conduct an interview/examination of a HOO with qualifications issued by a foreign NAA.

## Medical requirements

Although there is no specific requirement for a HOFO or HOO to hold a valid medical certificate, the nominee would need to demonstrate how they can manage the operation safely. To be suitable, the inspector should consider how the organisational structure mitigates the risk of a non-flying HOFO/HOO. To make this determination the inspector should consult with the Flight Standards Branch (FSB).

### 4.1.1 Experience – approval under regulation 119.025 and/or 138.025

The regulations require the nominee have a certain number of hours of flight time and experience in the conduct or management of air operations. A description of the various elements of 'managing air operations' is provided in section 2.1.4 of this principle.

If the nominee does not meet the hours or experience requirements, this does not automatically exclude them from consideration. However, the operator would be required to apply for an approval under regulation 119.025 or 138.025 (as applicable) as the nominee would not meet the criteria described in the regulations. See section 2.1.2 of this principle for further information on approvals.

### 4.1.2 Qualifications – approval under regulation 141.035

The regulations allow an operator to gain approval to vary the qualifications applicable to the HOO of a Part 141 FTO. The approval does not provide the ability to reduce the qualifications where there is likely to be an adverse effect on the safety of air navigation, but rather, provides the flexibility to vary the qualifications of the nominee by considering other mitigating factors.

An application for approval should include alternative qualifications or competencies to achieve an equivalent level of capability to the requirements of subregulation 141.125(1). The application may also require a detailed safety case describing mitigation strategies.

The following may be considered in assessing an application for approval:

- The nature and complexity of the Part 141 flight training proposed by the applicant. In particular:
  - the number and kinds of aircraft and FSTDs
  - the number and location of training bases
  - the number of personnel
  - the number of course participants.
- Unless the applicant is proposing to conduct a very small non-complex operation, a HOO who does not hold an instructor rating should have some management or supervisory experience.
- If the nominee for head of operations in a very small non-complex operation lacks supervisory experience, adequate supervision may be achieved through a mentoring arrangement with a CEO who has appropriate supervisory experience.
- A HOO lacking relevant operational experience may be supported by experienced personnel capable of providing operational advice. In those circumstances, an applicant may nominate a senior instructor to provide specialist advice and cover specific training. In this instance:
  - the senior instructor should be subject to a similar assessment process as a HOO, and be expected to meet the relevant standard required for the HOO
  - the senior instructor's duties, responsibilities and reporting lines should be clearly documented in the applicant's operations manual
  - the senior instructor should report directly to the HOO
  - an approval under regulation 141.035 to be the HOO may be subject to a condition stating that specified kinds of training must be supervised by the named senior instructor.
- A nominee without flight instructional experience may offer other appropriate qualifications and experience in other areas of education.

Where an operator's operations manual details qualifications for a Part 141 HOO that have been approved under the regulations, the inspector will need to reassess the approval if a new person is nominated to fulfil the position.

Note: refer to section 1.1 of this principle for further information.

### 4.1.3 Qualifications and experience – approval under regulation 142.040

The regulations allow an operator to gain approval to vary the qualifications and/or experience applicable to the HOO for a Part 142 FTO. The approval does not provide the ability to reduce the qualifications where there is likely to be an adverse effect on the safety of air navigation, but rather, provides the flexibility to vary the qualifications of the nominee by considering other mitigating factors.

An application for approval should include alternative qualifications or competencies to achieve an equivalent level of capability to the requirements of subregulation 142.185(2). The application may also require a detailed safety case describing mitigation strategies.

When assessing an application for an approval under regulation 142.040, and the applicant's alternative means of compliance, consideration should be given to the following matters:

- the nature and scope of the proposed activities
- the size of the organisation, including whether there are other support personnel available
- whether the experience and qualifications of the nominee are relevant to the activities
- the recency of the nominee's experience.

### Example

An applicant requesting approval to conduct multi-crew cooperation courses (MCC) only, may have nominated a HOO who does not hold an examiner rating. As the MCC course does not require course participants to undertake a flight test, this may be determined to be satisfactory. The nominated HOO may be required to demonstrate that they hold, or have held, an ATPL and hold sufficient prior experience gained in an air transport multi-crew operation. A further requirement (to demonstrate experience relevant to the proposed activity), may be that the nominee should hold experience in training Crew Resource Management (CRM) or Threat and Error Management (TEM) in a multi-crew environment.

### Part 138 operator

Where the aerial work operator is required to have a training and checking system under regulation 138.125, the position of HOO and HOTC may be occupied by the same person only if the operator holds an approval under regulation 138.025. The operator must provide a safety assessment (see section 3.3 and 3.4 of the operations protocol framework) which details how the organisation can be managed safely. To determine suitability, the inspector should take into consideration the size, scope and complexity of the aerial work operations. Generally, operators with more than 10 crewmembers should separate the position of HOO and HOTC.

If the inspector determines that the HOO and HOTC key personnel positions can be occupied by the same person, the inspector must complete both the HOO and HOTC worksheets. If the inspector determines that an interview is required, the inspector should conduct the interview in such a manner as to confirm the nominee's suitability for both positions.

## 4.2 Satisfactory record

The applicant must provide evidence to verify that the HOFO/HOO has a satisfactory record in the conduct or management of air operations. Where the nominee has not previously held an operational key personnel position, an assessment of whether the nominee has suitable and satisfactory experience in deputy or supervisory roles with other operators should be conducted.

Ideally the nominee will have experience in both the conduct and management of air operations, however the regulation does permit the applicant to have only one of these. Where the nominee only has one of these, consideration should be given to the size and complexity of the operator and ensuring there are sufficient elements present to preserve aviation safety.

## 4.3 Sufficient and relevant knowledge

Unless the nominee is well known to CASA, assessment of this element will be undertaken by conducting an interview and/or flight assessment (refer to section 4.14 of this principle). If the nominee has recently been assessed for a key person position with another operator, then the assessing inspector may be able to access sufficient information without requiring an interview.

Without limiting the considerations involved in the determination of what is deemed to be 'sufficient' and 'relevant' experience for a HOFO/HOO nominee, the following are pertinent:

- the nature and complexity of the proposed activities, and whether the nominee holds management experience from within a similar operation
- the need to ensure the safe conduct of the activities in accordance with the operator's exposition and civil aviation legislation
- leadership, management and standard-setting skills required by the nominee for the proposed activities, and whether the nominee's previous experience demonstrates these skills and enables them to carry out the responsibilities of the position
- the need to take all reasonable steps to ensure each proposed activity, and everything done in connection with each activity, is carried out with a reasonable degree of care and diligence
- how recently the nominee has used their aviation skills.



## 4.4 Head of flight operations – training and checking matters (Part 137 only)

The HOFO for a Part 137 operator is responsible for the training and checking of flight crew. If the HOFO does not hold a Part 61 examiner or instructor rating with a valid training/test endorsement the inspector should consider a flight test of the nominee to confirm their competency, to conduct a proficiency check. In considering whether this is required, the inspector should follow a process equivalent to that outlined in OPS.21 Check pilot assessment.

Note: If the nominee has completed the Chief Pilots Course conducted by Aerial Application Association, no assessment is required.

## 4.5 Head of operations – training and checking matters (Part 138 only)

For a Part 138 operator who is not required to have a training and checking system under regulation 138.125, the HOO may be authorised to conduct the training and checking activities required by Chapter 23 of the Part 138 Manual of Standards. If the HOO is not authorised under Part 61 to conduct training or competency assessments, the inspector should evaluate whether additional elements are required. Subregulation 138.120(3) allows CASA to require the person to undergo an assessment, training course or attend an interview. In considering whether this is required, the inspector should follow a process equivalent to that outlined in OPS.21 Check pilot assessment.

## 4.6 Compliance and reporting

To ensure the HOFO/HOO monitors, maintains and reports to the CEO on the operator's compliance with legislation and the exposition/operations manual, the exposition/operations manual must describe how the HOFO/HOO will carry out the functions required to fulfil this responsibility. These may include, but are not limited to:

- receiving information and data from the SM and the SMS (e.g. incident reporting and accident data and trending information)
- collecting and/or reviewing information obtained during internal audits of documentation
- ensuring supervision of operational personnel
- receiving regular feedback and reports in relation to compliance matters from any subordinate managers and supervisors
- maintaining communications with personnel at other base locations
- receiving and reviewing feedback from the training and checking activities conducted by internal and external staff
- reporting to the CEO in relation to matters such as those listed above.

## 4.7 Provision of information and documentation

There is a slight difference in the regulatory wording of regulation 119.140 and regulations 137.065, 138.095, 141.130 and 142.190. In all cases the HOFO/HOO is responsible for the provision of information and documentation to flight crew. However, for air transport operators the wider responsibility to all personnel is indirectly part of the CEO responsibilities, as regulation 119.215 requires the operator to make all parts of the exposition that relates to their duties available to the person prior to them carrying out that duty.

Subregulation 137.055(2) states that the operator is responsible for the provision of the operations manual and other information, while paragraph 137.065(2)(a) places the responsibility for compliance with the regulations on the HOO. In effect, this requires the HOO to ensure that the operator's personnel are provided with the information and documentation necessary to properly carry out their responsibilities.



In all cases, it is expected that the operator's documentation describes how the HOFO/HOO will carry out this responsibility. Methods to do this include, but are not limited to:

- providing personnel with the parts of the exposition that relate to each person's duties, prior to the person carrying out those duties
- distributing or displaying, or providing easy access to, operational information such as NOTAMs, weather reports and forecasts
- providing timely communication to personnel of changes to procedures and manuals, and other operational matters (e.g. standardisation instructions).

Further guidance on this aspect is also provided in GM 119.140 of the Part 119 AMC/GM and GM 138.095 of the Part 138 AMC/GM. FTO guidance is provided in the respective Part 141 or Part 142 technical assessors handbook.

## 4.8 Setting and maintaining standards

This component of the assessment is directly stated in the responsibilities for a HOO and a Part 137 HOFO. However, it is an action that is also linked to the responsibilities for a Part 119 HOFO as expressed in paragraph 119.140(2)(a). For Part 119 operations, setting and maintaining standards is listed as a responsibility of the CEO in paragraph 119.130(1)(b)(vi). However, if a Part 119 HOFO did not take action to support this component it would directly affect their ability to monitor and maintain the operator's compliance with the legislation and exposition.

To perform this responsibility, the operator's documentation should describe the process by which this is conducted. This may include, but is not limited to:

- provision of induction training for personnel, which includes familiarisation with operator policy and documented standard operating procedures
- providing mentoring and supervision of personnel to assist in achieving the conduct of their duties in accordance with the exposition/operations manual
- internal operator surveillance of the activities
- ensuring timely provision of operational and safety sensitive material to personnel.

## 4.9 Dangerous goods manual

Part 92 prescribes the minimum safety requirements for the consignment and carriage of dangerous goods by air. If required by Part 92 to have a dangerous goods manual, the operator must include the manual in their documentation.

For Part 138 and Part 141 operators, the regulations list this component as a direct responsibility of the HOO. For a Part 137 operator, this component is linked to the responsibilities of the HOFO as described in paragraph 137.065(2)(a). For Part 119 and Part 142 operators, this component is linked to the responsibilities of the CEO and the HOFO as described in the regulations.

The operator's Dangerous Goods Manual must document all processes, procedures and documents relating to the acceptance and carriage of dangerous goods.

The nominee is expected to have a manager level understanding of the operator policy in respect of dangerous goods. This would include knowledge of:

- where the policy is located
- when the material was last reviewed (to confirm it remains valid)
- how incidents are reported both internally and to the required regulatory agencies.

Any CASA assessment of the compliance state of the dangerous goods manual should be referred to the CASA dangerous goods inspectors in accordance with current CASA policy.

## 4.10 Allocation and use of aircraft and personnel

To ensure proper allocation and deployment of resources, the operator's documentation should describe how this function is carried out as part of the HOFO/HOO responsibilities. This may include:

- ensuring the suitability of aircraft for each activity
- effecting the timely transfer of aircraft between bases
- ensuring each base has an appropriate number of suitable personnel and, if required, providing recommendations to the CEO for the correction of any issues.

Further guidance on this aspect is also provided in GM 119.140 of the Part 119 AMC/GM and GM 138.095 of the Part 138 AMC/GM. FTO guidance is provided in the respective Part 141 or Part 142 technical assessors handbook.

## 4.11 Reference library

The requirement under the act for a reference library does not apply to a Part 138 or Part 141 operator. For Part 119, Part 137 and Part 142 operators, the operator's documentation should describe how the HOFO/HOO will carry out their responsibilities.

This may include:

- appointing a person responsible for the upkeep of the library, to ensure the library is regularly updated to incorporate changes to legislation
- establishing a cycle for regular review of the reference library content, to ensure it remains compliant with s28BH of the Act and relevant to the activities
- ensuring the location of the library is easily accessible to personnel at all times and that personnel are advised of any addition to, or removal of, material from the library.

Further guidance on this aspect is also provided in GM 119.140 of the Part 119 AMC/GM and the Part 142 technical assessors handbook.

## 4.12 Fatigue risk management system (Parts 138, 141 and 142 only)

If an operator has a Fatigue Risk Management System (FRMS), the HOO is responsible for managing the maintenance and continuous improvement of the system.

To ensure management and continuous improvement of the FRMS, the operator's documentation must describe how these functions will be carried out as part of the responsibilities of the HOO. This may include:

- requirements and mandatory procedures for internal audit, management review and revision of the system
- regular consultation with any supporting management staff in relation to the FRMS
- ensuring personnel receive education and training in relation to the FRMS
- receiving feedback from personnel in relation to their fatigue levels and the effectiveness of the FRMS
- evaluating incident and accident reporting data and making necessary changes to the FRMS to ensure continuous improvement.

## 4.13 Safety policy (Parts 138 and 141 only)

To ensure all personnel understand the applicant's safety policy, it must be described in the operations manual, and the HOO should be able to describe how they will carry out the functions required to fulfil this responsibility. This may include:

- including safety policy familiarisation as part of induction training for all personnel
- checking knowledge of the safety policy as part of proficiency checking

- ensuring that internal staff meetings include the opportunity to compare the performance of the organisation against the safety policy
- ensuring that recurrent training opportunities include a session for analysing and comparing the findings of aviation accident reports against the operator's safety policy.

## 4.14 Training and checking matters (Part 138 only)

This component is only applicable when the operator is required to have a training and checking system by regulation 138.125, and is specific to operational safety critical personnel that are not flight crew.

The term operational safety-critical personnel is defined in the CASR dictionary. To ensure requirements relating to training and checking for these personnel, the operations manual must describe how this occurs as part of the HOO responsibilities.

In some cases, the operator may allocate these duties to the HOTC. Where this occurs, it does not remove the regulatory responsibility from the HOO.

In describing how this function is carried out, the operations manual may include:

- a process to ensure allocation and provision of resources for the delivery of training courses and for provision of a trainer and assessor to conduct the activity
- requirements applicable to the creation of records of the satisfactory completion of training for each person.

## 4.15 Direction to undertake an assessment/training

### Chief Pilots Course conducted by Aerial Application Association of Australia

For operations under Part 137, if in the previous 24 months the nominee has successfully completed the CASA approved chief pilots course conducted by the Aerial Application Association of Australia, no CASA assessment is required.

Note: this also applies to an operator who conducts both Part 137 and 138 activities with a person holding both the HOFO and HOO key personnel positions.

### HOO with a foreign flight crew licence

For a Part 138 operator, if the nominee holds a foreign flight crew licence to meet paragraph 138.090(1)(b), the inspector must conduct an interview/examination.

### Training

In deciding whether to direct a nominee to undertake training, the inspector should consider the previous experience of the nominee – such as holding a similar position. CASA has developed training courses, specifically designed for key personnel, which are hosted on the Aviation Worx platform. The course includes the ability for the nominee to download and complete a workbook. If the inspector requires the nominee to complete the training, the request should include a requirement to complete the associated workbook which can then be used as evidence to support an abbreviated interview/examination.

Note: the courses are still under development. The inspector will need to confirm which courses are available.

## Interview/Examination

The decision to conduct an interview/examination will depend on the nominee's previous experience and the size and scale of the operations. Unless the nominee has held the equivalent position for another operator, and is known to CASA, the inspector should conduct an interview to determine suitability. Where a nominee will be occupying several key personnel positions, the interview/examination should include all elements for each position.

If the nominee has completed the Aviation Worx training, the inspector should review the nominee's workbook to determine the scope of the interview. For example, the interview of a nominee who provided comprehensive workbook responses should be limited to matters affecting their specific operations. In this instance, the interview time would be significantly less than otherwise.

Chapter 8 of this principle provides guidance on the conduct of an interview and the use of the interview worksheet.

## Flight test

A flight test or practical assessment will not be required unless the nominee is required to conduct proficiency checks and/or emergency and safety equipment training. In this instance, the inspector should follow Protocol OPS.21 Check pilot assessment and/or Protocol OPS.15 Emergency and safety equipment instructor to determine if the flight test or practical assessment is required.

## 5. Head of training and checking

### 5.1 Qualifications and experience

In considering the application, the inspector should confirm that the nominee meets the regulatory requirements and any additional requirements that may be listed in the specific operator exposition/operations manual.

The applicant must provide evidence to demonstrate that the nominee holds the experience required. The inspector should review the submitted documentation to verify the nominee's qualifications and experience.

The HOTC nominee should provide documented evidence of their qualifications and experience as part of the application process. If this has not been provided, regulation 11.040 states that the applicant may be asked to provide documentation in order to consider the application.

Documentation and information which may be considered when determining the suitability of the nominee's qualifications and experience for the position include:

- the nominee's pilot logbook
- the nominee's flight crew licence and medical certificate
- the nominee's employment history, such as that detailed in a CV/resume
- any CASA records relating to the nominee, such as:
  - a CASA qualifications report
  - compliance history
  - enforcement history (obtained through the Investigations branch of LIRA)
  - records relating to the nominee's previous areas of operations (held on CASA's internal files or in CASA databases).

The level of experience required for the HOTC will vary dependent upon the size and scope of the operator's organisation and the scope of the proposed activities. The Part 119 AMC/GM and Part 138 AMC/GM provide clarifying information to assist in considering whether the nominee has the appropriate level of experience.

GM 119.145 of the Part 119 AMC/GM and GM 138.100 of the Part 138 AMC/GM provide considerations applicable to the HOTC qualifications where the operator has multiple types in regular use. There is no prescriptive regulatory requirement that determines what meets the definition of 'a significant proportion of the operator's Australian air transport/aerial work operations'. In some cases, this may be determined by the largest fleet of aircraft, in other cases it may be linked to the most complex or largest aircraft in use. Where this situation occurs, the inspector should focus on understanding how the organisation is structured to support any perceived deficiencies in the HOTC qualifications and experience.

The size and complexity of some operators may make it challenging to find a nominee who has experience in all parts of the flight operation. Where this occurs, the assessment should consider any proposal by the operator and the nominee to ensure that the nominee is provided with sufficient means to oversee the training and checking. Such proposal should be part of documents submitted with a significant change application and be contained in a document that is part of the exposition/operations manual. The Part 119 AMC/GM and Part 138 AMC/GM discuss the use of type specialists and fleet managers as possible solutions to this matter. Inspectors should be aware that the approval of a person who fills the role of a type specialist or fleet manager does not require CASA approval. If the operator were to put such a structure in place, the approval of the HOTC nominee is contingent on this structure remaining in place unless the nominee subsequently obtains sufficient experience such that the structure is no longer required. Any change to this structure would be considered a significant change as described in paragraph 119.020(a)(iv) and 138.012(a)(iv). Any proposal to change or revise the structure would need to be considered against the requirement to maintain or improve aviation safety.

## HOTC flight crew licence requirements (Part 119)

The nominee for HOTC under Part 119 may have obtained their qualifications overseas prior to commencing with the operator. If the nominee does not hold either an Australian flight crew licence or a Certificate of Validation (CoV) then the nominee does not meet the qualification requirements of the regulations. The requirement for the Part 119 key person to hold an Australian licence remains applicable in the circumstance where a foreign registered aircraft is added to the operations.

## HOTC flight crew licence requirements (Part 138)

Part 138 does not specify that a nominee for HOTC must hold an Australian flight crew licence, but rather, paragraph 138.100(2)(b) requires the nominee hold the applicable rating within the meaning of Part 61.

For a Part 138 operator who conducts aerial work activities in a foreign registered aircraft, it is acceptable for the HOTC to hold a foreign flight crew licence with the applicable foreign rating.

For example, if an operator applied to operate a foreign registered DHC8 aircraft in a firefighting role (dispensing operations), then the HOTC nominee could be suitable if they held either an Australian flight crew licence and rating or the equivalent foreign flight crew licence and rating that would permit operation of the DHC8.

However, a person who only holds a foreign flight crew license may not be suitable as the HOTC for a Part 138 operator who conducts aerial work activities in both Australian and foreign registered aircraft. In this case the inspector needs to take into consideration which type, or class of aircraft is used to conduct the greatest proportion of the aerial work operations. To be suitable the inspector will need to consider how the aerial work operators' organisational structure will ensure effective oversight of the aerial work activities.

Note: The inspector must conduct an interview/examination of a HOTC with qualifications issued by a foreign NAA.

## Medical requirements

Although there is no specific requirement for a HOTC to hold a valid medical certificate, the nominee would need to demonstrate how they can manage the operation safely. To be suitable, the inspector should consider how the organisational structure mitigates the risk of a non-flying HOTC. To make this determination the inspector should consult with FSB.

## 5.2 Satisfactory record

The applicant must provide evidence to verify that the HOTC nominee has a satisfactory record in the conduct or management of air operations. Where the nominee has not previously held an operational key personnel position, an assessment of whether the nominee has suitable and satisfactory experience in deputy or supervisory roles with other operators should be conducted.

Ideally the nominee will have experience in both the conduct and management of air operations, however the regulation does permit the applicant to have only one of these. Where the nominee only has one of these, consideration should be given to the size and complexity of the operator and ensuring there are sufficient elements present to preserve aviation safety.

## 5.3 Satisfactory record in training and checking

For a Part 119 HOTC applicant, the regulation requires the nominee to have prior experience in the conduct or management of training and checking for air operations. Candidates who do not have this do not meet the mandatory qualification requirements.

The applicant must provide evidence to verify that the HOTC nominee has a satisfactory record in the conduct or management of training and checking for air operations. Where the nominee has not previously held an operational key personnel position, an assessment of whether the nominee has suitable and satisfactory experience in deputy or supervisory roles with other operators should be conducted.



For a Part 138 HOTC applicant, the regulation specifies that the nominee has 300 hours of flight time conducting training operations. This component may be varied by the operator applying for approval of a variation under regulation 138.025. As with other approvals under regulation 138.025, the requirements of Part 11 are applicable, and the application needs to demonstrate how an equivalent level of aviation safety is maintained.

## 5.4 Sufficient and relevant knowledge

Unless the nominee is well known to CASA, assessment of this element will be undertaken by conducting an interview and/or flight assessment (refer to section 5.8 of this principle). If the nominee had recently been assessed for a key person position with another operator, then the assessing inspector may be able to access sufficient information without requiring an interview.

Without limiting the considerations involved in the determination of what is deemed to be 'sufficient' and 'relevant' experience for a HOTC nominee, the following are pertinent:

- the nature and complexity of the proposed activities, and whether the nominee holds management experience from within a similar operation
- the nature and complexity of the proposed training and checking activities, and whether the nominee holds experience from within a similar operation
- the need to ensure the safe conduct of the activities in accordance with the operator's exposition and civil aviation legislation
- leadership, management and standard-setting skills required by the nominee for the proposed activities, and whether the nominee's previous experience demonstrates these skills and enables them to carry out the responsibilities of the position
- the need to take all reasonable steps to ensure each proposed activity, and everything done in connection with each activity, is carried out with a reasonable degree of care and diligence
- how recently the nominee has used their aviation skills.

There is a difference in the requirements for the HOTC in Part 119 versus that of Part 138. For a Part 119 HOTC, their qualifications and experience must include a satisfactory record in the conduct or management of training and checking for air operations. This component cannot be varied by use of an approval under regulation 119.025.

For a Part 138 HOTC, the requirement for 300 hours of flight time conducting training can be varied by use of the approval under regulation 138.025. As with all applications under regulation 138.025 any application needs to meet the requirements of Part 11 in respect of demonstrating an equivalent level of aviation safety.

For both a Part 119 and Part 138 HOTC, the regulations require the nominee to have experience in the conduct or management of air operations. A description of the various elements of 'managing air operations' is provided in section 2.1.4 of this principle.

If the nominee does not meet these regulatory requirements, this does not automatically exclude them from consideration. However, the operator would be required to apply for an approval under regulation 119.025 or 138.025 (as applicable) as the nominee would not meet the criteria described in the regulations.

## 5.5 Compliance and reporting

To ensure the HOTC monitors, maintains and reports to the HOFO/HOO on the operator's compliance with legislation and the exposition/operations manual, the exposition/operations manual must describe how the HOTC will carry out the functions required to fulfil this responsibility. This may include:

- receiving information and data from the SM and the SMS (e.g. incident reporting and accident data and trending information related to training and checking activities)
- collecting and/or reviewing information obtained during internal audits of documentation
- ensuring supervision of training and checking personnel
- receiving regular feedback and reports in relation to compliance matters from any subordinate managers and supervisors (if applicable)

- maintaining communications with training and checking personnel at other base locations
- receiving and reviewing feedback from the training and checking activities conducted by internal and external staff
- reporting to the HOFO/HOO in relation to matters such as those listed above.

## 5.6 Conduct of training and checking activities

To ensure the HOTC monitors the conduct of training and checking activities, the operator's documentation must describe how these functions are carried out as part of fulfilling this responsibility. Possible methods for this may include:

- prior to conducting activities, ensuring training and checking personnel are inducted into the training and checking part of the organisation, as outlined in the exposition/operations manual
- the use of standardisation staff to monitor training and checking personnel
- the use of standardisation meetings/forums to provide guidance to personnel on updates or changes in the training and checking system
- conducting regular reviews of training records
- analysing data for repeated assessments or training activities.

The HOTC should be given the ability to sponsor changes to the training and checking components of the exposition/operations manual as required for their duties and responsibilities.

## 5.7 Contracted training and checking

Paragraph 119.150(2)(c) and 138.105(3)(d)(ii) state that the HOTC remains responsible for ensuring training and checking activities are conducted in accordance with the operator's exposition/operations manual when this is conducted by a contracted Part 142 operator. The operator's exposition/operations manual should describe how this function is to be performed. Some processes to achieve this may include:

- ensuring that both the operator and the contractor have access to the operator's exposition/operations manual
- ensuring electronic access to the relevant software systems
- conducting assurance audits of the external contractor
- use of a reporting cycle and policy to enable timely communications between the HOTC and the contractor
- ensuring records of training and checking activities are made and securely accessible by both the contractor and the operator
- ensuring that both the operator and the contractor have a process for the retention of records as required by the legislation.

## 5.8 Direction to undertake an assessment/training

### Training

In deciding whether to direct a nominee to undertake training, the inspector should consider the previous experience of the nominee – such as holding a similar position. CASA has developed training courses, specifically designed for key personnel, which are hosted on the Aviation Worx platform. The course includes the ability for the nominee to download and complete a workbook. If the inspector requires the nominee to complete the training, the request should include a requirement to complete the associated workbook which can then be used as evidence to support an abbreviated interview/examination.



Note: the courses are still under development. The inspector will need to confirm which courses are available.

## Interview/Examination

The decision to conduct an interview/examination will depend on the nominee's previous experience and the size and scale of the operations. Unless the nominee has held the equivalent position for another operator, and is known to CASA, the inspector should conduct an interview to determine suitability. Where a nominee will be occupying several key personnel positions, the interview/examination should include all elements for each position.

If the nominee has completed the Aviation Worx training, the inspector should review the nominee's workbook to determine the scope of the interview. For example, the interview of a nominee who provided comprehensive workbook responses should be limited to matters affecting their specific operations. In this instance, the interview time would be significantly less than otherwise.

Chapter 8 of this principle provides guidance on the conduct of an interview and the use of the interview worksheet.

## Flight test

A flight test or practical assessment will not be required unless the nominee is required to conduct proficiency checks and/or emergency and safety equipment training. In this instance, the inspector should follow Protocol OPS.21 Check pilot assessment and/or Protocol OPS.15 Emergency and safety equipment instructor to determine if the flight test or practical assessment is required.

## 6. Safety manager

### 6.1 Experience

The inspector should review the application for the SM nominee to confirm that it includes evidence that the candidate holds the experience described in the regulations.

For some operators, such as those with a more complex operation, there will be additional qualification criteria specified in the operator's document suite. The inspector should verify that the nominee meets any organisational requirements detailed in the operator's exposition/operations manual.

Unlike the regulations for HOFO/HOTC which specify a minimum of 6 months experience, the regulatory requirements applicable to the SM do not specify the period of experience (in time) that a suitable candidate would have. As an indicator, if the nominee has 6 months of experience this would be comparable to the other key person requirements and should be considered suitable. If the nominee has less than 6 months experience this would not preclude them from consideration, dependent on the size and complexity of the operator.

Where the nominee has not previously held an operational key personnel position, an assessment of whether the nominee has suitable and satisfactory experience in deputy or supervisory roles with other operators should be conducted.

The level of experience required for the SM nominee will vary, dependent upon the size and scope of the operator's organisation and the scope of the proposed activities.

Without limiting the considerations involved in the determination of what is deemed to be 'sufficient' and 'relevant' safety management experience for a SM nominee, the following are pertinent:

- the nature and complexity of the proposed activities, and whether the nominee has safety management experience from within a similar operation
- the need to ensure the safe conduct of the activities in accordance with the operator's exposition and civil aviation legislation requirements
- leadership, management and standard-setting skills required by the nominee for the proposed activities, and whether the nominee's previous experience demonstrates these skills and enables them to carry out the responsibilities of the position
- the need to take all reasonable steps to ensure each proposed activity, and everything done in connection with each activity, is carried out with a reasonable degree of care and diligence.

### 6.2 Satisfactory record in the conduct and management of air operations

The SM must demonstrate a satisfactory record in the conduct or management of air operations. Possible methods to demonstrate this include:

- experience in ensuring compliance with legislative requirements
- prior SMS operational experience
- safety risk management experience
- aviation operations experience
- prior aviation management experience.

## 6.3 Sufficient safety and regulatory knowledge

The SM must have sufficient safety and regulatory knowledge to enable the operator to conduct activities in accordance with its exposition and civil aviation legislation. In all cases, the nominee should have:

- relevant operational knowledge and safety management experience in the functions of an aviation organisation
- a technical background which enables them to understand the systems supporting the activities
- a sound understanding of safety management principles which will enable them:
  - to lead, manage and set standards in relation to the SMS
  - implement the SMS in accordance with the organisation's exposition.
- a sound knowledge and understanding of Human Factors and Non-Technical Skills (HF&NTS) and, if required, Flight Data Analysis Program (FDAP) and/or FRMS
- the ability to relate to personnel at all levels, both inside and out of the organisation
- an understanding of the International Civil Aviation Organization (ICAO) SMS recommendations
- knowledge of the ICAO Safety Management Manual– Doc 9859 and ICAO Annex 19, Safety Management.

## 6.4 Managing the SMS

To be suitable, the SM must demonstrate they have the required knowledge and skills to:

- implement, maintain (including day-to-day operation), review and revise the SMS and, if required, the FDAP/FRMS
- draft the SMS manual
- manage the SMS, including management of remedial and corrective action in relation to the system
- provide safety advice to management and staff
- promote safety awareness and a positive safety culture throughout the organisation
- participate in the organisation's periodic safety meetings/committees
- investigate accidents and incidents
- maintain an appropriate reporting system to identify and manage hazards
- identify ongoing safety training requirements to support the SMS safety objectives
- provide HF&NTS training, or arrange a third party to provide the training for the operator's personnel
- oversee internal and external SMS audit programs
- maintain the emergency response plan.

## 6.5 Reporting on effectiveness of the SMS

To be suitable, the SM must demonstrate they have the required knowledge and skills to:

- ensure a system of formal, documented and regular communication with the CEO
- receive information and data from the SMS (e.g. incident reporting and accident data and trending information)
- collect and review information obtained during internal audits and surveys
- receive regular feedback and reports in relation to safety objectives and safety performance indicators.

## 6.6 Maintenance of the SMS

To be suitable, the SM must demonstrate they have the required knowledge and skills to:

- implement, maintain (including day-to-day operation), review and revise the SMS and, if required, the FDAP/FRMS
- amend and review the SMS manual
- maintain an appropriate reporting system to identify and manage hazards
- manage the risk management plan.

## 6.7 Direction to undertake an assessment/training

### Training

In deciding whether to direct a nominee to undertake training, the inspector should consider the previous experience of the nominee – such as holding a similar position. CASA has developed training courses, specifically designed for key personnel, which are hosted on the Aviation Worx platform. The course includes the ability for the nominee to download and complete a workbook. If the inspector requires the nominee to complete the training, the request should include a requirement to complete the associated workbook which can then be used as evidence to support an abbreviated interview/examination.

Note: the courses are still under development. The inspector will need to confirm which courses are available.

### Interview/Examination

The decision to conduct an interview/examination will depend on the nominee's previous experience and the size and scale of the operations. Unless the nominee has held the equivalent position for another operator, and is known to CASA, the inspector should conduct an interview to determine suitability. Where a nominee will be occupying several key personnel positions, the interview/examination should include all elements for each position.

If the nominee has completed the Aviation Worx training, the inspector should review the nominee's workbook to determine the scope of the interview. For example, the interview of a nominee who provided comprehensive workbook responses should be limited to matters affecting their specific operations. In this instance, the interview time would be significantly less than otherwise.

Chapter 8 of this principle provides guidance on the conduct of an interview and the use of the interview worksheet.

## 7. Quality assurance manager

### 7.1 Experience

The inspector should review the application for the QAM nominee to confirm that it includes evidence that the candidate holds the experience described in the regulations.

For some operators, such as those with a more complex operation, there will be additional qualification criteria specified in the operator's document suite. The inspector should verify that the nominee meets any organisational requirements detailed in the operator's exposition/operations manual.

Unlike the regulations for the HOFO/HOTC, which specify a minimum of 6 months experience, the regulatory requirements applicable to the QAM do not specify the period of experience (in time) that a suitable candidate would have. As an indicator, if the nominee has 6 months of experience this would be comparable to the other key person requirements and should be considered suitable. If the nominee has less than 6 months experience this would not preclude them from consideration, dependent on the size and complexity of the operator.

Where the nominee has not previously held an operational key personnel position, an assessment of whether the nominee has suitable and satisfactory experience in deputy or supervisory roles with other operators should be conducted.

The level of experience required for the QAM nominee will vary dependent upon the size and scope of the operator's organisation and the scope of the proposed activities.

Without limiting the considerations involved in the determination of what is deemed to be 'sufficient' and 'relevant' quality assurance management experience for a QAM nominee, the following are pertinent:

- operational knowledge and quality assurance management experience, ideally within the aviation industry and particularly relating to flight training
- experience in the operation of FSTDs and the technical standards with which they must comply
- a sound understanding of quality systems and quality assurance principles
- a sound understanding of audit techniques
- the ability to relate to personnel at all levels, both inside and out of the organisation.

### 7.2 Satisfactory record in the conduct and management of Part 142 activities

The QAM must demonstrate a satisfactory record in the conduct or management of Part 142 activities. Possible methods to demonstrate this include:

- the leadership, management and standard-setting skills required by the nominee for the proposed activities, and whether the nominee's previous experience would have enabled them to acquire these skills and carry out the responsibilities of the position
- experience in ensuring compliance with legislative requirements
- prior QAMS operational experience
- safety risk management experience
- aviation operations experience
- prior aviation management experience.

## 7.3 Sufficient regulatory knowledge

The QAM must have sufficient regulatory knowledge to ensure the operator conducts activities in accordance with its exposition and civil aviation legislation. To be suitable, the QAM must demonstrate they have:

- knowledge of:
  - the legislative requirements of Part 142 in relation to QAMS
  - Part 60—Synthetic Training Devices and the Part 60 Manual of Standards (MOS)
  - CASA Operational Standards and Requirements—Approved Synthetic Trainers (FSD2) publication
- human factors and non-technical skills training
- a technical background which enables them to understand the systems supporting the activities
- a sound understanding of quality assurance management principles which will enable them to:
  - lead, manage and set standards in relation to the QAMS
  - implement the QAMS in accordance with the organisation's exposition.
- the ability to relate to personnel at all levels, both inside and out of the organisation.

## 7.4 Managing the QAMS

To be suitable, the QAM must demonstrate they have the required knowledge and skills to:

- draft the quality assurance management system manual, including developing procedures for:
  - ongoing surveillance and periodic audit of the applicant's processes, procedures and documentation utilised in the conduct of the activities, to ensure the activities are conducted in a planned and systematic manner and in accordance with the applicant's exposition and civil aviation legislation
  - ongoing review of training outcomes, to ensure any deficiencies in the training are identified and addressed
  - ongoing review of the operation and maintenance of FSTDs.
- manage the day-to-day operation of the quality assurance management system
- promote the applicant's quality policy to personnel and other relevant stakeholders, and maintain a program of ongoing quality promotion and communication
- ensure personnel involved in quality assurance management receive training relevant to the applicant's QAMS
- establish a schedule for the regular audit of the applicant's processes, procedures and documentation utilised in the conduct of the activities
- ensure the QAMS is regularly reviewed and evaluated for its effectiveness in identifying, documenting and correcting deficiencies, and that it remains compliant
- take corrective action resulting from audit findings, when required
- provide quality control advice to management and other personnel.

## 7.5 Reporting on effectiveness of the QAMS

To be suitable, the QAM must demonstrate they have the required knowledge and skills to:

- ensure a system of formal, documented and regular communication with the CEO
- ensure compliance by personnel with the applicant's procedures and instructions relating to the conduct of the activities
- ensure findings of training outcome audits include details of any identified deficiencies and recommendations for corrective and preventative action

- ensure recommendations address deficiencies identified in the operation and maintenance of the applicant's FSTDs.

## 7.6 Maintenance of the QAMS

To be suitable, the QAM must demonstrate they have the required knowledge and skills to:

- conduct regular reviews of the QAMS to ensure that its processes and procedures continue to meet the requirements
- conduct regular reviews of the QAMS to ensure it promotes a culture of continual improvement in:
  - the way the applicant's activities are conducted
  - training outcomes.
- provide a means for personnel to recommend changes to the QAMS.

## 7.7 Direction to undertake an assessment

### Interview/Examination

The decision to conduct an interview/examination will depend on the nominee's previous experience and the size and scale of the operations. Unless the nominee has held the equivalent position for another operator, and is known to CASA, the inspector should conduct an interview to determine suitability. Where a nominee will be occupying several key personnel positions, the interview/examination should include all elements for each position.

If the interview/examination indicates a lack of knowledge for the role, CASA may direct the nominee to undergo a course of training. The inspector will need to determine the deficiencies and provide feedback to the nominee on what training is required.

Chapter 8 of this principle provides guidance on the conduct of an interview and the use of the interview worksheet.

## 8. Key personnel interviews

The decision to conduct an interview will depend on the results of the desktop assessment. In deciding to interview, the inspector should consider:

- previous experience of the nominee in a substantively similar role
- previous record in that role (e.g. compliance history)
- whether the person is fulfilling the key personnel requirement for more than 1 position.

If the nomination is for the position of CEO for a large air transport operation with a supporting management team, an interview may not be required. However, if the operator is small without a supporting management structure an interview would be warranted. In this instance, the CEO is likely to fulfil several key personnel positions.

If it is determined that an interview is required, CASA must provide the operator with written notification of this direction.

The interview worksheet is intended to provide an adequate structure for the interview, while also providing enough flexibility to handle the range of organisations and the range of nominee experience that may arise. This form provides:

- an introduction to the interview
- questions to start a guided discussion about the elements being assessed
- options for follow-up questions – see section 8.1.2 of this principle (these can be pre-prepared or added later as a record of the discussion that took place)
- space to record the applicant's responses
- a conclusion to the interview.

Not all questions on the interview worksheet need to be answered. The questions are generic in nature, and it is up to the inspector to determine what questions are relevant to the assessment.

The inspector may add questions to address matters that are specialist in nature. For example, if the operator conducts low level NVIS operations, the inspector may wish to ask questions to ensure the nominee understands and is able to develop policies and procedures to manage those operations safely.

The interview should be planned to take no longer than 2 hours.

### 8.1 Interview techniques

#### 8.1.1 Open/closed questions

Open questions require the applicant to formulate an answer, whereas closed questions can be limited to yes/no answers (i.e. the applicant has a 50:50 chance of guessing the right answer). Where possible try to utilise open questions.

##### Example

Open question: How do you review safety?

Closed question: Do you have a formal management review process?

#### 8.1.2 Follow-up questions

Use each question as a discussion starter. Use your skill and knowledge to ask follow-up questions to:

- elicit more information from a quiet/reserved applicant
- bring a chatty applicant who goes off on tangents back to your line of questioning
- prompt the applicant, if you feel they have simply forgotten to mention something they probably know (be careful not to prompt the applicant with a 'correct' answer if they appear to be floundering/guessing)



- elicit information to determine that the applicant is meeting (or will be able to) the requirements of the role within their specific organisation (consider the size and scope of the organisation).

#### **Sample follow-up questions**

- Can you tell me a bit more about....?
- Does this include....?
- Do you think...is effective?
- What is your role within the...system?
- For larger companies, questions about chain of command and managing relationships with different levels.
- For smaller companies, questions about having your voice heard.

### **8.1.3 Other considerations**

Always keep the regulation you are assessing in mind. Ensure you have enough evidence to verify that the applicant meets the requirements of the regulation – anything less is underreach. However, don't interrogate the applicant on details of their role that go beyond the requirements of the regulation (overreach).

Keep the interview friendly and professional. Your role is to get the applicant to perform to the best of their ability, without helping them and without making them nervous.

## 9. Revision history

Amendments/revisions for this principle are recorded below in order of the most recent first.

**Table 3. Revision history table**

| Version No. | Date          | Parts / Sections   | Details  |
|-------------|---------------|--|--|
| 1.5         | October 2023  | All  | <p>Content moved to new template.</p> <p>Minor edits throughout.</p> <p>Duplicate sections already captured in the operations protocol framework removed.</p> <p>Additional guidance to support the 138.025 approval for a CEO and HOTC to be the same person and HOFO and HOTC to be the same person.</p> <p>Advice added for when the nominee does not hold a valid medical certificate.</p> |
| 1.4         | March 2023    | Sections 3.16, 4.15, 5.8, 6.7<br>(Direction to undertake training and or assessment) | Addition of the new course available in Aviation Worx.   |
| 1.3         | March 2023    | 4.15   | New note added under section 4.15 to clarify CASA policy.  |
| 1.2         | December 2022 | Various  | Added Part 141 and Part 142 key personnel. Amended the worksheet assessment summary and approval data sheets. Minor editorial changes.   |
| 1.1         | August 2022   | All  | <p>Amended to provide clarification of Part 138 HOO and HOTC flight crew licence requirements.</p> <p>Minor editorial changes.</p>   |
| 1.0         | July 2022     | All  | First issue  |