



**Australian Government**  
**Civil Aviation Safety Authority**

**Temporary Management Instruction –  
TMI 2015-008**

**Assessment of Foreign Aircraft Air Operator's  
Certificate and Non-Scheduled Flight Permissions**

<b>Sponsor:</b>	Executive Manager Operations
<b>Issue No:</b>	One
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<b>Associated Manual:</b>	International Operations Procedures Manual

## **Background**

The International Operations section in the Operations Division is responsible for assessing applications for Foreign Aircraft Air Operator's Certificate (FAAOCs) pursuant to sections 27, 27AE and 28 of the Civil Aviation Act, having particular regard to the provisions of subsection 28(1A) and section 28AA of the Civil Aviation Act; and non-scheduled flight permissions (NSFPs), pursuant subsections 25(2) and (3) and section 26 of the Civil Aviation Act.

## **Purpose**

The purpose of this TMI is to provide guidance to staff within International Operations section when assessing an application for a FAAOC or NSFP pending the adoption of a more fully developed policy.

## **Applicability**

This TMI applies to staff in the International Operations Section (IOS).



## Instruction

IOS are expected to take the following considerations into account when assessing an application for a FAAOC:

- CASA's experience, if any, with the operator and the regulatory authority responsible for the safety oversight of the prospective operator, its operational and technical personnel and the aircraft it operates;
- the applicant's current, recent and relevant previous experience, if any, conducting operations of the kind for which a FAAOC is sought;
- whether the operator and/or the State with responsibility for relevant aspects of the safety oversight of the operator, its operational and technical personnel and the aircraft it proposes to operate into and out of Australia, have come under critical scrutiny or received pertinent adverse assessments by other national or regional regulatory authorities, the International Civil Aviation Organization or any other international or regional industry organisation with safety-assessment functions;
- if the State in which the aircraft the applicant proposes to operate and/or the State in which the operator's principal operational and/or technical facilities are located is rated as a Category Two State by the United States Federal Aviation Administration (FAA) pursuant to the FAA's International Aviation Safety Assessment (IASA) programme, the reasons for that assessment;
- if the State with safety oversight responsibilities for the operator, and/or the operator itself, appear(s) on the European Commission's list of air carriers which are subject of an operating ban within the European Community, the reasons for their appearance on that list;
- if the State in which the aircraft the applicant proposes to operate and/or the State in which the operator's principal operational and/or technical facilities are located was previously rated as a Category Two State by the FAA, but was subsequently reclassified by the FAA as a Category One State, the reasons for that reclassification; and
- if the State with safety oversight responsibilities for the operator, and/or the operator itself, previously appeared on the European Commission's list of air carriers subject to an operating ban within the European Community, but was subsequently excluded or exempted from that list, the reasons for that determination by the European Commission.

The nature of the operations contemplated by a NSFP will often be such as to allow for the assessment process to be conducted to a scope and depth that differs to that which would normally be involved in the case of an assessment for a FAAOC.

In assessing an application for a NSFP, therefore, IOS is expected to take the following considerations into account, *to the extent practicable and appropriate in all the circumstances*:



- CASA's experience, if any, with the operator and the regulatory authority responsible for the safety oversight of the prospective operator, its operational and technical personnel and the aircraft it operates;
- the applicant's current, recent and relevant previous experience, if any, conducting operations of the kind for which a NSFP is sought;
- whether the operator and/or the State with responsibility for relevant aspects of the safety oversight of the operator, its operational and technical personnel and the aircraft it proposes to operate into and out of Australia, have come under critical scrutiny or received pertinent adverse assessments by other national or regional regulatory authorities, the International Civil Aviation Organization or any other international or regional industry organisation with safety-assessment functions. This includes:
  - being currently rated as a Category Two State by the United States FAA pursuant to the FAA's IASA programme, in which case regard should be had to the reasons for that rating; or
  - appearance of the State with safety oversight responsibilities for the operator, and/or the operator itself, on the European Commission's list of air carriers which are subject of an operating ban within the European Community,
- in either of which case, the reasons for the rating or inclusion on the list of banned carriers should be ascertained; and
- the nature of the operation(s) for which a NSFP is being sought, and the particular risks to safety that such a presumably limited operation or operations may pose.

## Process

In making a recommendation to the delegate following assessment on a FAAOC or NSFP, IOS is expected to demonstrate and document that all of the relevant criteria mentioned above have been considered.

Recommendations should be informed by and through correspondence with the operator, the regulatory authority responsible for the safety oversight of the prospective operator and/or any other safety authority that may be able to provide information relevant to the application.

Where necessary, during the assessment of a FAAOC application, IOS may also conduct on-site audits to verify the information provided

Advice of CASA's prerogatives, as specified in the legislation and as outlined in this TMI, should be communicated to potential applicants on CASA's website and to all prospective operators (or their authorised representatives) and all operators with an application for a FAAOC and/or NSFP currently under consideration.

Any authorisation from a prospective applicant enabling CASA to obtain information and documentation from other authorities, agencies and organisations, for the purpose of conducting an assessment of an application, should be sought and secured from the applicant as early in the assessment process as possible.



IOS should ensure that appropriate liaison with the International Relations section in the Government and International Relations & Corporate Communications Branch is initiated and maintained throughout the process of considering an application for a FAAOC or NSFP.

Approved by: Gerard Campbell

Position Title: Executive Manager Operations

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