



# ACCEPTABLE MEANS OF COMPLIANCE AND GUIDANCE MATERIAL



## Australian air transport operators — certification and management

CASR Part 119



|                       |            |
|-----------------------|------------|
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An **Acceptable Means of Compliance (AMC)** explains how one or more requirements of the Civil Aviation Safety Regulations 1998 (CASR) for the issue of a certificate, licence, approval or other authorisation, can be met by an individual or organisation applying to Civil Aviation Safety Authority (CASA) for the authorisation.

Applicants are not required to comply with an AMC but if they do, CASA will issue the authorisation to which the AMC relates.

*Note: For the purposes of public consultation on Part 119 in July/August 2018, CASA has provided only limited AMC but more GM. It is intended that more AMC may be issued as the Part 119 AMC/GM is further developed well in advance of the commencement of Part 119 of CASR (early 2021).*

Individuals and operators may, on their own initiative, propose other ways of meeting the requirements of the CASR; however, any such proposal will be subject to separate assessment by CASA to determine whether the authorisation can be issued.

**Guidance Material (GM)** provides explanations and amplification of a CASR's policy intention, rather than a means of complying with it. GM should be read in conjunction with the applicable CASR and AMCs. GM is identified by grey shaded text.

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## Status

This version of the AMC/GM is approved for the purposes of Part 119 of CASR public consultation in July-August 2018 by the Manager, Flight Standards Branch.

| Date      | Details          |
|-----------|------------------|
| July 2018 | Initial version. |

# 1 Reference material

## 1.1 Acronyms

The acronyms and abbreviations used in this AMC-GM are listed in the table below.

| Acronym | Description                                   |
|---------|---|
| AIP     | Aeronautical Information Publication          |
| ALARP   | As Low as Reasonably Practicable              |
| AMC     | Acceptable Means of Compliance                |
| ANZA    | Australia New Zealand AOC                     |
| AOC     | Air Operator's Certificate                    |
| CAR     | <i>Civil Aviation Regulations 1988</i>        |
| CASA    | Civil Aviation Safety Authority               |
| CASR    | <i>Civil Aviation Safety Regulations 1998</i> |
| CEO     | Chief Executive Officer                       |
| GM      | Guidance Material                             |
| HOFO    | Head of Flying Operations                     |
| HF/NTS  | Human Factors and Non-Technical Skill         |
| SM      | Safety Manager                                |
| SMS     | Safety Management Systems                     |

## 1.2 Definitions

Terms that have specific meaning within this AMC-GM are defined in the table below.

| Term             | Definition  |
|------------------|---|
| Large rotorcraft | A rotorcraft that has a maximum take-off weight of more than 3 175 kg or has a maximum operational passenger seat configuration of more than 9 seats. |

## 1.3 References

### Advisory material

Advisory Circulars are available at <https://www.casa.gov.au/rules-and-regulations/standard-page/advisory-circulars>.

Civil Aviation Advisory Publications are available at <https://www.casa.gov.au/rules-and-regulations/standard-page/civil-aviation-advisory-publications>

**Note:** It is CASA's intent to review all CAAPs covering subject matter that pertains to CASR Parts 91/119/121/133/135/138 during 2019 and re-issue these documents as updated AMC/GM or AC.

| Document      | Title  |
|---------------|--|
| CAAP SMS-3(1) | Non-Technical Skills Training and Assessment for Regular Public Transport Operations |

## 2 Foreword

This document is draft guidance and if a discrepancy exists between the regulations and this document the regulations must be followed.

This document has been developed for consultation to provide indicative advice to the Australian aviation industry and other CASA external and internal stakeholders so that educated assessments about the effect of the proposed Part 119 of CASR regulations can be made.

This document does not yet provide all the final content that will be required by industry and CASA to implement the proposed Part 119 of CASR regulations.

Not all references in this document are accurate due to the multiple public consultations occurring in close succession for Part 121 of CASR, Part 133 of CASR and Part 135 of CASR.

While suggestions for improvement to this document are welcomed as part of this consultation on Part 119 of CASR, further public consultation is possible in late 2019 after the regulations are settled and CASA further develops this document.

### 3 Subpart 119.A—General

#### **GM 119.005 What Part 119 is about**

Part 119 of the CASR prescribes requirements relating to the certification and management of Australian air transport operators and the Australian air transport operations they conduct.

#### **GM 119.010 Definition of *Australian air transport operation***

This regulation defines "Australian air transport operation".

This term is a critical one as regulation 119.060 requires a person conducting an Australian air transport operation to hold an Australian air transport AOC that authorises Australian air transport operations. In turn, an Australian air transport operator is defined as a person who holds an Australian air transport air operators certificate (AOC).

This regulation lists the different types of operations that constitute an Australian air transport operation. A reading of the regulation reveals that Australian air transport operations can be undertaken using either Australian registered aeroplanes or rotorcraft OR foreign registered aeroplanes or rotorcraft. However, it should be noted that regulation 119.325 imposes a maximum period of use of a foreign registered aircraft in Australian territory.

There is provision within this regulation for a future Part 119 Manual of Standards (MOS) to prescribe additional kinds of operations as Australian air transport operations if necessary. However, CASA has not identified a current necessity to utilise this provision.

An "air transport operation" is a passenger transport operation, cargo transport operation or medical transport operation that is conducted for hire or reward or prescribed by a legislative instrument. An aerial work operation is not an air transport operation.

Importantly, while the use by a foreign operator of a foreign registered aircraft can be an Australian air transport operation, this provision is tightly defined to only certain types of operations, such as ones solely within Australian territory (not including a stop to refuel on the way in or out of Australian territory) or conducted under certain sections of the Civil Aviation Act (s25 and s27A).

Foreign air transport operations - those conducted in and out of Australia by foreign operators - are regulated under CASR Part 129 of CASR which has been in force for a number of years.



### **GM 119.015 Definitions of Australian air transport AOC and Australian air transport operator**

No further explanation beyond the regulatory wording necessary.

### **GM 119.020 Definition of *key personnel* for Part 119**

This definition links certain personnel in an Australian air transport operator's organisation who are described in Part 119 of CASR (other key personnel for the Act may be described in other regulations - such as the head of airworthiness and maintenance) to the definition of key personnel under subsection 28(3) of the Act. Subsection 28(1)(b)(iv) of the Act requires key personnel to have "appropriate experience in air operations to conduct or carry out the AOC operations safely". This experience is further described in later Part 119 regulations.

Part 119 of CASR requires an Australian air transport operator to have in place the following key personnel:

- Chief Executive Officer (CEO)
- Head of Flying Operations (HOFO)
- Head of Training and Checking (HOTC)
- Safety Manager (SM).

Subsection 29(3) of the Act specifically permits variations or different titles provided that the position (however named) meets the requirements specified in the regulations.

### **GM 119.025 Definition of *significant change* for Part 119**

The concept of significant change means the matters for which an operator will have to:

- seek approval from CASA before changing
- supply documented changes to their exposition to CASA as part of their change approval process
- act in accordance with their own change management process as defined in their exposition and the requirements of Subpart 119.C of CASR 1998.

Refer to Appendix A for detail on matters to be considered significant changes.

### **GM 119.030 Definitions for Part 119**

No further explanation beyond the regulatory wording necessary.

### **GM 119.035 Approvals by CASA for Part 119**

Subpart 11.BA of CASR outlines regulatory requirements for the granting of authorisations. The provisions within CASR Part 119 that reference the granting of an approval are subject to these CASR Part 11 requirements.

Regulation 11.055 outlines the criteria which must be met if CASA is to grant an authorisation (ie. Part 119 of CASR approval). For the purposes of Part 119 of CASR, the

subregulations 11.055(1A) and 11.055(1B) are worth noting as they have four points in common but the fifth sets a slightly different safety standard that must be met.

All Part 119 of CASR approvals, except those contained within paragraphs 119.145(3)(a) and 119.155(3)(a), are subject to the criteria specified under subregulation 11.055(1A) whereby CASA must approve an application for a matter if the following are met:

- a. the person meets the criteria specified in these Regulations for the grant of the authorisation
- b. any other requirements in relation to the person that are specified in these Regulations for the grant of the authorisation are met
- c. any other requirements in relation to the thing in respect of which the application is made that are specified in these Regulations for the grant of the authorisation are met
- d. these Regulations do not forbid CASA granting the authorisation in the particular case
- e. granting the authorisation would not be likely to have an adverse effect on the safety of air navigation.

The approvals contained within paragraphs 119.145(3)(a) and 119.155(3)(a) must meet the requirements at subregulation 11.055(1B). These requirements are (a) to (d) outlined above but (e) above is replaced by the following:

- a. granting the authorisation will preserve a level of aviation safety that is at least acceptable.

#### **GM 119.040 Prescribed purpose—Australian air transport operations**

This regulation provides the head of power for Part 119 of CASR from the Act for CASA to require an operator who conducts air transport operations to have an AOC.

#### **GM 119.045 Prescribed position for certain operators—safety manager**

For small, non-complex operators, CASA, in a similar fashion to that applied for CASR Part 142, is unlikely to require that a safety manager would need to be fill the role in a full-time capacity. Provided that the regulatory experience requirements are satisfied, and the regulatory responsibilities can be carried out, options for the filling the role of Safety Manager include (but are not limited to) the following:

- experienced line pilot
- a part time staff member
- a contractor.

Making use of a contracted safety manager, or a safety management company can result in an improved level of safety management, due to the experience they provide.

Regardless of the person or organisation filling the role of Safety Manager, it is important that the operator and the person have an understanding on the responsibilities entailed with holding the position.

It is a condition of an operators AOC that the Safety Manager and the organisation CEO are not the same person, except for a limited time in extenuating circumstances. Refer to regulation 119.090.

**GM 119.050 Required material for reference library**

Paragraph 28BH(2)(b) of the Act requires AOC holders to have a reference library. This regulation provides more detail on the specific requirements for a reference library.

**GM 119.055 Issue of Manual of Standards for Part 119**

This provision provides the authority for CASA to issue a Part 119 MOS if necessary. If CASA was to produce a Part 119 MOS in the future, CASA would be required to appropriately consult on the content of that legislative instrument in accordance with the provisions of Part 11 of CASR and other Commonwealth legislative requirements.

**GM 119.060 Australian air transport AOC required**

This regulation specifies that a person conducting an Australian air transport operation must hold an Australian air transport AOC that authorises the specific type of Australian air transport operation.

For example, an operator authorised under their AOC to conduct cargo transport operations cannot just begin passenger transport operations without prior approval of CASA.

The 'person' referred to in the regulation that potentially commits an offence includes:

- a corporation (any corporate entity)
- a natural person (human being)
- a director
- an employee
- a pilot
- a contractor
- an employee of a contractor.

**GM 119.065 Compliance with Australian air transport AOCs**

No further explanation beyond the regulatory wording necessary.

**GM 119.070 Compliance with conditions of Australian air transport AOCs**

Creates an offence if conditions of the AOC are not followed. Regulation 119.090 outlines the conditions of an Australian air transport AOC.

## 4 Subpart 119.B—Australian air transport AOCs

### **GM 119.075 Application**

This regulation is self-explanatory however applicants should be aware of their responsibilities under s27AB and s27AC of the Act. Applicants are advised to work with their local CASA office during the application process. CASA produce several documents to guide and assist an application through the application process.

### **GM 119.080 Conditions for issue**

This regulation outlines matters that are additional to the requirements of s28 of the Act about which CASA must be satisfied to issue an AOC.

### **GM 119.085 Approval of exposition**

No further explanation beyond the regulatory wording necessary.

### **GM 119.090 Conditions of an Australian air transport AOC**

This regulation specifies general conditions on an Australian air transport AOC.

Notably, this regulation constrains the ability for operators to have the safety manager be the same person as either the CEO or the Head of Flying Operations. There is no limitation specific regulatory limitation on the Head of Training and Checking and the Safety Manager being the same person however this guidance elaborates below.

The regulation provides for the issuance of an approval positions to be combined in unforeseen circumstances and provides for the ability for CASA to issue an approval for the HOFO and Safety Manager to be the same person. It is more likely for this approval to be considered for small / non-complex operators.

As described elsewhere in this guidance material, there is no restriction on the safety manager being either a part time employee, a contracted employee or an employee also employed in another line role (noting the limitations on the doubling up on key personnel positions).

As outlined in GM 119.120, the safety manager is normally delegated day to day responsibility for the functioning of the SMS, as distinct from the safe functioning of the operation. It is fundamental to the safety management system concept that the safety manager provide a level of independence that can provide advice to the CEO and other key personnel on safety management matters. This purpose may be compromised if the organisation relies entirely on a contracted employee or contracted company that only infrequently visits the operator they are supporting. In these cases, it may be more appropriate for the operator to appoint an appropriate employee that satisfies the regulatory experience requirements as the safety manager and utilise contractors for specialised activities such as audits or investigations.

However, the size, scale and complexity of the operator and/or the operations being conducted will influence the appropriateness of part-time or contractor options. In all cases,

the underlying purpose is to achieve a sufficient level of assurance that the safety manager's responsibilities will be adequately fulfilled.

Where the two roles of head of flying operations and safety manager are combined in a single person, aspects of the management and functioning of the SMS may create a conflict of interest. Additionally, in smaller and less complex operations, the head of training and checking may already have been combined with the head of flying operations. If this was the case, a single person could potentially be fulfilling the responsibilities of three key personnel roles.

As an example of where they may be a conflict of interest, if the head of flying operations and the safety manager were the same person and an audit or investigation outlined that the operational procedures were deficient, this circumstance has the potential for a conflict of interest. Where such circumstances occur, it may be appropriate for some operators (depending on size and complexity) to have an independent competent person review the investigation and recommendations. Another possibility would be for the operator to utilise an independent party, either directly employed or providing a contracted service, to conduct specialist activities such as audits or investigations.

## 5 Subpart 119.C—Changes relating to Australian air transport operators

### **GM 119.095 Changes of name etc.**

For this subregulation, a change of name can be considered a significant change and be managed through an operator's standard change process.

### **GM 119.100 Application for approval of significant changes**

This regulation is self-explanatory however applicants are advised to work with their local CASA office during the AOC application process. CASA produce several documents to guide and assist an AOC application.

Operators must clearly identify the change in their exposition. Simply sending a new copy of the exposition to CASA that does not clearly identify the change is not acceptable.

It would be expected that in most cases the following documents would be sent to CASA when a change was sought:

- a marked up version of the present exposition page(s) showing the proposed change clearly
- proposed replacement pages that show the new text without the old text present but with change bars
- a copy of the amendment page for the document with notes explaining the changes.

Provision of these documents in electronic form would assist in timely approval of the change.

Within the timeframe that is specified in the change management section of the operator's exposition after CASA approval of the change, the:

- operator would provide CASA with a new electronic copy of the entire document (exposition or subset document such as operations manual)
- changes would marked by change bars
- document would contain the amendments marked in the amendment page
- document would advance to the next version number in accordance with the procedure specified in the change management section of the operator's exposition.

### **GM 119.105 Approval of significant changes**

It should be noted that where CASA approves a significant change, this approval includes approval of the exposition changes proposed by the operator's application.

### **GM 119.110 Process for making changes**

Regulation 119.275 prescribes items that must be included in an operator's exposition. One item that must be included is the process an operator will follow when making significant and

insignificant changes. CASA recognises that the size and complexity of organisations varies greatly and therefore requires only that an exposition describes the process.

To ensure that an operator gives sufficient consideration to the risk of change, Part 119 of CASR allows an operator to develop their own change management strategy which is detailed in the exposition.

Any change to operations must be made in accordance with the change process approved by CASA in their exposition.

**GM 119.115 CASA directions relating to exposition or key personnel**

This regulation appears duplicative to the provisions of CASR Part 11 relating to directions generally however it provides additional regulatory protection for the operator by specifically requiring CASA to state in the notice of direction a time within which the direction must be complied with.

## 6 Subpart 119.D—Organisation and personnel

### GM 119.120 Organisation and personnel

This part of the CASR prescribes matters only relevant to flight operations conducted under an Australian air transport AOC. If an organisation is additionally a Part 141 of CASR or Part 142 of CASR training organisation, then other key personnel may be required. Similarly, if the operator is a Part 145 of CASR approved maintenance organisation, key personnel relating to maintenance activities are required.

Where a combination of Parts of the CASR require the appointment of the same position, an operator should ensure the responsibilities and accountabilities documented in the exposition address the requirements of all relevant parts.

Well in advance of the commencement of Part 119 of CASR, CASA will develop further guidance material addressing how the key personnel under different CASR Parts may, or may not, meet the requirements across multiple CASR Parts.

Regulation 119.120 (1) requires the operator to ensure there are sufficient numbers of personnel employed by the company (being either directly employed or contracted third party staff), to ensure all operations are able to be carried out safely and in accordance with the operator's exposition in order to:

- carry out operational tasks safely; and
- ensure only suitably experienced and qualified personnel are employed to carry out these tasks, in order to guarantee all proposed services are undertaken with appropriate thought given to maintaining safety considering the complexities of the task at hand.

Depending on the size and complexity of the operations, in order to carry out these proposed services, the operators' exposition should outline the requirement to employ contracted staff in order to maintain sufficient numbers of personnel at all times. The operators' exposition should also outline:

- the method by which additional staff (including contracted third party) staff are employed; and
- the steps taken to ensure any additional staff are suitably experienced, qualified and able to perform the task required.

The operator should document, as part of their exposition, the process by which it undertakes to regularly review and address the numbers of qualified personnel and decide whether additional staff are required to maintain safe operations. This is critical in operations that are rapidly expanding.

An example of indicators by which these decisions may be considered could include expansion of services or staff turnover.



### Specific guidance related to SMS

Noting that the requirement for an SMS appropriately scaled to the size and complexity of the operator is new for charter operators, the following paragraphs provide guidance on organisational and structural matters related to having an SMS.

The roles, responsibilities and accountabilities of the key personnel outlined on the organisational chart should be clearly articulated with respect to the SMS. The safety manager should be directly responsible to the CEO, who is ultimately accountable under regulation 119.140 for the safety of the operation and for the SMS. When formalising the organisation structure, it is important to consider that the safety manager needs direct access to the CEO.

As the manager normally delegated day to day responsibility for the functioning of the SMS [as distinct from the safe functioning of the operation], the safety manager needs to work closely with the senior management team to meet the objectives of the SMS.

All management and supervisory positions including the safety manager would be expected to show leadership and have included in their responsibilities/ accountabilities a requirement to:

- actively support and promote the SMS
- ensure that they and their staff comply with the SMS processes and procedures
- ensure resources are made available to achieve the outcomes of the SMS
- continually monitor their area of responsibility, as outlined in the SMS Manual.

Managers should ensure that sufficient resources are made available to achieve the outcomes of the SMS. To achieve this, managers should:

- ensure due processes and procedures needed for safe operations are in place
- ensure sufficient resources are in place to support the SMS
- continually monitor their areas of responsibility, as outlined in the SMS manual.

Depending on the size, nature and complexity of operations, additional safety responsibilities may be explicitly defined for other senior managers. For example:

- General Manager/Chief Operating Officer;
- Head of Ground Services;
- Head of Cabin Safety;
- Head of Operations;
- Head of Operations for a particular aircraft type in the fleet; and/or
- Head of Customer Services.

### **GM 119.125 Key personnel cannot carry out responsibilities**

This regulation specifies a requirement for an operator to advise CASA of the absence of any key personnel beyond a certain time period. The time period differs depending on whether or not another person is already authorised to act in the absent key personnel position. Absences of key personnel may compromise the ability of the operator to ensure safe operations.

An operator must advise CASA of any extended period of absence of any key personnel. Operators should be aware that a 35-day period begins from the first day of absence. In the situation where an operator becomes aware of an extended absence mid-way through the 35-day period, the original start day applies.

The requirement to advise CASA applies to foreseen (planned holiday or absences) and unforeseen (sickness or injury) circumstances.

#### No deputy to the position already approved

If there is no deputy to the position approved in the operation's exposition that is authorised to carry out the key personnel functions for all or part of the period of absence the operator is required to advise CASA within 24 hours of the absence from the time the operator becomes aware that the key person will be absent. For example, if the holder of a key personnel position was proceeding on leave then the operator is to advise CASA within 24 hours of the leave being granted.

### **GM 119.130 Familiarisation training for key personnel**

An Australian air transport operator must ensure that before a person appointed as any of the operator's key personnel begins to carry out the responsibilities of the position, the person has completed any training that is necessary to familiarise the person with the responsibilities.

This regulation underlines the importance of having a person approved to act in key personnel positions to ensure operational continuity and compliance with the regulations. Having a person approved to act in a position prescribed as key personnel means that if the original person must be replaced, the approved acting person can be appointed permanently under simplified processes. If a totally new person is to be appointed, the person approved to act in a key personnel position can act until the permanently appointed person is made familiar with the responsibilities of the role, followed by an orderly transition.

### **GM 119.135 Chief executive officer—experience**

The standards and culture of an organisation are developed by its key personnel, so it is important that the CEO have sufficient relevant experience. Sufficient relevant experience depends on the size and complexity of the organisation.

In smaller and less complex operations, the CEO is often close to the flight operations of the organisation. In some circumstances, any combination of the roles of CEO, HOFO and HOTC will be filled by the same individual. It would therefore be entirely necessary for the person to have a considerable amount of relevant aviation experience.

In large organisations, the CEO is often further placed from the flight operations of the organisation. It would therefore not be necessary for the CEO to have the same high amount of relevant aviation experience.

Specific provision is made for the issuance of an approval for unusual combinations of CEO experience that may warrant special consideration. In all cases the requirements of subsection 28(1)(b)(iv) of the Act must be satisfied.

### **GM 119.140 Chief executive officer—responsibilities and accountabilities**

The CEO of an Australian air transport operator has the overall responsibility and accountability for the direction and continued operation of an Australian air transport operator. The responsibilities and accountabilities prescribed by this regulation denote that the accountability and responsibility ultimately rests with the CEO but do not indicate that the CEO must perform each of these functions personally.

The safe conduct of an aviation operation depends in large part upon the experience and competence of its personnel. Part 119 regulated personnel qualifications and licences form a framework for measurement of experience and competence, but Part 119 does not regulate all personnel who may have an impact upon safety, nor all skills and experience required to conduct safe operations. While Part 119 and other CASR Parts set some minimum requirements, the CEO must ensure that all employees, whatever their roles, are suitably trained and authorised for the tasks they perform.

The appropriate management structure for safe conduct of an operator's authorised air transport operations will vary enormously across the scope of the air transport industry. What is appropriate for a small air transport operation conducting on-demand unscheduled operations would be inappropriate for an operation conducting scheduled transcontinental or international services. The management structure may also be affected by factors outside the scope of this regulation such as whether the operator conducts 'low cost' or 'full service' operations. However, some management structure principles are common across the breadth of the air transport sector:

- Head of flying operations typically are a direct report to the CEO.
- The CEO is not permitted to also fill the role of Safety Manager (unless permitted by regulation 119.090 of the CASR).
- Head of Training and checking would normally report directly to the Head of Flying Operations.
- Safety manager should report directly to the CEO or be provided with the clear ability to directly access the CEO on safety matters.

Part 119 requires the CEO to ensure that the right mix of people with the right skill sets and backgrounds are available at all times for the operator to safely conduct the operator's authorised air transport operations. Subparagraph 119.140(1)(a)(i) goes beyond regulations

that exist in Part 61, Part 64 and Part 66 which licence personnel and require competence and experience on strictly technical matters.

Many of the responsibilities of the CEO can be delegated however the CEO retains responsibility for the matters. The size and complexity of the organisation will determine which of the operator obligations will be delegated and which will be managed by the CEO.

**GM 119.145 Head of flying operations—qualifications and experience**

Similarly to the CEO, the Head of Flying Operations must hold an amount of experience commensurate to the size and complexity of the organisation. In smaller and less complex operations, the HOFO is often close to the flight operations of the organisation. In some circumstances, any combination of the roles of CEO, HOFO and HOTC will be filled by the same individual. It would therefore be entirely necessary for the person to have a considerable amount of relevant aviation experience.

In large organisations, the HOFO is often further placed from the flight operations of the organisation. It would therefore not be necessary for the HOFO to have the same high amount of relevant aviation experience.

In addition, the HOFO is required to have a certain type of aviation qualification. The HOFO must hold a commercial pilot license (where operations are single-pilot operations only) or air transport pilot license for all other operations.

The HOFO is required to possess an amount of operational experience commensurate to the size and complexity of the operator. The HOFO must have a minimum of 500 hours experience on an aeroplane or rotorcraft used to conduct a significant proportion of the operator's Australian air transport operations and at least 6 months experience in the conduct or management of air operations. As the size and complexity of an operator increases, additional experience will be necessary as per AMC 119.145(1)(a) below.

**AMC 119.145(3)(a) Head of flying operations experience**

This table indicates experience levels acceptable to CASA for a head of flying operations for various operations.

| Operator fleet Type  | Number in Fleet      | Minimum total flight time on relevant kind of aircraft   | Experience in commercial operations |
|--|----------------------|--|-------------------------------------|
| Single engine only   | 1 aircraft           | 500 hours  | 6 months                            |
| Single engine only   | More than 1 aircraft | 500 hours  | 9 months                            |
| Multi-engine   | 1 aircraft           | 500 hours including 50 hours in command of multi-engine aircraft   | 9 months                            |
| Multi-engine   | More than 1 aircraft | 1 000 hours including 200 hours in command of multi-engine aircraft  | 12 months                           |
| Multi-engine aircraft for which 2 or more flight crew are required | Any number           | 2 000 hours including 400 hours in command of multi-engine aircraft for which 2 or more flight crew are required | 2 years                             |

**GM 119.150 Head of flying operations—responsibilities**

All key personnel positions required by Part 119 have regulated responsibilities. Regulations relating to key personnel responsibilities are not offences and therefore do not carry a penalty. However, key personnel compliance with regulations relating to their responsibilities are conditions on the operator’s AOC.

The Head of flying operations of an Australian air transport operator has the overall responsibility for the flying operations of an Australian air transport operator. The responsibilities detailed in 119.150 denote/specify that the responsibility ultimately rests with the HOFO but do not indicate that the HOFO must perform each of these functions personally.

In a small operation with a steep gradient of experience and expertise it would be expected that the HOFO would be involved in much of the detail of the regulated 119.150 responsibilities. However, in a large operation with a consequent larger number of senior staff, the operator’s commercial and safety interests may be better served by the delegation of tasks associated with these regulated 119.150 responsibilities.

Delegation of the tasks associated with regulated 119.150 responsibilities in no way absolves the HOFO from the ultimate accountability and responsibility imposed by 119.150.

Para 119.150(2)(b) – flight crew to be provided with information and documentation

It is the responsibility of the head of flying operations to ensure that operations personnel are provided with the information and documentation necessary to properly carry out their responsibilities.

This regulation covers all information required including:

- aircraft operational documentation and data including the Aircraft Flight Manual;
- meteorological information for operational needs;
- airways documentation;
- flight planning information;
- airport documentation; and
- documentation required for international operations (if any).

This responsibility includes the necessary required infrastructure (including computers, telecommunications etc.) to obtain the information/data and for it to be updated.

Para 119.150(2)(c) – proper allocation and deployment of aircraft

It is the responsibility of the HOFO to ensure the proper allocation and deployment of aeroplanes, rotorcraft and personnel for use in operations authorised by the AOC.

There are two facets to this regulation:

- Scheduled route planning:
  - Can the aircraft chosen to serve this route do so safely in a sufficient proportion of circumstances for the service to be viable?
  - Are the crew who will serve this route sufficiently qualified and experienced to safely serve this route?
- Unscheduled route planning (includes on-demand air transport or where a planned service is substituted with less capable aircraft or crew):
  - Can the aircraft chosen to serve this route do so safely today in all likely circumstances and the service be viable?
  - Are the crew who will serve this route sufficiently qualified and experienced to serve this route and can do so safely today in all likely circumstances and the service be viable?

Insufficient crew or aircraft capability for the task can lead to compromises to safety or operational reliability or both.

Matters that should be considered in relation to aircraft include:

- Is aircraft appropriate to task?
- Is aircraft serviceable?
- Does aircraft have sufficient hours available until next service?
- Is the operator able to handle the possibility of this aircraft becoming unserviceable away from base?
- Are adequate facilities available for this aircraft at the destination?

Matters that should be considered in relation to crew include:

- Are crew qualified?
- Are crew medically fit?
- Are crew recent?

- Are crew rested and will human fatigue management requirements be able to be met to the extent of the operation?
- Are adequate facilities available for the crew at the destination?

Para 119.150(2)(d) – ensuring compliance with flight crew reference library requirements

Section 28BH of the Act pertains to an operator's obligation to have a reference library and regulation 119.150 specifies additional requirements.

The holder of an AOC must maintain a reference library within the organisation, the contents of which must be readily available to all members of the operator's flight crew. The requirement essentially places responsibility on the HOFO to ensure the operators exposition is available to personnel and that documents required by operations are available. Such documents include the AIP. This responsibility includes the necessary required infrastructure (including computers, telecommunications etc.) to obtain the information/data and for it to be updated.

The operator must provide and maintain:

- at each operating base where the operator maintains flight crew rostering staff — an operations library of maps, charts, flight guides and other documents required for carriage in flight or for reference or planning purposes;
- a reference library of operational documents which is readily available to all operating crew and staff and which includes:
  - operations manuals;
  - training and checking manuals;
  - dangerous goods manuals;
  - a Maintenance Manual for each aircraft type that is operated and maintained by the operator;
  - a copy of the Act, the Civil Aviation Regulations 1988, the Civil Aviation; and
  - Civil Aviation Safety Regulations 1998 and those Parts of the Civil Aviation Orders that apply to operator's operations.

The documentation must be kept in an orderly fashion and be regularly updated.

The operator must distribute updated operational material to flight crews and other operating staff as appropriate and must maintain records of that distribution.

Section 28BH of the Act makes it an operator's responsibility to also provide cabin crew with required documentation. Part 119 does not place that responsibility with the HOFO and the CEO may delegate responsibility for that task wherever they see fit.

**GM 119.155 Head of training and checking—qualifications and experience**

The Head of Training and Checking must hold an amount of experience commensurate to the size and complexity of the organisation. In smaller and less complex operations, the HOTC is often close to the flight operations of the organisation. In some circumstances, any combination of the roles of CEO, HOFO and HOTC will be filled by the same individual. It would therefore be entirely necessary for the person to have a considerable amount of relevant aviation experience.



In large organisations, the HOTC is often further placed from the flight operations of the organisation. It would therefore not be necessary for the HOFO to have the same high amount of relevant aviation experience.

In addition, the HOTC is required to have a certain type of aviation qualification. The HOTC must hold a commercial pilot license (where operations are single-pilot operations only) or air transport pilot license for all other operations.

The HOTC is required to possess an amount of operational experience commensurate to the size and complexity of the operator. The HOTC must have a minimum of 500 hours experience on an aeroplane or rotorcraft that conducts a significant proportion of the operations and at least 6 months experience in the conduct or management of air operations (or for the 6 month requirement, foreign experience in an organisation authorised under the foreign equivalent to an AOC).

This number of hours is the minimum that would be acceptable for a non-complex operation, in all other cases the Australian air transport operator would require a higher level of experience that would be outlined in their exposition. CASA retains the ability to direct a higher number of hours under regulation 119.175.

The operator may apply to CASA for this number of hours to be reduced. CASA is unlikely to provide relief for both the hours requirement AND the management experience (time) requirement. CASA would not normally approve personnel who do not meet the baseline minimum for one of these requirements and who do not have substantial experience (above the baseline) in the other requirement. CASA would not normally approve personnel who do not meet both baseline requirements for complex or large operations.

#### **GM 119.160 Head of training and checking—responsibilities**

The responsibilities of the Head of Training and Checking of an Australian air transport operator align very closely with some responsibilities of the operator's CEO. As such, the HOTC will be required to regularly report to the CEO regarding the operator's compliance with training and checking matters. The HOTC must ensure that the operator training and checking system meets requirements and is effective.

#### **GM 119.165 Safety manager—experience**

There is no requirement for the Safety Manager to be employed on a full-time basis. Options for the filling of the role of Safety Manager include crew, a part time staff member, a contractor or a consultant company.

Ideally, but not necessarily in smaller or non-complex organisations, the safety manager should possess operational experience (conduct or management of air operations) and an adequate technical background to understand the systems that support company operations. The depth of these skills and knowledge required will likely depend on the size of the operator.

It is unlikely that operational skills alone would be sufficient to adequately understand the responsibilities of the position. The safety manager should have a sound understanding of



safety management principles, acquired through a mix of both formal training and practical experience.

Conditions on an operator AOC require the Safety Manager to be a person other than the CEO or HOFO (for HOFO – unless a specific approval is held, see GM 119.090 for guidance on the potential management of conflicts of interest if a HOFO, or a HOTC, and safety manager are the same person).

A safety manager must simply meet the experience requirements shown below:

- sufficient relevant experience in carrying out, or managing other persons in carrying out, air operations
- sufficient relevant safety management experience to capably lead, manage and set standards to enable the operator to safely implement its safety management system in accordance with its exposition
- a satisfactory record in the conduct or management of air operations
- sufficient safety and regulatory knowledge to enable the operator to conduct the operator's Australian air transport operations safely and in accordance with its exposition and the civil aviation legislation.

#### **119.170 Safety manager—responsibilities**

The responsibilities of the Safety Manager of an Australian air transport operator align very closely with some responsibilities of the operator's CEO. As such, the Safety Manager will be required to regularly report to the CEO regarding the operator's compliance with safety management matters. The Safety Manager must ensure that the operator safety management system meets requirements and is effective.

CASA provides several resources to assist an operator, and in particular the Safety Manager, in building and running an effective safety management system. Information can be found on the CASA website at [www.casa.gov.au/safety-management/landing-page/safety-management-systems](http://www.casa.gov.au/safety-management/landing-page/safety-management-systems).

The safety manager should answer directly to the CEO, with reporting lines to senior management as appropriate. The reasons for this are twofold. Firstly, this should allow the safety manager to be independent from operational areas, thus giving them the authority to look across the company from the safety perspective. Secondly, as the CEO is the person legally accountable for the overall safety performance of the operation (as outlined by regulation 119.140), it is appropriate that the safety manager, as the manager responsible for the oversight of these safety responsibilities, report directly to the CEO.

The safety manager should be known within the company as the central person tasked to develop and mature the Safety Management System (SMS). This should be done through engagement with the operator's management (all levels), and operational staff.

The safety manager will be held responsible for accomplishing tasks and functions of the SMS, with the roles and responsibilities of the safety manager specified in the SMS Manual. Depending on the size of the operator, the safety manager should have staff to assist in the

role, and where possible, the safety manager should also be assisted by safety representatives from each department or functional area.

The safety manager is responsible for the development and maintenance of the SMS, monitoring all cross functional or departmental SMS activities to ensure relevant integration. The safety manager is not however the sole person responsible for safety. Specific safety activities, and functional or operational safety performance outcomes, should be the responsibility of the relevant operational or functional managers. Senior management should not hold the safety manager accountable for line management responsibilities but refer to the relevant responsible manager.

The CEO is responsible for organisational structure to ensure adequate communication of safety objectives is disseminated throughout the organisation

**GM 119.175 Key personnel—additional qualification and experience requirements**

The regulation enables CASA to direct an Australian air transport operator (or prospective operator) that additional qualifications or experience requirements are required for a prescribed key personnel position.

Because of the variation of scope of operator complexity across the breadth of Australian air transport operators, only baseline key personnel experience and qualification requirements have been placed in the regulations. For operators of above baseline size or complexity, additional key personnel experience and qualifications will be required for the operator to be capable of conducting safe operations in accordance with its exposition and for CASA to approve an exposition.

## 7 Subpart 119.E—Training and checking for operational safety-critical personnel

### 7.1 Division 119.E.1—General

#### **GM 119.180 Training and checking system**

The training and checking requirements for Australian air transport operators vary according to the size and complexity of the organisation.

Key points:

- All organisations must have a training and checking system for flight crew (refer regulation 119.185 of the CASR)
- Part 121 of CASR operators (this includes Part 121.Z) and Part 133 operators of larger rotorcraft (see the regulation) must have a training and checking system for other operational safety-critical personnel (refer regulation 119.190 of the CASR)
- Operators conducting medical transport operations must have training and checking system for other safety-critical personnel (refer regulation 119.190 of the CASR)
- CASA has an ability to prescribe in a future Part 119 Manual of Standards other kinds of operations that may be required to comply with regulation 119.190.

It is not a requirement that an operator conduct its own training and checking activities except for checking activities for operators of aircraft with a maximum operational passenger seating capacity greater than 30 seats.

Training and checking activities may be conducted in house or may be conducted by contract with a third party. When making use of a third party, operators should remember that they are responsible for ensuring the training meets their requirements.

Australian air transport operators cannot utilise their training and checking system for other air transport operators unless their AOC also authorises Part 142 of CASR activities (see regulation 142.015 for a definition of a “Part 142 activity”).

A training and checking system does not need to reflect the entire complexity of a training and checking system currently prescribed by CAR 217 and explained in CAAP 217-1(0). An operator may, or may not, elect to utilise the provisions of Part 61 of CASR that allow for an operator training and checking system to be granted a 61.040 to enable an alternate means of achieving the competencies reflected by the Part 61 of CASR construct of flight reviews, instrument proficiency checks and operator proficiency checks. Equally, an operator may elect to outline in their training and checking manual how they will comply with the requirements of both Part 61 of CASR, Part 119 of CASR and the requirements of the applicable operational Part (121, 133 or 135).

Put simply, the pure existence of an operator training and checking system does not automatically enable the operator to gain a 61.040 approval and utilise those Part 61 of CASR provisions as an alternative to IPCs, OPCs etc.

### **GM 119.185 Training and checking system requirements for flight crew**

The purpose of this regulation is to advise operators on the components that must be described as part of a training and checking system. The intent of this regulation is not to advise operators what the content of each of those components should be. Training and checking requirements will vary from operator to operator; operations will be in accordance with either Part 121, 133 or 135 of the CASR and so contents of a training and checking system will vary.

For example, a training and checking system must have an auditable system for maintaining records of the results of training and checking of flight crew (refer to paragraph 119.185 (1) (b)). Such a system may consist of a simple spreadsheet or a detailed database, whichever is most suitable to the size and complexity of the organisation.

### **GM 119.190 Training and checking system requirements for certain operators for other operational safety-critical personnel**

The definition of operational safety-critical personnel is broad, but the intent is for operators to assure themselves that when a person interacts with their aircraft that this interaction will not result in a degradation of safety. It is recognised that not every air transport operator operates to major aerodromes around the world and that some of these aerodromes may be only infrequently visited. It may be therefore impractical for an operator to obtain the requisite level of assurance regarding the training and competence of, for example, the refuelling personnel at a remote aerodrome in many countries. The operator could elect to provide the required assurance level for safe operations by mandating in their exposition risk controls whereby operator personnel for whom it could assure itself of their competency provided direct supervision of operational safety-critical personnel.

Operational safety-critical personnel other than flight crew are personnel actually carrying out, or responsible for, safety-related work, including personnel carrying out roles that have direct contact with the physical operation of aircraft or have operational contact with personnel who operate the aircraft.

The requirement for an operator to have a training and checking system for operational safety-critical personnel is defined according to the size of operations. The system is required for the following operators:

- Part 121 of CASR operators and Part 133 of CASR operators of larger rotorcraft (see the regulation for definition of larger rotorcraft).
- Operators conducting medical transport operations.
- Operators conducting a kind of operation defined in a future Part 119 Manual of Standards. This provision has been reserved for the future and is not currently intended to be used. If CASA was to develop a Part 119 Manual of Standards, it would be required to publicly consult in accordance with the requirements of CASR Part 11 and other Commonwealth legislation.

### **GM 119.195 Operator to conduct checking for flight crew of certain aircraft**

Operators may not engage a Part 142 of CASR operator to conduct checking relating to:

- an aeroplane that is used for passenger transport operations and has a maximum certificated passenger seating capacity of more than 30 seats; or
- an aeroplane that is used for cargo transport operations and has a maximum carrying capacity of at least 3 410 kg.

**Note:** This limitation applies only to checking of flight crew and not to training of flight crew. This limitation does not apply to checking or training of cabin crew or any staff other than flight crew.

This limitation does not apply to checking related to emergency training for procedures not directly related to operation of the aircraft such as helicopter underwater escape training (HUET) or fire extinguisher training.

For flight checking on these aircraft the operator must only use individuals 'employed' by the operator to conduct the checking. The word 'employed' in this context covers staff that are on personal contracts but does not cover persons that are employees of contracted organisations.

## **7.2 Division 119.E.2—Training and assessment in human factors principles and non-technical skills**

### **GM 119.200 Program for training and assessment in human factors principles and non-technical skills**

All Australian air transport operators must have a program for training in Human Factors principles and Non-Technical Skills (HF/NTS). In the same way that an SMS and a training and checking system are scalable according to the size and complexity of the organisation, the HF/NTS training is scalable.

The human contribution to accidents in high-risk operations such as aviation is readily apparent. Safety investigations have repeatedly confirmed that human factors contribute in some way to at least 80 per cent of aviation incidents and accidents. It has become self-evident that managers and operators within aviation must better understand and enhance the human dimension of their operations.

For individuals and teams to perform effectively in safety-critical environments, they must be proficient in both technical skills (such as manipulation of aircraft controls, arming aircraft doors, marshalling, loading baggage, refuelling) and non-technical skills (such as communication, making decisions, maintaining situation awareness and managing stress). Non-technical skills are sometimes referred to as 'human factors'. However, the label 'human factors' can be confusing because it also refers to a scientific discipline that encompasses a range of subjects (e.g. crew station design, automation, nutrition) that are

much broader than the scope intended by this regulation. This regulation uses the term ‘non-technical skills’ to denote the mental, social and personal management abilities that contribute to safe and efficient operations.

Non-technical skills complement the technical skills of workers and contribute to reliable and effective performance in the complex work systems typical of the aviation industry. Well-developed technical expertise without non-technical skills such as good judgement, interpersonal competence and adequate self-control is likely to result in less than optimal performance. Numerous case studies across a variety of high-reliability industries have shown that deficiencies in non-technical skills increase the chance of error and, in turn, increase the chance of an adverse event in the work environment. According to this perspective, non-technical skills are as essential as technical occupational competencies in safeguarding operations from the various latent errors that exist in safety-critical industries. Therefore, non-technical skills should be included as a core component of any competency-based training system. It is expected that effective integration of non-technical skills training into the broad training system will provide improved training system efficiencies and performance outcomes.

Information on HF/NTS is currently available in CAAP SMS-3(1) and will be reviewed, updated and re-issued as an advisory circular in late 2019 or early 2020 (over 12 months in advance of the Part 119 of CASR proposed March 2021 commencement date).

**GM 119.205 Training in human factors principles and non-technical skills for flight crew, cabin crew and flight dispatchers**

Requires flight crew members, cabin crew members, air crew members, medical transport specialists and flight dispatchers to complete HF/NTS training before carrying out a duty of the person’s position.

The duties envisaged by this regulation are those related to the definition of operational safety-critical personnel, ie) safety-related work that involves direct contact with the physical operation of aeroplanes or rotorcraft used in the operator’s Australian air transport operations or operational contact with personnel who operate aeroplanes or rotorcraft used in the operator’s Australian air transport operations.

**GM 119.210 Training in human factors principles and non-technical skills for other operational safety-critical personnel**

The intent of this regulation is to ensure that personnel who may have an impact on the safety are appropriately trained to recognise errors and adapt to changing circumstances.

Personnel are required to take part in, and meet the standards of, an operators program within three months of commencing employment.

## 8 Subpart 119.F—Safety Management

### **GM 119.220 Safety management system requirements**

All Australian air transport operators must have a safety management system. In the same way that a training and checking system is scalable according to the size and complexity of the organisation, the SMS is scalable.

A large complex operator may have a detailed SMS, a large safety management team and a robust database. Smaller, less complex operators are not required to have the same resources dedicated to their SMS.

While the four foundations of an SMS are important to every system, operators have a certain amount of freedom in the construction of those four foundations. The foundations are the following:

- Safety policy and objectives
  - The safety policy details your safety reporting procedures, clearly defines 'unacceptable' behaviour and its management
- Safety risk management
  - Risks can be reported by any staff member using a simple reporting tool (perhaps even a simple spreadsheet). They are analysed by the Safety Manager (of a team member), and controls (if necessary) are put in place
- Safety assurance
  - Safety performance monitoring, management of changes to the organisation and improvements to the SMS
- Safety promotion
  - SMS training for staff, education on risks that have been identified and the controls put in place.

CASA has produced guidance for operators on the fundamentals of an SMS and their construction by way of the Safety Management System resource kit.

Of particular interest to smaller operators will be booklet 1 (Safety Management System Basics) and booklet 7 (SMS for small, non-complex organisations). Refer to the CASA website:

<http://www.casa.gov.au/safety-management/landing-page/safety-management-systems>

Operator of certain larger aircraft (aeroplanes with a MTOW > 27000 kg or rotorcraft with either of a MTOW > 7000 kg or a MOPSC > 9) are required to have a flight data analysis program (FDAP) as part of their SMS.

CAAP SMS-4(0) Guidance on the establishment of a Flight Data Analysis Program (FDAP) – Safety Management Systems (SMS) addresses this subject in detail and CASA will update this guidance document well in advance of the commencement of Part 119 of CASR.

**GM 119.225 Flight data analysis program—disclosure of source of operational flight data**

Provides specifically for CASA to direct an operator to disclose certain data in relation to the flight data analysis program, if necessary in the interests of aviation safety.



## **9 Subpart 119.G—Personnel fatigue management**

Not included in this public consultation of the regulations as fatigue management is the subject of a separate project.

This subpart will be reserved for future use similar to provisions in CASR Part 142 and other regulations.

## 10 Subpart 119.H—Expositions for Australian air transport operators

### **GM 119.275 Content of exposition**

An exposition is a document, or set of documents, which describe how your organisation will conduct its operations safely. It sets out—both for CASA and the personnel involved in your operation—how you intend to comply with all applicable legislative requirements and manage the safety of your operation.

If structured as a set of documents, your exposition might include a 'principal document' which contains all the information which is common for all your activities, manuals which relate to specific aspects of your activities and the various systems and procedures you will use when conducting your activities. For most existing operators, this method is likely to be the easiest because your existing manuals can form part of the exposition, often with only minor modifications required.

Your exposition would comprise both the principal document and the other manuals. If done this way, the principal document will need to reference the other manuals (or sections of your manuals) and state that they form part of the exposition.

Appendix B provides an overview of the format of the exposition, its contents and tools available to assist with its development.

### **GM 119.280 Compliance with exposition by operator**

No further explanation beyond the regulatory wording necessary.

### **GM 119.285 Providing personnel with exposition**

No further explanation beyond the regulatory wording necessary.

## 11 Subpart 119.J—Records and documents

### **GM 119.290 Personnel training and checking records—making records**

The intent of this regulation is simply to ensure an operators records are up to date and relevant.

### **GM 119.295 Personnel training and checking records—availability of records**

The intent of this regulation is to ensure transparency between employees and employers, present and future.

The time period outlined in this regulation matches that required by CASR Part 142.

### **GM 119.300 Copies of flight crew licenses and medical certificates**

No further explanation beyond the regulatory wording necessary.

### **GM 119.305 Retention periods for personnel records**

No further explanation beyond the regulatory wording necessary.

### **GM 119.315 Retention periods for other flight-related records**

No further explanation beyond the regulatory wording necessary.

## 12 Subpart 119.K—Miscellaneous offences

### **GM 119.320 Dealings in relation to suspended, cancelled, varied or refused civil aviation authorisations**

No further explanation beyond the regulatory wording necessary.

### **GM 119.325 Maximum period for use of foreign registered aircraft in Australian territory**

Leases and other commercial agreements in relation to foreign aircraft operations have the potential to lead to the situation where the country of aircraft registration will lose the ability to conduct adequate control and supervision, because operations are being conducted outside of its borders. This often means that airworthiness control becomes a problem for CASA in the absence of proper safety oversight arrangements between CASA and the country of registration.

For this reason, the operation of foreign registered aircraft in the Australian territory is limited to 90 days (or more if the Australian air transport operator has approval).

# Appendix A Definition of significant change

## A.1 Matters always considered significant changes

A significant change, for an Australian air transport operator, means a change in relation *to any of the following*:

- a. the location and operation of the operator's main operating bases, including the opening or closing of main operating bases.
  - i. Main operating base means a place where fulltime operational staff of the operator report for duty or contactors dedicated fulltime to service of the operator report for duty.
  - ii. Main operating base does not include:
    - A. places where an operator does not have operational staff even if staff regularly overnight at the location
    - B. where an operator has part-time staff to assist with aircraft handling or transit
    - C. where organisations or personnel are contracted onsite to assist on an ad hoc basis such as with unscheduled maintenance or breakdown of aircraft or equipment.
- b. the operator's key personnel:
  - i. changes to the persons filling the positions of:
    - A. chief executive officer
    - B. head of flying operations
    - C. head of training and checking
    - D. safety manager.
  - ii. changes to the qualifications, experience and responsibilities required by the operator for any of their key personnel:
    - A. Part 119 of CASR 1998 lists mandatory minimum qualifications and experience for all key personnel. However, the experience levels prescribed are only suitable for non-complex operations with small numbers of small aircraft.
    - B. operators are required to state in their exposition the minimum experience and qualifications that are suitable for their operation.
    - C. changes to the familiarisation training mentioned in Regulation 119.130 of CASR 1998 for any of the key personnel. Operators are required to provide familiarisation training for key personnel prior to carrying out the responsibilities. The familiarisation required will vary greatly according to the person appointed to the role:
      1. Persons who have acted in the role extensively, who are recruited from within the operation or who are recruited from similar external operations may require little familiarisation.
      2. Persons from outside the operation may require significant familiarisation.
      3. The scope of the training should be flexible enough to cover these wide variations.
- c. a person authorised to carry out the responsibilities of any of the key personnel
  - i. In this context the term means any person permitted to act for a key person and who is listed in the operator's exposition to act for a key person.

- d. the formal reporting line for a managerial or operational position reporting directly to any of the key personnel
  - e. the operator's process for making changes and determining which changes are significant and non-significant.
    - i. An operator's change process must be managed in order to minimise risk.
    - ii. The change process itself cannot be changed unless the change is approved by CASA.
  - f. the kinds of Australian air transport operations conducted by the operator.
    - i. For example, when operators propose to vary their operation significantly to take on new operations or geography of operations beyond that approved in their existing exposition.
    - ii. Commencing the following activities would be considered significant:
      - A. Any one of the 3 types of air transport operation for which the operator is not already approved under their AOC.
      - B. Beginning scheduled or unscheduled operations where previously the operator had only conducted one of these.
  - g. the operator's areas of operation or routes, including beginning to operate in a new area or on a new route or ceasing to operate in an area or on a route.
    - i. Operators are to list all scheduled service routes in their exposition prior to the commencement of a service. When an expansion of operations outside the approved routes or geographic areas currently authorised under the operator's current AOC (that exists prior to the commencement of CASR Part 119) is sought then this would be a significant change.
    - ii. Operators are to list regular destinations in their exposition prior to commencement of service and advise CASA as destinations become regularly (not scheduled) served. When an expansion of operations outside the geographical limits for their operation imposed in their exposition is sought application for significant change should be made.
    - iii. The cessation of operations on a route or in an area would not normally be a significant change however if this is due to external factors that may impinge on the operator's wider ability to maintain safe operations then that external factor could be a significant change.
  - h. the types and models of aeroplanes or rotorcraft used in the operator's Australian air transport operations, including the addition of a new type or model.
    - i. Changes to the make, model and serial number of aircraft used by the operator.
  - i. any change to the registration of an aeroplane or rotorcraft used in the operator's Australian air transport operations
    - i. Any change to the registration of aircraft used by the operator.
- NOTE:** The necessity for current charter operators to notify the exact registration utilised for air transport operations will be further examined as part of the analysis prior to commencement of CASR Part 119 in early 2021.
- j. the operator's operational facilities:
    - i. In this context the term operational facility means a facility that is intrinsic to the management of the operation of the operator's aircraft that may not fall under the definition of being on a main operating base.

- k. any leasing or other arrangements for the supply of an aeroplane or rotorcraft used in the operator's Australian air transport operations.
  - i. The CEO is responsible under paragraph 119.140 (1)(b) (vi) and (vii) of CASR 1998 to inform CASA if the operator leases, finances or enters into an arrangement to supply the aircraft and if any matter related to the lease, finance or supply of the aircraft may affect safety or contravene the law.
  - ii. This provision requires the operator to advise if there are changes in the nature of lease finance or supply of aircraft.
  - iii. CASA is focused on the safety of aviation by the Act and as such only has in interest in knowing the basic details of the following:
    - A. That the aircraft is leased, financed or supplied by a third party
    - B. Who the third party(s) is/are
    - C. Any changes to the above information.
- l. arrangements for the maintenance of an aeroplane or rotorcraft used in the operator's Australian air transport operations.
  - i. These could include places where the operator maintains its aircraft or the contractors that it uses to perform that task.
  - ii. It is expected that there will be a significant crossover between approved changes under this provision and the sections of an operator's exposition (or other manual authorised by the regulations) devoted to continuing airworthiness or maintenance requirements.

## A.2 Matters that might be considered significant changes

A significant change, for an Australian air transport operator, means a change in relation to *any of the following that does not maintain or improve, or is not likely to maintain or improve, aviation safety*: However, if the change results in a circumstance that provides a higher safety standard the change may be made and CASA advised after the event.

- a. the procedures by which the operator conducts and manages its Australian air transport operations
- b. the qualifications, experience and responsibilities required by the operator for any of its key personnel
- c. for an operator that is also a Part 141 operator—training or checking conducted by or for the operator, other than training that is authorised Part 141 flight training for the operator
- d. for an operator that is also a Part 142 operator—training or checking conducted by or for the operator, other than training or checking that is an authorised Part 142 activity for the operator
- e. a Part 142 operator (if any) with which the operator has a contract for the Part 142 operator to conduct recurrent training or checking for the operator, including entering into a contract with a new Part 142 operator or the termination or end of a contract with a Part 142 operator
- f. any other aeronautical or aviation-related services provided to the operator by third parties
- g. the operator's operations manual
- h. the operator's training and checking manual (if any)

- i. the operator's safety management system manual (if any)
- j. the way the operator manages the risk of fatigue in its operational safety-critical personnel.

A significant change, for an Australian air transport operator, also means a change required to be approved by CASA under these Regulations, other than a change that results in the reissue or replacement of an instrument previously issued by CASA in which the conditions or other substantive content of the instrument are unchanged. If CASA re-issues a formal approval or other legislative instrument, it would result in double-handling for no safety benefit if CASA also needed to issue an approval of the instrument as a significant change.

### **A.3 How can it be determined that a change "does not maintain or improve, or is not likely to maintain or improve aviation safety"?**

A determination that a change meets the test of "does not maintain or improve or is not likely to maintain or improve aviation safety" and therefore must be subject to prior CASA approval; or that does meet that test and may therefore be changed without CASA approval must be made in an objective way via a formal process.

Such a process enables operators to make safety-neutral or safety-positive amendments to their exposition without CASA's approval. The process that assesses changes to make this determination must be incorporated into the operator's exposition (that is approved by CASA) and have the capacity, using persuasive objective data and other evidence, to determine whether a proposed amendment is likely to maintain or increase levels of safety.

An example of how a similar regulatory requirement translates into exposition content can be found in the CASR Part 142 Sample Exposition - available from:

<https://www.casa.gov.au/files/part142sampleexpositiondocx>

A formal amendment process enables operators to evolve their exposition—through continuous improvement, change management and, periodically, for editorial reasons.

### **A.4 What should a formal process for exposition change contain?**

An exposition amendment process should include the following information:

- scope – description of what can, and what cannot, be amended without CASA approval. For example, the process should identify those parts of the exposition that will not be changed without first seeking CASA approval for the amendment

Note: If an exposition amendment would change content that the exposition amendment process is dependent on, this amendment must not be made without CASA approval.

- objective(s) - the process should elicit an understanding of what the proposed exposition amendment should achieve
- risk analysis - the capacity to determine what effect a proposed amendment would have on the safety levels. This would require an operator to consider the hazards arising from any proposed amendment and determine the risk severity of the hazard. Above all, the process must be able to demonstrate that the proposed amendment will not adversely



affect safety. Although alternative methods may be acceptable, it is considered that a safety case (appropriately scaled to the size and complexity of the organisation and the change itself), comprising existing exposition processes such as hazard identification, risk assessment and mitigation, should be used to justify amendments. Using these processes, along with the ALARP principle in assessing the impact of a proposed exposition amendment, could potentially meet this requirement

- consultation and approval - levels of the organisation that must approve the proposed amendment, as well as identification of the stakeholder consultation to be undertaken before the amendment is signed-off. For example, an operator may undertake to consider any amendment proposed by the operator's Safety Committee/SRB; require the Safety Manager to endorse any amendment that proceeds; before formalising approval of the amendment at CEO-level
- document control procedures - procedures should be sufficient to ensure that amendments to hard copy versions of the exposition documentation are updated to incorporate the amendment
- CASA notification of non-significant changes - once an amendment is approved within the organisation, the operator must notify CASA. The timeframe by which amendments are notified must be specified in the exposition amendment process. Amendments of a minor or editorial nature may be notified in bulk at regular intervals (for example, every 3 months) if this is specified in the operator's CASA approved exposition, but CASA would expect that substantial amendments be notified as soon as possible after the amendment takes effect. Where a change was deemed to be a non-significant change but the operator determines that CASA would benefit from understanding the method by which the operator arrived at this determination, the operator may elect to send CASA, along with the amendment, copies of the persuasive objective data and any other evidence used to determine whether or not the amendment maintains or increases safety. It should be noted that CASA may, using powers under regulation 119.115, direct the operator to amend their exposition. Prior to any such direction being issued, CASA may elect to request from the operator additional information in order to better understand the rationale underpinning the assessment of an amendment as non-significant.
- review cycle - once implemented, any amendment should be formally monitored and reviewed to ensure that the original objective was met, and that no unintended outcomes had a detrimental effect on the safety performance provided by the exposition. This review should also provide an indication of whether the exposition amendment process itself is functioning adequately.

## **A.5 How can modifications to an approved exposition amendment process be made?**

Any modifications to an operator's exposition amendment process require CASA's assessment prior to implementation [119.025 (a)(v)]. Amendments should be justified by a safety case (appropriate to the size and scale of the operator) that indicates that an acceptable level of safety and good governance (which is a pillar of safety) can be achieved by use of the process.

If CASA deems that the changes are satisfactory, CASA will approve the operator's exposition change.

## Appendix B Content of exposition

Learn about expositions including: who needs to submit one, what they should contain, how they're structured, how they're assessed and what support is available to help you develop one. In addition to the information below, advice can be found in the exposition factsheet. While the factsheet is currently aimed at Part 142 of CASR flying training organisations, the fundamentals also apply to air transport operations.

[www.casa.gov.au/files/expositions-factsheetpdf](http://www.casa.gov.au/files/expositions-factsheetpdf)

### B.1 What is an exposition?

An exposition is a document, or set of documents, which describe how your organisation will conduct its operations safely. It is not substantively different to the manuals that AOC holders have been required to possess prior to Part 119 of CASR.

It sets out for the personnel involved in your operation (and for CASA) how you intend to comply with all applicable legislative requirements and manage the safety of your operation.

### B.2 What should my exposition include?

Regulation 119.275 outlines the general requirements for all air transport operator expositions. A specific operational CASR Part applicable to your operations (Part 121 of CASR, Part 133 of CASR or Part 135 of CASR) may also require certain content to be placed in your exposition. Generally, you will need to include information about your organisation, personnel, facilities, policies, systems and procedures for conducting your activities.

Your exposition must accurately reflect how you will conduct your activities. It needs to be written and structured in a logical way. This will ensure the relevant parts can be readily identified and provided to your personnel who are responsible for complying with them. The procedures in your exposition should also provide enough detail so that your personnel can conduct their activities consistently in line with your intentions.

### B.3 Example

Regulation 119.275 of CASR requires a, Australian air transport operator to describe each plan, process, procedure and system implemented by the operator.

Each procedure should address, where required:

- what must be done
- who should do it
- when it must be done
- where it must be done
- how it must be done
- record-keeping
- how the procedure is monitored and improved.

Once your Australian air transport AOC has been issued by CASA, you are obliged to conduct your activities in accordance with your exposition.

## B.4 How is an exposition structured?

An exposition can be structured as a set of documents, or as a single document.

If structured as a set of documents, your exposition might include a 'principal document' which contains all the information which is common for all your activities, manuals which relate to specific aspects of your activities and the various systems and procedures you will use when conducting your activities. Your exposition would comprise both the principal document and the other manuals. If done this way, the principal document will need to reference the other manuals (or sections of your manuals) and state that they form part of the exposition.

CASA provides sample principal exposition documents for each new regulation. The sample exposition for Part 119 of CASR will be developed during 2019 and ready for use by industry at least 12 months in advance of the proposed Part 119 of CASR commencement date of approximately March 2021. The sample expositions contain a recommended table of contents and structure that you can use regardless of whether your exposition is a set of documents or a single document. For most existing operators, this method is likely to be the easiest because your existing manuals can form part of the exposition, often with only minor modifications required.

### B.4.1 Exposition option one

The exposition document can be structured to include a set of documents including the operations manual, training and checking manual (referred to in the diagram below as plans and syllabuses as this diagram was drawn from a sample for Part 142 of CASR), safety management system manual, dangerous goods manual, fatigue risk management system manual and other manuals/documents. Some of these manuals may not be applicable to your operation if, for example, you do not carry any dangerous goods or utilise a fatigue risk management system.

For most existing operators, this method is likely to be the easiest because your existing manuals can form part of the exposition, often with only minor modifications required.

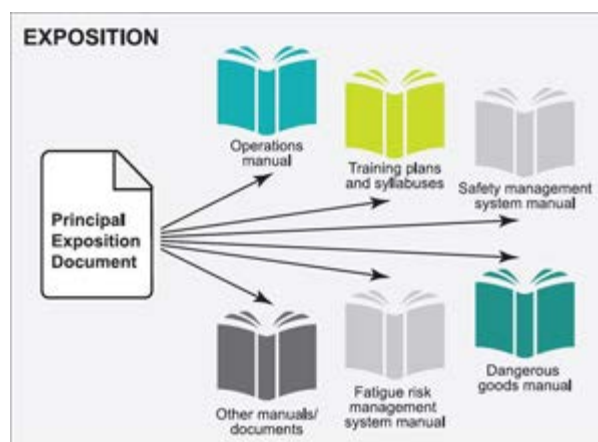


Figure 1 Exposition Option One

For an Australian air transport operator, existing manuals could include your operations manual, safety management system manual, quality management system manual, dangerous goods manual, fatigue risk management system manual, training and checking manual and other manuals or related documents such as training plans, syllabuses and checklists. These manuals (as amended and updated) could form part of your exposition if you elected to utilise exposition option 1.

#### B.4.2 Exposition option two

Alternatively, you may choose to present your exposition as a single document with all the required information contained in one spot. The exposition can be structured as a single document inclusive of operational procedures, training, safety management, dangerous goods, fatigue management and other information.

If you submit your exposition in this format it is still a good idea to include an introductory section that contains an overview of how the exposition is structured, and where compliance with certain legislative requirements can be found in the exposition.

This will help keep your exposition up to date, make it simpler to identify what parts need to be provided to your personnel and make CASA's assessment of your exposition quicker and easier.

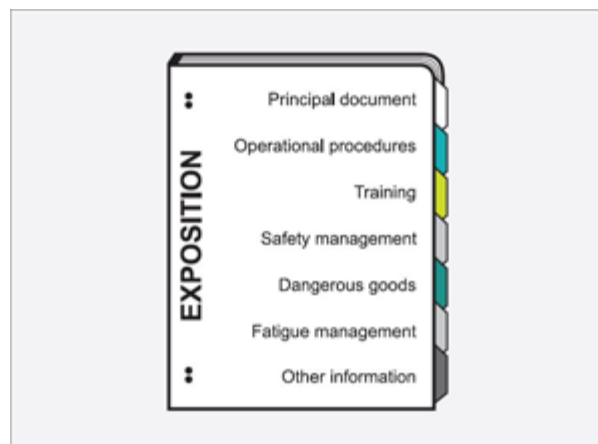


Figure 2 Exposition Option Two

#### B.5 What is a 'principal document'?

A principal document can provide an overview of your organisation and contain common information. As noted above, it must also provide reference as part of your exposition to your other manuals (subject to them being reviewed and amended where necessary), that demonstrate your compliance with the applicable legislative requirements.

The type of information you might place in your principal document could include:

- details of your approved activities
- your locations
- your corporate and organisational structure
- key personnel details

- change management processes.

## **B.6 How should I develop my exposition?**

Many of your procedures will already be compliant with the new regulations. Other procedures may need to be modified, or you may need to develop new ones. Therefore, the first step in developing your exposition should be to conduct a gap analysis of your existing processes against the new requirements to see what (if any) additional documentation is required, or what needs to be amended.

## **B.7 How much detail should I include in my exposition?**

The level of detail to be included in an exposition is determined by an operator. However, you do not have to duplicate content that already exists within your manual suite. Instead, reference in a principal exposition document can be made to manuals (once they have been amended, if necessary), which contain existing procedures that meet the requirements of the legislation.

Please note that once reference is made to these manuals in this way, they then form part of your exposition. Any changes to these documents are classified as either 'significant' or 'non-significant' and need to be managed in accordance with the change management process outlined in your exposition.

Significant changes are outlined in Appendix A of this document.

## **B.8 Will one exposition cover the requirements for all my operations?**

Operators are not obliged to create multiple expositions to comply with each operational CASR Part that requires one. It is up to the operator to decide whether they have one exposition or more than one exposition.

If you choose to have a single exposition covering all the CASR Parts that are relevant to your operations, you simply need to expand your principal document to ensure it links to, or references, all the relevant sections in your existing manuals.

## **B.9 Are all expositions the same?**

No. There is no single exposition format that will meet the needs of all organisations. The structure and content of your exposition must reflect your particular organisation, including its structure, policies and procedures.

One of the key features of an exposition is that it gives you the freedom to meet the safety outcomes in a way that fits well and is appropriate for your organisation.

## **B.10 What support is available to help me develop my exposition?**

CASA will publish a range of guidance material online to help operators develop their expositions and understand the requirements that must be met. These will generally provide content or structure mainly applicable to smaller Australian air transport operators as larger

operator have a level of complexity to their operations that makes designing a sample problematic. These samples may include:

- Sample exposition templates and guidance
- Manual Authoring and Assessment Tool (MAAT).

The MAAT is a free, easy to use online tool which contains several templates to assist organisations applying for an authorisation or transitioning to new regulations. It does all the formatting for you, including producing and updating the list of effective pages, allowing you to focus on writing the technical content.

Guidance material, sample text, links to relevant information and the ability to add your own notes and include comments to communicate with the assessing CASA inspector are some of the standard features of MAAT. The manuals and expositions are produced in a PDF format which can be incorporated into your manual suite after the assessment process is complete. More information about MAAT, including how you can register as a new user or for a training session, is available on the CASA website "Who are the Part 142 of CASR sample exposition templates designed for and which one should I use?" (as CASR Part 142 of CASR is currently the only operational CASR Part requiring expositions).

CASA has published two sample templates to help organisations develop a Part 142 exposition and will be developing templates to help organisations develop a Part 119 exposition.