



Australian Government

Civil Aviation Safety Authority

# **Notice of Proposed Rule Making (NPRM)**

## **Regulatory Administrative Procedures**

Proposed Amendments to Part 11 of the  
*Civil Aviation Safety Regulations 1998 (CASRs)*

### **Who this NPRM applies to**

*It is expected that this proposal will affect the following persons in the aviation community:*  
All CASA authorisation holders.

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

**Document NPRM 0806SS – November 2008**



## Foreword

This NPRM is issued by CASA with a view to ensuring that Australian aviation safety requirements are current and appropriately address safety risks.

### Background

CASR Part 11 'Regulatory Administrative Procedures' has been reviewed to identify inconsistencies in those procedures, simplify the regulations currently set out in various parts of Civil Aviation Regulations (CAR) 1988 and CASR 1998, and to consolidate those procedures in Part 11 of CASR 1998.

The proposed amendments to Part 11 will reduce the amount of regulatory text, and will make the legislation easier to locate, understand and apply. The amendments will also make Part 11 apply to the CARs as well as to the CASRs.

A synopsis of the proposed changes is provided in Annex A.

### Implementation Schedule

CASA is working towards commencement of the amendments to CASR Part 11 in December 2009.

### How you can help us

To ensure clear and relevant safety standards, we need the benefit of your knowledge as an aviator, aviation consumer and/or provider of related products and services **by completing the Response Form (in this NPRM) and returning it to CASA by 30 January 2009.**

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



Jonathan Aleck  
Head, Legal Services Group

10 November 2008

## Contents

<b>Abbreviations .....</b>	<b>3</b>
<b>1. The Consultation Process .....</b>	<b>5</b>
What CASA does with your comments .....	5
<b>2. Change Proposals .....</b>	<b>6</b>
2.1 Background & Proposal.....	6
2.2 Implementation .....	6
<b>NPRM Response Form .....</b>	<b>7</b>
<b>* <u>YOU CAN RESPOND ONLINE OR BY FAX, POST OR E-MAIL</u> *</b>	
<p>A web-based online response form is offered as an alternative to the printed form in this NPRM. Online submission is the preferred method of sending your comments to CASA. If you are connected to the Internet, type <a href="http://casa.gov.au/newrules/ors">casa.gov.au/newrules/ors</a> into your web browser and follow the links for this NPRM.</p>	
<b>Annex A – Proposed changes to Civil Aviation Safety Regulation (CASR) Part 11 – Regulatory Administrative Procedures .....</b>	<b>A1</b>

## Abbreviations

<b>AME</b>	Aircraft Maintenance Engineer
<b>APMA</b>	Australian Parts Manufacturer Approval
<b>AOC</b>	Air Operator's Certificate
<b>ARFFS</b>	Aerodrome Rescue & Fire Fighting Service
<b>ATC</b>	Air Traffic Control
<b>ATS</b>	Air Traffic Service(s)
<b>CARs</b>	Civil Aviation Regulations 1988
<b>CASA</b>	Civil Aviation Safety Authority
<b>CASRs</b>	Civil Aviation Safety Regulations 1998
<b>CEO</b>	Chief Executive Officer
<b>DAME</b>	Designated Aviation Medical Examiner
<b>DAO</b>	Designated Aviation Ophthalmologist
<b>MOS</b>	Manual of Standards
<b>NFRM</b>	Notice of Final Rule Making
<b>NPRM</b>	Notice of Proposed Rule Making
<b>RVSM</b>	Reduced Vertical Separation Minimum
<b>UAV</b>	Unmanned Aerial Vehicle(s)

INTENTIONALLY LEFT BLANK

## **1. The Consultation Process**

1.1 CASA is committed to working cooperatively with the aviation industry to maintain and enhance aviation safety.

1.2 The people involved in the development and formulation of the proposals contained in this NPRM include CASA and industry representatives.

1.3 During formulation of this proposal, much of the early discussion took place internally between CASA's Legal Services Group and representatives of other CASA Branches. This was followed by a review by 2 industry legal representatives (see below) and then by the Standards Consultative Committee, which is CASA's principal industry consultative forum.

1.4 The purpose of this Notice of Proposed Rule Making is to initiate formal public consultation on the proposed amendments to Part 11 - Regulatory Administrative Procedures.

1.5 CASA now seeks comments on this proposal from the broader aviation community and the general public before proceeding further.

### **Industry**

John Dawson – representing Carneys Lawyers

Clinton McKenzie - representing DLA Phillips Fox Lawyers

### **CASA**

Adam Anastasi – Manager, Legal Branch, CASA

Narelle Tredrea – Manager, Enforcement, Policy and Practice Branch, CASA

### **What CASA does with your comments**

1.6 At the end of the response period for public comments, all submissions will be analysed, evaluated and considered. Subsequent to the closing date for comments, a Notice of Final Rule Making (NFRM) will be prepared, and made publicly available in conjunction with the making of the amendments to Part 11.

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

## 2. Change Proposals

### 2.1 Background & Proposal

2.1.1 Part 11 provides the regulatory administrative requirements for authorisations, exemptions and directions issued by CASA.

2.1.2 A review of the current Part 11 and related provisions in other CASR Parts and the CARs has identified the need to simplify and standardise CASAs regulatory administrative procedures.

2.1.3 The proposed amendments will refine the administrative requirements currently contained in Part 11, other CASR Parts and in the CARs, and consolidate them in Part 11, including:

- The regulatory services and subsequent compliance requirements governing the issue and granting of authorisations necessary for entry into the aviation system under the CASRs.
- The application and approval of exemptions against the provisions contained in the CASRs.
- The issuance of maintenance, aerodrome or operational directions (but does not include airworthiness directives).

2.1.4 The proposed amendments to Part 11 are voluminous and largely editorial and machinery in nature. They are detailed in Annex A. Key amendments address:

- Introducing a new definition of ‘Authorisation’.
- Part 11 becoming applicable to the CARs as well as the CASRs.
- Empowering CASA to impose a condition on an authorisation after it has been issued by CASA.
- Requiring that any conditions on an authorisation are to be complied with.
- Providing a new generic provision in Subpart 11G, creating a general power for CASA to issue a notice requiring an authorisation holder to notify CASA of matters specified in the notice.
- Deleting from CASR 11.260(2)(a), the requirement for the CEO of CASA to personally issue directions under subpart 11G.

### 2.2 Implementation

2.2.1 CASA anticipates commencement of the amendments to Part 11 by mid 2009. The new regulations will provide all of CASA’s powers of administration in relation to the regulations – both CARs and CASRs. Transition will be of instantaneous effect from the date of commencement.

# NPRM Response Form

## REGULATORY ADMINISTRATIVE PROCEDURES – PROPOSED CASR PART 11

Please complete your response by **30 January 2009** and return it by one of the following means:

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

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

**Post (no stamp required)**

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

**E-mail** [nprm0806ss@casa.gov.au](mailto:nprm0806ss@casa.gov.au)

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

### Your Details

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

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

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

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

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

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

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

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

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

- |   |   |   |  |  |                                |
|---|---|---|--|--|--------------------------------|
| <input type="checkbox"/> Private individual | <input type="checkbox"/> Aviation industry body/association | <input type="checkbox"/> Staff association/ union | <input type="checkbox"/> Government agency/authority/ department/council | <input type="checkbox"/> Aviation business owner/ service provider | <input type="checkbox"/> Other |
|---|---|---|--|--|--------------------------------|

### Please advise your main involvement in aviation:

- |  |   |   |   |   |   |
|--|---|---|---|---|---|
| <input type="checkbox"/> Passenger/ public consumer of aviation services | <input type="checkbox"/> Air crew for passenger-carrying activities | <input type="checkbox"/> Air crew for non-passenger-carrying activities | <input type="checkbox"/> Ground support for passenger-carrying activities | <input type="checkbox"/> Ground support for non-passenger carrying activities | <input type="checkbox"/> Other (specify below*, e.g. parachutist) |
|--|---|---|---|---|---|

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

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

- |   |                                    |                                     |                                       |  |
|---|------------------------------------|-------------------------------------|---------------------------------------|--|
| <input type="checkbox"/> Very satisfied | <input type="checkbox"/> Satisfied | <input type="checkbox"/> No opinion | <input type="checkbox"/> Dissatisfied | <input type="checkbox"/> Very dissatisfied |
|---|------------------------------------|-------------------------------------|---------------------------------------|--|

**Key Change Proposals (refer to Annex A)**

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

***That Part 11 applies to the CARs – See Annex A, para (a)***

- proposal is acceptable without change
- changes would improve it, but it is acceptable (please provide details below)
- changes would make it acceptable (please provide details below)
- not acceptable under any circumstances

Comments or suggested changes (including an estimate of additional costs/impacts if applicable): \_\_

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***Introduces a new definition of authorisation – See Annex A, para (b)***

- proposal is acceptable without change
- changes would improve it, but it is acceptable (please provide details below)
- changes would make it acceptable (please provide details below)
- not acceptable under any circumstances

Comments or suggested changes (including an estimate of additional costs/impacts if applicable): \_\_

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***Insert a power to impose a condition on an authorisation after it has been issued by CASA – See Annex A, para (d)***

- proposal is acceptable without change
- changes would improve it, but it is acceptable (please provide details below)
- changes would make it acceptable (please provide details below)
- not acceptable under any circumstances

Comments or suggested changes (including an estimate of additional costs/impacts if applicable): \_\_

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***Insert a provision that requires any conditions on an authorisation to be complied with – See Annex A, para (e)***

- proposal is acceptable without change
- changes would improve it, but it is acceptable (please provide details below)
- changes would make it acceptable (please provide details below)
- not acceptable under any circumstances

Comments or suggested changes (including an estimate of additional costs/impacts if applicable): \_\_\_

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***Insert a new generic provision in Subpart 11G – creating a general power for CASA to issue a notice requesting an authorisation holder to notify CASA of matters specified in the notice See Annex A, para (i)***

- proposal is acceptable without change
- changes would improve it, but it is acceptable (please provide details below)
- changes would make it acceptable (please provide details below)
- not acceptable under any circumstances

Comments or suggested changes (including an estimate of additional costs/impacts if applicable): \_\_\_

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***Delete CASR 11.260(2)(a), which presently requires the CEO of CASA to personally issue directions under subpart 11G – See Annex A, para (o)***

- proposal is acceptable without change
- changes would improve it, but it is acceptable (please provide details below)
- changes would make it acceptable (please provide details below)
- not acceptable under any circumstances

Comments or suggested changes (including an estimate of additional costs/impacts if applicable): \_\_\_

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**Additional information is available from:**

**Adam Anastasi, CASR Part 11 Project Leader**

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

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