



10 February 2012

Mr Michael Juelg
Project Leader
CASR Part 142
Civil Aviation Safety Authority
GPO Box 2005
Canberra ACT 2601

Dear Mr Juelg,

CASR Part 142
Integrated and multi-crew pilot flight training
and contracted recurrent training and checking
Consultation Response

The RAAA

The RAAA was formed in 1980 as the Regional Airlines Association of Australia to protect, represent and promote the combined interests of its regional airline members and regional aviation throughout Australia.

The Association changed its name in July 2001 to the Regional Aviation Association of Australia (RAAA) and widened its charter to broaden the membership - which now includes regional airlines, charter and aerial work operators, and the businesses that support them.

The RAAA has 29 Ordinary members (AOC holders) and 56 Associate/Affiliate members. The RAAA's AOC members directly employ over 5,000 people and indirectly support the employment of many others. Many of these jobs are in regional areas. On an annual basis, the RAAA's AOC members jointly turnover more than \$1B, carry well in excess of 2 million passengers and move over 23 million kilograms of freight.

RAAA members operate in all states and territories and include airlines, airports, engineering and flight training companies, finance and insurance companies and government entities. Many RAAA members provide employment and contribute towards economic sustainability within regional areas. The membership includes large domestic companies as well as internationally based multi-national organisations.

Members' presence in regional Australia includes the Royal Flying Doctors Service in all states and territories, the REX hub in Wagga Wagga, SkyWest in WA, Sharp Aviation in Hamilton, Airnorth, Chartair and Vincent Aviation Northern Territory networks, West Wing Aviation in Mt Isa and Skytrans operations from Cairns, to name a few.

Serving regional aviation, and through it, the people and businesses of regional Australia

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The RAAA network represents over 20% of the total Australian aviation industry and over 80% of the Fly-in/Fly-out (FIFO) operators servicing the economically vital resources sector.

RAAA Charter

The RAAA's Charter is to promote a safe and viable regional aviation industry. To meet this goal the RAAA:

- promotes the regional aviation industry and its benefits to Australian transport, tourism and the economy among government and regulatory policy makers;
- lobbies on behalf of the regional aviation industry and its members;
- contributes to government and regulatory authority policy processes and formulation to enable its members to have input into policies and decisions that may affect their businesses;
- encourages high standards of professional conduct by its members; and
- provides a forum for formal and informal professional development and information sharing.

The RAAA provides wide representation for the regional aviation industry by direct lobbying of Ministers and senior officials, through parliamentary submissions, personal contact and by ongoing, active participation in a number of consultative forums.

Regional Air Services

Over 4 million regional Australians rely on regional air services. Without these services the social and economic existence of regional and remote communities and many regional industries are at risk. Servicing this need are the regional operators who service more communities in Australia than the major domestic operators and provide:

- essential access to markets and services;
- vital aero-medical assistance and health services;
- transport & freight services to the resource industry;
- bushfire and Search & Rescue operations;
- exploration via airborne surveying;
- pipeline and other infrastructure inspections;
- law enforcement & border patrols;
- business & recreational travel;
- airport facilities; and
- flight training.

Our operator members use a diverse range of aircraft types:

- regional airlines: operating aircraft through the full range from 9 seat twin-engine piston aircraft to 100 seat jet airliners,
- air freight operators: using predominantly turboprop and light jet aircraft,
- aero-medical operators: operating mostly modern turboprop aircraft, single and twin-engine,
- charter operators, operating a wide range of aircraft from light single-engine piston aircraft to 100 seat jet airliners, and
- flying schools operating light single and twin piston engine training aircraft.

These aircraft are operated to and from a large number of airports around the country, from the major capital city airports and regional airports to minor rural and remote airports.

Principal Concerns

Whilst the RAAA readily recognises the need for regulation of aviation activities to protect both users and third parties, it has a real concern for regulation that is not effective and efficient. Unnecessary regulation is an unwarranted cost imposition on an industry that is already hard pressed economically.

Poor or unnecessary regulation which mandates compliance that cannot be justified in the interests of aviation safety brings the whole regulatory infrastructure into disrepute and involves a diversion of resources, both human and financial, which degrades rather than improves safety.

To the extent that CASR Part 142 simplifies and consolidates existing regulation without compromising safety, RAAA supports its implementation. However, it appears rather than consolidation and simplification the draft Part 142 introduces a number of new requirements that do not appreciably add to aviation safety and unnecessarily increase the administrative burden on Part 142 operators.

The raft of documentation which has to be provided to CASA for approval and the extensive requirements to notify and obtain approval for changes to that documentation would seem to involve CASA in the day to day operations of an operator to such an extent that CASA's ability, experience and resources to provide the necessary approvals in a timely way is called into question.

It is beyond dispute that in the past different CASA personnel and different CASA offices have differed on the application of existing legislation with the effect that operators with similar operations have been treated differently and have different requirements imposed on them. The number of strict liability offences created in relation to very specific minor breaches that may themselves be dependent on directions by CASA personnel would seem to exacerbate this problem.

Additionally, the current draft of CASR Part 142 is incomplete without Part 61, and its accompanying Manual of Standards (“MOS”), and Part 119. There are several references to these unfinished documents, for example the note under 142.020. Draft Part 142.I is simply not there. Without these pieces of legislation and other legislation, such as Part 121, it is not possible to understand fully the impact of the proposed changes.

Given this lack of clarity about what is proposed, any comments made in this response must be considered as preliminary and subject to revision when the necessary associated legislation is available.

Implementation and Transition

The Briefing Document (December 2011) accompanying the Consultation Draft CASR Part 142 and request for comments on the draft says nothing about the proposed method or date for transition and implementation.

Without this information it is impossible for RAAA to concur with CASA’s statement that “the impact on industry is not considered to be significant”. RAAA members fear the impacts will have significant costs in both human and monetary terms.

Specific Comments

142.030 significant change

The extent and detail of matters which are included here will impose a significant administrative burden on both operators and CASA. In particular the qualifier “does not improve, or is not likely to improve, aviation safety” in subregulation 142.030(b) would seem to define things like typographical corrections or reformatting which do not change the actual content as “significant changes”.

142.035 exposition

This definition refers to a set of documents “approved” under 142.095 and 142.115. A number of these documents are manuals required to be “lodged” (not approved) under section 27AB of the Act. In respect of those manuals is the requirement for approval beyond the head of power?

142.085(1)(d)

What is the justification, over and above usual Corporate Law, that each director be a fit and proper person? What sort of person is intended to be excluded by the phrase “of a corporation that is issued an AOC that authorises the conduct of the activities”?

142.085(3)

This subregulation would seem to be redundant in light of both 142.040 and 11.055.

142.185

Assuming the Head of Operations position is to replace the Chief Pilot position under CAO 85, what are the transitional arrangements for existing Chief Pilots and the repeal of CAO 85?

142.465

If all training operators are to be required to conduct human factors training and awareness assessment, cannot that training and assessment conducted by another operator be recognised rather than repetitive training and assessment being required?

142.505(l)(i)

Given that Part 142 is intended to cover operators conducting training for Private and Commercial Pilot Licences in smaller general aviation aircraft, this requirement is a significant extension of existing requirements. What is the aviation safety justification for the imposition of this extra administrative burden?

We thank you for the opportunity to comment on this important issue for our industry. If you require any further information please do not hesitate to contact us.

Regards



Paul Tyrrell
Chief Executive Officer

Annex A: RAAA Ordinary Members

