

Response ID ANON-1S8A-N8N9-A

Submitted to **Fatigue review final report: implementation considerations**

Submitted on **2018-04-19 15:27:41**

About this consultation

Do you give permission for your response to be published?

Yes - I give permission for my response/submission to be published

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Do your views officially represent those of an organisation?

Views represent organisation?:

Yes

If yes, please specify which organisation you represent:

Aerial Application Association of Australia Ltd

Fatigue related safety data

Recommendation 1

Please provide details below::

AAAA has already expressed its concern with the ATSB accident /incident taxonomy approach direct to ATSB so as to try and establish an improved taxonomy that will deliver more usable safety data - for example around powerline strikes. It is clear that any approach to establishing an improved definition of a 'fatigue related safety occurrence' must be openly consulted with industry in the first instance.

Flight duty period limitations

Recommendation 2

Please provide details below::

There is a significant need to sensibly address the issue of cross-sectoral operations (ie within CAO 48.1 classifications/appendices). This is especially relevant for rotary operations, but will also have implications for fixed wing operations as well. Any resultant fatigue management approach should not impose an undue penalty on operators as long as fatigue is sensibly managed.

Recommendation 3

Please provide details below::

Strongly supported - AAAA notes that there are no FD limits for aerial application in the US. While AAAA is broadly satisfied with the report recommendations regarding aerial application, this international context should be kept in mind when refining and improving the FD limitations for aerial application currently in Part 137Q.

Recommendation 7

Please provide details below::

AAAA does not support this approach as it will potentially impose a significant penalty on an operator and pilot - even where the pilot may be well rested. This is especially important for rotary operators who are able to take advantage of the flexibility of the rotary platform, to perform multiple roles in rapid succession.

AAAA proposes a slightly different approach as below:

Conducting other classes of operations

If a pilot is to conduct commercial operations in addition to concurrent aerial application operations covered by this exemption, the pilot must only conduct the flight if:

- a) the pilot has had a minimum of 8 hours of sleep in the previous 24 hours and
- b) the pilot's current tour of duty has been less than 8 hours and
- c) the proposed flight will be completed within a total daily tour of duty of less than 12 hours.

AAAA would be keen to discuss this issue with CASA because of the significant potential for unintended consequences of the application of the report recommendation.

Recommendation 8

Please provide details below::

Strongly supported, but with additional improvements being made to 137Q to further simplify the flight and duty time regime, as previously submitted to CASA. These improvements include:

the inclusion in coverage of Part 137 of rotary aerial application operations. Without this already long-agreed extension of Part 137, the current inequity between FW and rotary aerial application operations will be exacerbated;

the removal of annual limits (instead relying on monthly limits and removing the current penalty that may apply to well rested pilots who were busy 12 months previous);

the introduction of monthly reset provisions within relevant constraints to take account of the flexibility in fatigue management uniquely available to aerial application operations;

simplification/removal of other limits that are already managed by monthly/fortnightly limits;

simplification of the terms used to ensure two full cycles of sleep opportunity every fortnight.

AAAA will either attach a copy of this detailed proposal to this submission or otherwise, if not possible, make it available to CASA direct.

Recommendation 9

Please provide details below::

Recommendation 12

Please provide details below::

Fatigue Risk Management Systems (FRMS)

Recommendation 4

Please provide details below::

Strongly supported.

AAAA believes that both prescriptive limitations and Fatigue Risk Management Systems have a place, but that it remains important to permit flexibility and choice between the two approaches that may reflect the capabilities, needs, size and complexity of different operations.

For smaller operations with only one or a few aircraft, prescriptive limits may be more attractive because of simplicity.

For medium or larger operators, there are likely to be significant benefits of moving to an FRMS approach, especially where the FRMS is buttressed by an SMS.

For aerial application companies in Australia of differing sizes and complexity, AAAA has developed the AIMS program that is recognised by CASA in the Sector Risk Profile. CASA has already undertaken an independent assessment of the AIMS program and recognised the program as creating a higher level of safety.

AAAA has also already developed a Standard FRMS for our sector which was proposed to CASA in 2012 but which was dismissed out of hand without any significant discussion of the different risk profile of the sector or opportunities for improvement. A key stumbling point was CASA demands for significant sector-wide data to drive a closed loop feedback component of the FRMS - demonstrating a significant lack of knowledge of the sector, AAAA's role and resources and the ability of individual companies to manage this process well. A copy of the draft AAAA Standard FRMS is already with CASA.

AAAA would like to move forward on two fronts:

- 1) the establishment of a much simpler prescriptive flight and duty time regime
- 2) CASA approval of a Standard FRMS for the sector that would combine with AIMS accredited companies should they wish to avail themselves of the FRMS.

Recommendation 5

Please provide details below::

Strongly supported. See comments above on the potential of sector wide 'Standard FRMS' approach.

Recommendation 16

Please provide details below::

Potentially supported, especially in terms of standardisation, but only if any such CASA section does not develop a 'skewing effect' whereby every incident - regardless of relevance - is seen through the prism of fatigue - or becomes the basis for empire building.

This is especially important in sectors where a wider range of risks have been identified through a sector risk profile process based on incident/accident data - of which fatigue is only one risk.

It is also highly likely that such expertise will sit within industry and it should be CASA's function to help identify best practice and facilitate that information being shared - rather than trying to establish itself as the repository of all wisdom.

Recommendation 22

Please provide details below::

AAAA is concerned with any recommendation to further increase CASA resources - potentially meaning additional taxes on industry.

AAAA would prefer CASA to act smarter through the development of outcome based rules within a clear classification of operations policy - and support this approach with systems auditing and risk based assessments through sector risk profiling.

This, in turn, would lead to the development of safety KPIs for each sector (as AAAA is currently working on with CASA) that would enable improved tracking of performance at a macro level, as well as the micro level through audits and incident investigations - including through recognised programs such as AAAA's AIMS program.

AAAA is concerned that fatigue management is kept in context by a recognition that fatigue is not the only risk being managed by any company or pilot - and while still important, should not serve as a distraction or resource drain on other equally critical safety issues.

Recommendation 23

Please provide details below::

Strongly supported, especially a change in the previous CASA attitude to demands for big data to drive an FRMS that is simply not available in smaller companies.

This single change -coupled with the recognition that a company with an SMS is well placed to support their FRMS - may be the trigger for many more GA companies taking up FRMS.

By further encouraging organisations such as AAAA to deliver a sector-wide Standard FRMS, further safety improvements could be attained.

Recommendation 24

Please provide details below::

Strongly supported. CASA should work with sector leaders such as AAAA to assist in the identification of such information and its delivery within sector context.

Communication, guidance and support

Recommendation 6

Please provide details below::

CASA should focus on the development of outcome based regulations buttressed by Acceptable Means of Compliance to provide the necessary level of detail for operators and pilots and appropriate guidance to CASA staff.

This would also support CASA in its ambitious goal of finishing the current regulatory reform task by the end of 2018.

Recommendation 10

Please provide details below::

Supported - industry educators such as AAAA would welcome improved access to a standardised approach to fatigue management training content.

While AAAA introduced fatigue management training to the sector in 1998 and has maintained fatigue management training as one focus of its human factor training ever since, additional accurate, up to date and relevant resources are always welcome.

CASA should also clarify, since the introduction of NTS training into the CPL syllabus some years ago, exactly what additional training operators should have to provide (if any), and how they can be assured they have discharged their responsibilities.

Recommendation 11

Please provide details below::

Rosters are not relevant in aerial application and this is another reason AAAAA supports the (amended) Part 137Q approach.

Recommendation 13

Please provide details below::

Strongly supported - AAAAA has made a number of submissions on fatigue management over the years and has had limited transparency to the progress or otherwise of submissions.

Recommendation 17

Please provide details below::

Strongly supported.

Recommendation 18

Please provide details below::

Strongly supported.

AAAA members have consistently reported highly variable advice from CASA staff, especially the regions, on dates for compliance with CAO 48.1 - often in direct contradiction of the advice available on the CASA website or from direct discussions with AAAAA and CASA staff in the relevant policy area.

This variable advice continues today, with companies operating under FRMS that are about to expire being advised that they have to renew it under the currently extant rules (despite this current review and consultation process), they will not be granted an extension or automatic renewal, and that they have to pay a considerable sum for the privilege.

In the case of FRMS and Ops Manual amendments, CASA should urgently clarify (for its own staff as well) the new compliance dates under the new ruleset - or clearly state a moratorium is in place for all FRMS and prescriptive rules sets until such time as CASA advised otherwise.

There should also be a new link on the CASA website home page that directly links users to upcoming expiry / compliance / submissions due dates.

Regulation development, implementation and transition approach

Recommendation 14

Please provide details below::

Strongly supported.

This was how previous amendments to CAO 48 were developed with AAAAA including in about 2002. This was how industry approached its role in the earlier CAO 48.1 working group under the SCC - only to be ignored.

In fact, most of the 'unintended consequences' of the CAO 48.1 suite identified in this review were raised by the relevant SCC working group, again, only to be ignored.

A genuinely cooperative approach - with appropriate oversight from middle and senior management of CASA of project officers, informed by relevant high level policy developed through CASA's ASAP, and based on a sound classification of operations policy supported by sector risk profiles - would likely lead to much more positive, progressive, simpler and faster regulatory change.

Recommendation 15

Please provide details below::

Supported - but should be standard practice anyway.

In any devolved organisation such as CASA with regional offices, policy development at the center and education of all staff is core to consistent performance.

AAAA previously worked closely with CASA on the development and implementation of CASR Part 137 in 2007 which resulted in a reg reform that was timely, effective and efficient. The joint CASA/AAAA roadshow remains the model for regulatory reform and AAAAA is keen to repeat the process with any rewrite of Part 137 which will be required to implement a new fatigue management regime, to accommodate the new CASR Part 138 and to formalise the significant number of exemptions against CASR Parts 61 and 141.

Recommendation 19

Please provide details below::

Strongly supported - see AAAAA comments against recommendation 15.

Industry cannot sustain another failure such as the implementation of Parts 61 and 141, or maintenance licencing.

CASA should consider a sectoral implementation strategy, working with key players such as AAAA to deliver regulatory reform that is in context for the audience and supported by appropriate education material - including, where necessary, already extant AMCs.

Recommendation 20

Please provide details below::

Supported with a suggestion for improvement.

CASA should consider, where the opportunity exists, the potential of early adoption by some sectors that have the means - such as potentially aerial application - especially if fatigue management is carved out of CAO 48.1 and referred to an amended Part 137Q.

This could easily be done by exemption in the short term, and in the medium term, the amendment of Part 137Q.

AAAA is ready to work with CASA on its long-standing suggestions for improvement to Part 137Q, which could be timed to be available for the next anticipated agricultural and firebombing season commencing in Spring of 2018.

Recommendation 21

Please provide details below::

See comments to Recommendation 20.

Priorities for action and final comments

When you reflect on the feedback you have provided throughout this consultation, what are the three matters you consider most important?

Priority 1:

Maintaining CASR Part 137Q for aerial application fatigue management with the addition of rotary access and suggested improvements from AAAA.

Priority 2:

Clarifying with CASA staff and industry a revised implementation strategy / compliance dates that maintains current practices/approvals/FRMS and pushes out all compliance dates until CASA has finalised its position on the new regulations - including allowing adequate time for companies to prepare FRMS / rewrite ops manuals etc.

Priority 3:

Working with AAAA on the approval of a standard FRMS for aerial application operations.

Do you have any final comments you would like to raise in relation to responding to the fatigue review recommendations?

Final comments:

Please see the attached detailed proposal for improved fatigue management arrangements for aerial application operations by means of exemption that could be fast-tracked for approval for the coming agricultural and fire seasons in Spring 2018

Should you wish to upload a submission (optional), please upload a file in either .pdf or .docx format:

File upload:

AAAA proposed 48 1 exemption 2018.pdf was uploaded

Final questions to assist analysis

What fatigue rules do you currently apply?

Not applicable to my role

Which of the following best describes your current primary role in the aviation sector?

Aerial work

Other (please specify):

National peak representative body - AAAA

Approximately what is the size of your operation (number of aircraft)?

Number of aircraft:

More than 100

Approximately how many pilots are involved in your operation (including full time, part time and contractors)?

No. of pilots:

201 or more

What is your postcode?

Postcode:

2911