



DEFENCE AVIATION SAFETY AUTHORITY

**COMMENT RESPONSE DOCUMENT TO
NPA 2021-019 – DASR NDR ‘NON-DEFENCE REGISTERED
(AIRCRAFT)’¹**

INTRODUCTION

1. **General.** This Comment Response Document (CRD) outlines DASA’s agreed regulation changes and finalises the public consultation process in respect of Notice of Proposed Amendment (NPA) 2021-019.¹ DASA will consider arguments opposing the views expressed in this CRD only in exceptional circumstances. Any member of the regulated community having arguments to support an appeal against the decisions documented in this CRD may petition DASA.

2. **Background.** DASA released NPA 2021-019 (DASR NDR ‘Non-Defence Registered (Aircraft)’ for regulated community comment on 05 Jul 22. The period for public comment closed on 29 Jul 22. DASA subsequently consulted with each environmental command HQ and individual respondent, to ensure DASA responses to NPA feedback were acceptable. This CRD only relates to regulated community feedback provided for DASR NDR.15 *Foreign Military Operations in Australia*.

3. As the extant DASR NDR.15 no longer provided a contemporary interpretation of Defence’s understanding of its WHS Act 2011 obligations in regards to FMA, DASA included regulated community feedback and the DASR NDR.15 intent into the updated DASR GR.27. This approach was approved by Defence Aviation Safety Board 02/24, of 21 Nov 24, in consultation with environmental commanders.

ANALYSIS OF COMMENTS

General

4. DASA received 524 responses to NPA 2021-019². Comments on DASR NDR.15 are listed in annex A together with their corresponding DASA response.

Environmental command endorsement positions

5. Environmental command HQs provided endorsement of the DASR NDR.15 elements of NPA 2021-019 as follows:

a. HQAC, HQFAA and HQAVNCOMD advised the proposal was acceptable, but would be improved if DASA made the changes detailed in annex A.

6. **DASA Response.** DASA accepted and incorporated the majority of feedback into the revised regulation, in consultation with respondents. DASA forwarded the revised draft back to each environmental command HQ, and received subsequent endorsement.

Environmental command resource implications

7. Environmental command HQs advised that no additional resources are required as a result of NPA 2021-019 (for DASR NDR.15 elements only).

¹ This Comment Response Document only relates to regulated community feedback provided for DASR NDR.15 *Foreign Military Operations in Australia*. Responses to feedback provided for DASR NDR.05 and DASR NDR.10 will be published separately.

² DASA received 349 responses to DASR NDR.05 and DASR NDR.10, and 175 responses to DASR NDR.15.



8. **Transition plan.** DASA incorporated a transition plan with the update to DASR GR.27. In this plan, DASA will provide a 12-month transition period, commencing on the date of publication of DASR GR.27. This transition period will allow the regulated community to make the necessary changes to their management systems. DASA will not enforce compliance with DASR GR.27 when conducting oversight activities during the transition period. DASA will consider extensions to the transition period on request.

AUTHORITY

9. The content of this Comment Response Document is authorised.

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Annex:

A. NPA 2021-019: DASR NDR *Non-Defence Registered (Aircraft)* – Regulated Community Feedback (*filtered for DASR NDR. 15 comments only*).

NOTICE OF PROPOSED AMENDMENT (NPA) 2021-019: DASR NDR *Non-Defence Registered (Aircraft)*

REGULATED COMMUNITY FEEDBACK (*filtered for DASR NDR.15 comments only*)

LSN	NPA Feedback Reference: (ie extant DASR number, proposed NPA DASR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
7	GM NDR.15(a)b	DAVNOPS	Terminology and application is no longer contemporary.	This regulation requires that an assessment of the <i>Operational</i> Airworthiness and (technical) Airworthiness be completed to provide DASA confidence that FMA are operated safely within Australian airspace. If the MAA is not DASA recognised, advice should be sought from DASA.	LSNs 489 and 504 refer.
28	NDR.15	DASA DDPER	Remove and place requirements in the extant DASR GR.27.	Aircraft registration is not relevant to this requirement, which is applicable to a broad audience for whom DASR NDR is otherwise irrelevant. Suggest location in DASR GR would make this DASR more identifiable/discoverable for the respective audience.	DASA incorporated the suggestion.
29	NDR.15	DASA DDPER	Check consistency with Civil Aviation Act	FMA are State Aircraft under the Act and so are subject to the same legal/regulatory requirements as Defence Aircraft (ie largely excluded from the Civil Aviation Act and CASR). However, some activities by FMA are also excluded from DASR NDR applicability at para (b), eg cargo flights. There is therefore no safety oversight or specific safety accountability within Defence or elsewhere within Government for these activities.	LSN 410 refers.

LSN	NPA Feedback Reference: (ie extant DADR number, proposed NPA DADR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
36	NDR (cover email)	HQAC	Improvements [are required] in NDR.15 to match contemporary Defence International Engagement (IE) processes. We consider it important that for NDR.15 to be relevant and more widely complied with, DASA should educate Defence IE personnel and the MAOs on sponsorship of FMA in Australian airspace.	Education would consequently likely generate a substantial increase in the resources needed by Sponsors to meet compliance with NDR.15. It is also important that DASA has enough resources to support Sponsors in meeting the requirements of NDR.15 when airworthiness recognition (technical and operational) by DASA of a foreign MAA is not available.	LSNs 472, 504 and 516 refer.
39	NDR.15	HQAC	There is no mention of MAO or MAO-AM within the IR or definition of Sponsor.	The IR specifies "the Sponsor...must..." and yet the purpose statements state in the Defence that "this regulation requires MAO-AMs and Sponsors...." As the IR makes no mention of the MAO-AM, there is no regulation requirement placed upon the MAO-AM. Should MAO-AM be included in the IR or included within the definition of Sponsor? Is there a regulatory difference when operating NDR under a Sponsor vs MAO?	DASA updated all instances of MAO-AM to 'Sponsor'. Also, LSN 122 refers.

LSN	NPA Feedback Reference: (ie extant DADR number, proposed NPA DADR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
117	GM NDR.15	HQAC	<p>Purpose: (Context) Foreign military Aircraft often operate in Australian airspace as part of approved Defence exercises, capability trials, and other civil or military operations. Foreign personnel may therefore have limited familiarity with Australian airspace requirements and with the operation's implication on their NDRA Configuration, Role and operating Environment (CRE).</p>	<p>(Hazard) Suitability For Flight can be compromised when Sponsors cannot ensure that the approved operation meets the expectations of the DASA. (Defence) This regulation requires Sponsors of FMA outcomes to ensure that risks are eliminated or otherwise minimised SFARP.</p> <p>Delete 'civil'? Would there be an involvement by Defence in MAA's coming for civil operations?</p>	<p>DASA amended GM GR.27 as follows:</p> <p>Purpose: (Context) Foreign Military Aircraft (FMA) are often approved to operate in Australian territorial airspace. However, foreign personnel can have limited familiarity with Australian airspace requirements and safety obligations to other airspace users and people on the ground. (Hazard) Ineffective Sponsor risk management of FMA in Australian airspace can compromise the safety of other airspace users and people on the ground. (Defence) This regulation places requirements on Sponsors of FMA in Australian airspace, to support compliance with the Work Health and Safety (WHS) Act 2011 (Cth), as it relates to the safety of other airspace users and people on the ground.</p>
118	NDR.15	HQAC	<p>General comments:</p> <p>1. It is suspected that the DADR NDR.15 requirements are not well understood by the likely Sponsors and education from DASA is required.</p> <p>2. In order for Sponsors to meet the 'expectations of DASA' as referred to in the GM, it is also important that DASA provides effective support, especially when MAA-recognition is not available.</p>	<p>3. Currently, it is not always clear who is the Sponsor for various foreign military operations within Australia (eg 130SQN in Pearce, MRF-D MV-22, various flying displays at AIA, exclusive use foreign military exercises held in Shoalwater Bay restricted areas, or experimental trials in Woomera restricted areas).</p>	<p>LSNs 472, 504 and 516 refer.</p>

LSN	NPA Feedback Reference: (ie extant DASR number, proposed NPA DASR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
119	NDR.15	HQAC	Is NDR.15 benchmarked against international standards?		<p>Yes. NDR.15 was benchmarked against DASA-recognised MAAs, and Australian WHS Act 2011 (Cth) requirements. Other MAA have limited/nil NDR.15-similar requirements, and the new basis of DASR GR.27 is largely built upon the WHS Act 2011 (Cth).</p> <p>WRT benchmarking CAA, (for example CASA) CASRs requires foreign civilian Aircraft operators to obtain a Foreign Air Transport Operator's Certificate (FATAOC) to meet ICAO standards; have an AOC issued by their own country; meet certain language requirements for safety purposes, and have an SMS. FMA are 'state aircraft' under the Civil Aviation Act 1988 and hence CASA has no jurisdiction. Importantly, there is no equivalent to 'ICAO' for State or Military aircraft. Hence, there is no independent international body providing oversight of Military Aviation Authorities (MAAs) or equivalent organisations.</p>
122	AMC NDR.15(a)a	HQAC	<i>a. Coordination. FMA operations within Australian airspace should be planned by the MAO or Sponsor of the activity in consultation with an Australian Defence aviation command or HQJOC.</i>	1. Does this reflect the current processes employed for International Engagement such that the Regulation can be practically implemented?	LSNs 472 and 484 refer.
123	AMC NDR.15(a).b	HQAC	<i>b. Foreign Aircraft assessment requirements. Sponsor risk controls for the assessment of foreign military operations in Australia should include:</i>	The resource implications for sponsorship of FMA within Australia is considered to be significant and will require input from DASA to ensure regulatory compliance. It should not be expected that MAOs and other Sponsors have the tools and knowledge required to ensure FMA within Australia will not compromise Suitability For Flight. What is the likelihood of a Sponsor being able to source these FMA requirements?	LSN 118 refers.

LSN	NPA Feedback Reference: (ie extant DASR number, proposed NPA DASR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
124	AMC NDR.15(a).b.iii	HQAC	<i>iii. identification of the most recent DASA recognised NAA or MAA oversight activity</i>	I presume this information would come from a DASA database, especially as they would be monitoring the continued performance of recognised NAA or MAA.	DASA deleted the AMC requirement, as it is not executable.
125	AMC NDR.15(a).b.v	HQAC	<i>v. supplementing DASA recognised NAA or MAA oversight where compelling reasons exist</i>	Include a link to the compelling reasons description from earlier in the Regulation (AMC NDR.05(a).c), or repeat here.	DASA deleted the AMC requirement, as it is not executable.
126	AMC NDR.15(a).b.vii	HQAC	<i>vii. implementing additional safety controls to eliminate or otherwise minimise risk SFARP; and complementary contractual controls</i>	Would there be a contract with a visiting FMA in Australia?	DASA amended the requirement at AMC GR.27(a)1 as follows: a. <i>Sponsor risk management of FMA in Australian territorial airspace should include:</i> ... iv. <i>considering additional safety controls as necessary</i>
127	AMC NDR 15(a).b.viii and ix	HQAC	<i>viii. issuing an ATO ix. maintaining a current ATO register, and providing DASA with a link to the register.</i>	These are cut and paste from previously in the Reg, but the possible use of an ATO to ensure that FMA don't compromise Suitability for Flight has not been introduced.	DASA incorporated the intent of the suggestion into AMC GR.27(a)2 as follows: a. <i>Sponsors of FMA should:</i> i. <i>use DASR Form 140 to issue an Authority To Operate (AUTHOP), and to:</i> (a) <i>advise DASA, before FMA Flights in Australian territorial airspace commence, of the intent to Sponsor FMA (note, DASA's registration of the AUTHOP is not a prerequisite to issuing the Sponsor's approval)</i> (b) <i>document the outcomes of the Sponsor's safety risk management</i> ii. <i>coordinate transfers of sponsorship as necessary.</i>

LSN	NPA Feedback Reference: (ie extant DASR number, proposed NPA DASR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
128	AMC NDR.15(a).d	HQAC	<i>d. Operational restrictions. Implementing operational restrictions is an acceptable control. For example, foreign fast jets might be based at RAAF Base Tindal and required to transit to and from the designated training area via routes constrained over sparsely populated areas where possible.</i>	Not sure that this is required here - more suitable as a GM example for b.vii	DASA moved AMC NDR.15(a).d to GM GR.27(a)1e.ii as follows: (c) Operational limitations. <i>Operational limitations can provide effective safety controls (eg foreign fast jet Aircraft may be based at RAAF Base Tindal and be required to transit to and from the designated training area via routes constrained to sparsely populated areas where possible).</i>
129	GM NDR.15(a).a	HQAC	<i>a. Applicability. This regulation applies to foreign military Aircraft that use Australian airspace for military activity extending to 12 nm offshore, from surface level to above surface level and either:</i>	Move i up into the introductory sentence for the paragraph, and add 'and either:' Include a linking 'or' between the two new sub-paras i and ii.	DASA incorporated the intent of this suggestion at GM GR.27c as follows: Applicability. <i>This regulation applies to the Sponsor of FMA in Australian territorial airspace, including landing on Defence vessels (whether inside or outside Australian territorial waters).</i>
130	GM NDR.15(a)b	HQAC	This regulation requires that an assessment of Operational Airworthiness and (technical) Airworthiness be completed to provide the DASA Authority confidence that foreign military Aircraft are operated safely within Australian airspace.	If the MAA is not DASA recognised, advice should be sought from DASA. In first sentence, replace DASA with Authority. Aligns with the language of GM ARO.100.A.	DASA deleted GM NDR.15(a)b as its intent is covered in remaining AMC and GM elements. LSN 118 also refers.

LSN	NPA Feedback Reference: (ie extant DADR number, proposed NPA DADR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
131	GM NDR.15(a).d	HQAC	<p>d. Suitability For Flight considerations. The MAO or Sponsor should consider all elements of Suitability For Flight. For example, whether the foreign Aircraft will carry Defence Personnel as Passengers; or the loss of a foreign military Aircraft with respect to third parties. While not a Defence capability issue, such incidents will involve Defence for associated recovery operations, may cause harm to people and property, and may affect Defence's public image.</p>	<p>Delete this para as it is not necessary, and was not thought necessary in GM for NDR.05(c) where there is also a Suitability For Flight determination.</p> <p>'consider all elements of Suitability for Flight.' Is there any likelihood that a Sponsor or MAO would not?</p>	<p>DASA deleted the reference and included its intent at GM GR.27, as follows:</p> <p>a. Purpose: (Context) Foreign Military Aircraft (FMA) are often approved to operate in Australian territorial airspace. However, foreign personnel can have limited familiarity with Australian airspace requirements and safety obligations to other airspace users and people on the ground. (Hazard) Ineffective Sponsor risk management of FMA in Australian airspace can compromise the safety of other airspace users and people on the ground. (Defence) This regulation places requirements on Sponsors of FMA in Australian airspace, to support compliance with the Work Health and Safety (WHS) Act 2011 (Cth), as it relates to the safety of other airspace users and people on the ground.</p> <p>b. All FMA involvement must have an associated Sponsor (ie an Officer IAW s27 of the Work Health and Safety (WHS) Act 2011 (Cth)), who is accountable for assessing and managing risk to the safety of other airspace users and people on the ground. Therefore, the Sponsor must be reasonably informed—ie have knowledge about the hazard and risks, and ways of eliminating or minimising the risks posed by FMA to the safety of other airspace users and people on the ground. The choice of Sponsor is a matter for command.</p>
132	GM NDR.15(a).d	HQAC	<p>Suitability For Flight considerations. The MAO or Sponsor should consider all elements of Suitability For Flight. For example, whether the FMA will carry Defence Personnel as Passengers; or the loss of a foreign military Aircraft with respect to third parties.</p>	<p>Carriage of Defence personnel is an aspect of the CDF Directive, not the approval of a foreign aircraft.</p>	<p>Agree. DASA deleted the requirement. CDF Directive 12/16 is extant.</p>

LSN	NPA Feedback Reference: (ie extant DASR number, proposed NPA DASR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
133	NDR.15(b)1	HQAC	<i>(b) As an exception to DASR NDR.15(a), foreign military Aircraft are exempted where they:</i> 1. operate as a Passenger transport or for air cargo Flight, transiting through Australian airspace (including stopovers without conducting military activities)	Only for pax or cargo flight? Why not the simple transit of any aircraft through Australia, such as a P-8 from India to New Zealand with stopover in YPED?	DASA moved the content and intent of NDR.15(b)1 to GM GR.27d and reworded as follows: <i>d. This regulation does not apply to FMA:</i> <i>i. that are transiting through Australian territorial airspace (including stopovers)</i> <i>ii. that are used for diplomatic purposes only, or as a static display as part of their time in Australian territorial airspace (eg Aircraft used by a visiting state dignitary that will remain parked until the state visit is completed, or a FMA used only as a static display Aircraft at an air show).</i> Rationale: The absence of ASR evidence shows that for a transit Flight, the requirements of GR.27 would require an additional workload without a corresponding improved safety dividend. The intent of the comment is included within the updated GM.
134	NDR.15(b).2	HQAC	Reword to: 2. will not conduct military operations during their time within Australian airspace (eg parked during the visit of a foreign dignitary, or as a static display Aircraft at an air show - unless the Aircraft was to conduct an air demonstration, where the regulation is not excepted).	Rewrite as 'will not conduct military operations during their time within Australian airspace (eg parked during the visit of a foreign dignitary, or as a static display Aircraft at an air show - unless the Aircraft was to conduct an air demonstration, where the regulation is not excepted).'	LSN 133 refers.
135	GM NDR.15(c)	HQAC	The authority suspending Flight operations should advise Service commands and DASA as soon as practicable.	Is there a different word than 'authority'?	DASA replaced 'authority' with 'Sponsor'.

LSN	NPA Feedback Reference: (ie extant DASR number, proposed NPA DASR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
141	NDR.15(b)2	AFTG	Use of 'by derogation from' is the usual method that DASR applies an exception to an IR in other DASR IRs. Is DASA in the process of replacing 'derogate' with 'exception' in DASR broadly?	Use of 'derogation' in NDR.15(b)2. NDR.15(b) is 'an exception to DASR NDR.15(a)' whereas Section 2, NDR.15(b)2 states derogates. Only exemption. Section 2 NDR.15(b)2 contains different text to Section 3 NDR.15(b)2, 'derogation' vice 'exemption'.	DASA replaced all instances of 'derogation' to 'exception'. This change will flow into all DASR with their next amendment.
209	AMC NDR.15(a)b.i	AFTG	Reword: <i>that the foreign military MAA is recognised by the Authority for the scope of the operation required (the Authority recognised MAA and NAA are listed on the DASA website)</i>	Replaces 'DASA' with 'the Authority' in two instances. Closes the parenthesis on (Authority recognised MAA and NAA are listed on the DASA website)	DASA did not incorporate the suggestion. DASPMAN policy is to refer to the ADF 'Authority' by its name - DASA. Therefore all relevant instances of 'Authority' have been replaced with 'DASA'.
210	AMC NDR.15(a)b.iii	AFTG	Replace 'DASA' with 'the Authority'.		LSN 209 refers.
211	AMC NDR.15(a)b.iv	AFTG	Replace 'DASA' with 'the Authority'.		LSN 209 refers.
212	AMC NDR.15(a)b.v	AFTG	Replace 'DASA' with 'the Authority'.		LSN 209 refers.
213	AMC NDR.15(a)b.vii	AFTG	Delete the semicolon between 'minimise risk SFARP' and 'and complementary contractual controls'.	Neither a semicolon nor a comma are appropriate, as both are incorrect grammar to use with a conjunction in this context and the following clause 'and complimentary controls' is integral to the additional safety controls needing to be implemented in order to action Sponsor risk controls.	DASA incorporated the suggestion.

LSN	NPA Feedback Reference: (ie extant DADR number, proposed NPA DADR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
214	AMC NDR.15(a)b.ix	AFTG	Delete the comma between 'current ATO register' and 'and providing DASA'. A comma is not appropriate.	It is incorrect grammar to use a comma with a conjunction in this case as the following clause 'and providing DASA ...' is integral to the additional safety controls needing to be implemented in order to action Sponsor risk controls associated with the ATO register.	DASA incorporated the suggestion.
215	AMC NDR.15(a)c	AFTG	Reword: The NDRA Sponsor may defer or DASA may direct the Sponsor to defer, the ATO decision to DASA.	Capitalising 'Sponsor'. The phrase 'or be directed to defer' is not a parenthetical phrase: it is integral to the AMC. Rewording corrects that deficiency.	LSNs 472, 504 and 516 refer.
216	AMC NDR.15(a)d and e	AFTG	Merge and reword d.: Operational restrictions. <i>Implementing operational restrictions is an acceptable control. For example: i. foreign fast jet Aircraft may be based at RAAF Base Tindal & required to transit to and from the designated training area via routes constrained over sparsely populated areas where possible. ii. if the MAA is not an MAA recognised by DASA, the Sponsor should request a DASA recommendation that would consider evidence that the MAA has a system in place for TC CA management of the FMA that may provide the required assurances for the intended operations.</i>	1. 'Fast jets' is a colloquialism whereas 'fast jet' is an adjective phrase. 'Might' is past tense of 'may', which is not correct in this context. 2. The Defence AA has not delegated Authority to DASA to recognise NAAs and MAAs.	1. LSN 128 refers. 2. DASA deleted AMC NDR.15(a)e.

LSN	NPA Feedback Reference: (ie extant DASR number, proposed NPA DASR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
217	GM NDR.15(a)a	AFTG	<p>Reword: a. as follows: Applicability. <i>This regulation applies to FMA that: i. use Australian airspace for military activity extending to 12 nm offshore, from surface level to above surface level ii. operate as part of an exercise, including FMA that will launch and recover outside of Australia airspace but will conduct a military activity within Australian airspace (such activity may include weapons release or simulated weapons release activities at an air weapons range or air combat manoeuvres) iii. conduct sustained operations within Australian airspace (an example of sustained operations is a foreign military that has established a permanent military flying training program within Australian airspace utilising foreign registered Aircraft or civil registered Aircraft operated by foreign aircrew, eg a foreign military flying training school based within Australia).</i></p>	<p>A list may be of incomplete sentences or complete sentences but not incomplete and complete sentences. A full-stop appears only after the last word in a list of incomplete sentences. Placing the examples in parenthesis enables the follow-on sentences to be included without using full-stops in between. The clause 'but will conduct a military activity within Australian airspace' is directly related to 'including foreign Aircraft that will launch and recover outside of Australia airspace', hence the intervening comma is incorrect.</p>	LSN 129 refers.

LSN	NPA Feedback Reference: (ie extant DASR number, proposed NPA DASR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
218	GM NDR.15(a)b	AFTG	Reword the second sentence: Advice should be sought from DASA if the MAA is not recognised by the Authority.	Replaces 'DASA' with 'the Authority' in the context of a recognised MAA. Active sentence structure.	DASA deleted the paragraph.
220	GM NDR.15(a)c	AFTG	<p>Is diplomatic clearance the only possible additional clearance applicable to a foreign military aircraft to operate in Australian airspace? Replace 'ie' with 'eg' if there are more potential requirements. However, get straight to the point if this para is entirely about diplomatic clearance, eg:</p> <p>'Foreign militaries seeking to operate Aircraft in Australian airspace also require diplomatic clearances, separate to this regulation. Diplomatic approvals for foreign military Aircraft are managed by the Diplomatic Clearance Cell within the Air and Space Operations Centre (Joint Operational Command) and involve other agencies such as the Department of Foreign Affairs and Trade'.</p>	The Latin abbreviation ie [<i>id est</i> , 'that is to say'] introduces an exclusive list, quite different to eg, <i>exempli gratia</i> , which introduces a non-exclusive list. Accurate, brief and clear communication is essential in policy documents.	<p>DASA updated the intent of, and renumbered the clause to GM GR.27(a)1, as follows:</p> <p>a. Sponsor RFIs. <i>The Sponsor's risk management of the FMA should occur well in advance of the FMA's anticipated in-country arrival. This is to enable the Sponsor to submit any RFIs early to the foreign operating unit, as necessary (to inform the Sponsor's risk assessment). Sponsors should not wait for the foreign operating unit to submit a request for a Diplomatic Clearance (DIPCLR) before submitting RFIs—as foreign operating units may submit DIPCLR requests at short notice.</i></p>
221	GM NDR.15(a)d	AFTG	Delete 'MAO or'.	This is the first mention of a MAO in the context of foreign military ops. All previous AMC and GM and NDR.15(a) refers only to a Sponsor.	DASA updated all instances of 'MAO' to 'Sponsor'.

LSN	NPA Feedback Reference: (ie extant DASR number, proposed NPA DASR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
222	NDR.15(b)	AFTG	All of NDR.15(b) reads more like AMC and GM to NDR.15(a).		LSNs 129 and 133 refer.
223	NDR.15(b)	AFTG	Past tense 'exempted' is incorrect grammar. Present tense 'exempt' is required.		DASA deleted the requirement.
224	NDR.15(b)1	AFTG	How is transiting through Australia's national airspace but not conducting military activities somehow defining of the foreign military's aviation safety competency?		LSN 133 refers.
225	NDR.15(b)2	AFTG	NDR.15(b)2 is mostly scoped by NDR.15(b)1; hence a candidate for GM NDR.15(b)1.		DASA deleted the requirement.
226	NDR.15(b)2	AFTG	Replace 'is not excepted' with 'is not exempt'.		DASA deleted the requirement.
227	AMC NDR.15(c)a	AFTG	Reword '... approval process, and the Sponsor ...' by deleting the comma.	Commas are not used before a conjunction unless needed to set the clause apart from the preceding clause. However, 'and' is not the correct conjunction if the intent is that increased risk or the Sponsor believes Suitability For Flight may be compromised triggers consideration to suspend. Reword as follows if that is the case: '... approval process or the Sponsor ...'.	DASA incorporated the suggestion.
228	AMC NDR.15(c)b	AFTG	Replace 'Registered' with lowercase 'registered'.	Defence Registered is not a defined term, hence is not capitalised.	DASA incorporated the suggestion.

LSN	NPA Feedback Reference: (ie extant DADR number, proposed NPA DADR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
230	NDR.15	AMG	<p>DADR NDR.15 is a difficult reg for MAOs or sponsors to implement. As we are directed by HQAC to conduct the majority of the IE in support of IP Div we do not have the choice of who we engage with [in the main].</p> <p>MAOs do not have access to information on the airworthiness systems of other countries and have limited ability to restrict what other nations are doing. MAOs have the ability to stop their personnel from flying on other Country's aircraft and shaping the flying program and enabling elements from supporting certain training events. This has a flow on effect to the scheduled RAAF flying training and IE activity.</p> <p>My suggestion is that the practicalities of this need to be worked out between HQAC and DASA possibly in consultation with IP Div.</p>	<p>Requesting DASA to provide a recommendation (IAW AMC e) could seriously impact the IE outcomes defence is trying to achieve. Is there a timeline for this information and how does it get fed into the planning cycle?</p> <p>Having (or continuing) a list of standard countries and any limitations would be beneficial however; I do not see how the responsibility for the Suitability For Flight should rest with the MAO. Does the sponsor become IE, HQJOC or HQAC? Who within these areas has the expertise to assess this and implement it early enough to ensure it does not become a diplomatic issue?</p> <p>In summary I think NDR.15 places a requirement on the MAO that they have limited knowledge, controls and influence over. The foreign militaries need to be engaged early by the right part of Defence. This planning occurs above the MAO level. There will be tactical level planning that can be conducted once restrictions are provided by DASA or higher command. I would request HQAC engage DASA on how practical implementation can be achieved and who should be accountable [for this process].</p>	LSNs 472 and 504 refer.
332	NDR.15(a)	AVNCOMD	I'm not sure how an Australian sponsor can <i>ensure</i> operations by a foreign military. I can see them being able to <i>assure</i> .		LSN 504 refers.

LSN	NPA Feedback Reference: (ie extant DASR number, proposed NPA DASR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
358	NDR.15	DG DASA	Incorporate DASR NDR.15 into DASR GR.27.		DASR NDR.15 requirements have been incorporated into DASR GR.27.
362	DASR NDR and DASR FMA	DAVNOPS	Comments provided at BP33238295.		See BP33238295 for individual responses.
363	DASR NDR and DASR FMA	AFTG	Comments provided at BP 33037207.	Multiple editorial comments only	See BP 33037260 for individual responses.
366	DASR FMA	DASA LO	See Obj Ref BP33234746.		DASA incorporated the suggestions.
382	DASR FMA	DD FLTOPS	Update to: <i>Sponsor controls SFARP, to ensure SA by the FMA organisation, should include:</i> <i>v. ensuring the Sponsored organisation is informed of:</i> <i>(i) constraints and restrictions imposed through the ATO</i> <i>(ii) Aviation Safety Event reporting requirements</i> <i>(iii) specific Australian standard rules of the air, airspace and environmental conditions and limitations</i> <i>(iv) the Sponsor point-of-contact</i>		DASA updated AMC GR.27(a)1a as follows: <i>v. informing the sponsored organisation of:</i> <i>(a) safety controls (including limitations) imposed through the Sponsor's Authority to Operate (AUTHOP)</i> <i>(b) Aviation Safety Event reporting and incident control requirements (inclusive of hazardous material information required by first responders), in consultation with DFSB</i> <i>(c) Australian Rules of the Air</i> <i>(d) airspace and environmental conditions and limitations</i> <i>(e) the Sponsor's obligation to suspend FMA operations when there is concern that safety may be compromised</i> <i>(f) the Sponsor's point-of-contact.</i>

LSN	NPA Feedback Reference: (ie extant DASR number, proposed NPA DASR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
383	Glossary definition of 'Operation'	DD FLTOPS	Update the title of the definition of 'Operation' in the DASP Glossary to 'Operation (of the Aircraft)' to avoid confusion with 'Operation' being a Defence exercise or task force objective, as aligned to the definition of 'Operation' in the ADFG.		DASA incorporated the suggestion.
384	DASR FMA	DG DASA	<p>Include:</p> <ul style="list-style-type: none"> • direct Sponsor observations of the foreign military (eg through exercise, exchange, loan) to inform any additional control measures/command led oversight. • what to do when MAA is not recognised? You want to have something that looks at the candidate MAA processes, back up by real RC experience with the group that is coming to AUS. 	<p>Even if we have not done the background check, if the ensure community have a lot of experience with a particular military, that exposure combined with a good understanding of the Defence aviation system is probably more important that reliant solely on a DASA desktop recognition activity. But, it is preferable to have both.</p> <p>Also, make regulation bespoke - incorporate ATO requirements outright for FMA [rather than referring back to DASR NDR].</p>	<p>DASA incorporated the suggestion. AMC GR.27(a)1a.i was emended as follows:</p> <p style="padding-left: 40px;"><i>(c) previous direct observations of the foreign military (eg through operations, exercises, exchanges or loans, or Defence representatives overseas)</i></p> <p>AUTHOP (ie previous ATO) requirements were incorporated into DASR GR.27 as needed.</p> <p>LSN 519 also refers.</p>

LSN	NPA Feedback Reference: (ie extant DASR number, proposed NPA DASR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
385	DASR FMA	DG DASA	Look (throughout) to replace 'supplementing oversight' with a term more obvious to operators (and what you would expect them to do in practice)		DASA incorporated this intent through DASR GR.27(a)3.
386	DASR FMA	DG DASA	Delete Ramp inspection requirements for FMA		DASA deleted the requirement.
387	DASR FMA.05	DD FLTOPS	Modify '..Defence exercises' to 'Defence exercises/operations...'	This was always intended and clarifies applicability. There is no additional effect on the RC.	DASA deleted reference to 'Defence OAA' or equivalent. LSN 502 refers.
388	GM FMA.05	DAVNOPS	Include '(including flypasts and flying displays)' in the Purpose Statement, to match GM1 FMA.05(a)		DASA updated the Purpose Statement to reflect DG DASA and DASA LO direction, at GM GR.27, as follows: Purpose: (Context) Foreign Military Aircraft (FMA) are often approved to operate in Australian territorial airspace. However, foreign personnel can have limited familiarity with Australian airspace requirements and safety obligations to other airspace users and people on the ground. (Hazard) Ineffective Sponsor risk management of FMA in Australian airspace can compromise the safety of other airspace users and people on the ground. (Defence) This regulation places requirements on Sponsors of FMA in Australian airspace, to support compliance with the Work Health and Safety (WHS) Act 2011 (Cth), as it relates to the safety of other airspace users and people on the ground.
389	AMC FMA.05(a)	DD FLTOPS	Modify '..Defence exercises' to 'Defence exercises/operations...'	This aligns the AMC to the DASR part.	LSN 387 refers.
390	AMC FMA.05(a)b.i.f	DD FLTOPS	Modify Ramp Inspection AMC to better tailor material into AMC and GM. Current material is not all AMC		LSN 386 refers.

LSN	NPA Feedback Reference: (ie extant DASR number, proposed NPA DASR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
394	GM1 FMA.05(a)	O6-level WG on FMA, 5Oct23	How does foreign MAA recognition assist Sponsors?		<p>DASA has an established foreign CAA and MAA recognition program to provide a level of assurance of the MAAs systems. However, additional due diligence by the Sponsor, IAW DASR GR.27, is required. The program is executed to Defence priorities and reviewed on a regular basis. DASA included the following at GM GR.27(a)1e.i:</p> <p>(a) DASA MAA recognition. <i>DASA's MAA recognition promotes awareness, efficiency and flexibility, while maintaining an established level of credible and defensible safety assurance. The goal of recognition is to understand similarities and differences in the assessed MAA and its system, providing confidence that the foreign operator is working within a suitable safety framework with independent oversight. The basis of recognition is a top-down systems assessment, using an internationally agreed (open source) set of questions (Military Airworthiness Recognition Questions—MARQ), culminating in a published recognition certificate and relevant provisions (ie recognition scope, conditions and caveats). In turn, the regulated community can exploit this information to ensure the suitability of their specific Aviation Safety requirements.</i></p> <p>(b) <i>In addition to leveraging from DASA's recognition of the MAA, Sponsors should conduct their own assessment of the FMA and its operation— informed by experience from previous and current operations and exercises, open sources, and RFIs.</i></p>
395	GM1 FMA.05(a)h	O6-level WG on FMA, 5Oct23	(A19) Is there an expectation that Sponsors are required to assess safety intelligence on the foreign MAA aircraft involved in exercises?		DASA clarified safety intelligence assessment expectations at AMC GR.27(a)1 and GM GR.27(a)1.

LSN	NPA Feedback Reference: (ie extant DASR number, proposed NPA DASR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
396	DASR FMA	O6-level WG on FMA, 5Oct23	(A13) Is there an expectation that multiple Sponsors may apply in circumstances where joint land and sea landing operations are possible?		<p>Yes. DASA included the following at AMC GR.27(a)2 as follows:</p> <ul style="list-style-type: none"> a. <i>Sponsors of FMA should:</i> <ul style="list-style-type: none"> i. use DASR Form 140 to issue an Authority To Operate (AUTHOP), and to: <ul style="list-style-type: none"> (a) <i>advise DASA, before FMA Flights in Australian territorial airspace commence, of the intent to Sponsor FMA (note, DASA's registration of the AUTHOP is not a prerequisite to issuing the Sponsor's approval)</i> (b) <i>document the outcomes of the Sponsor's safety risk management</i> iii. <i>coordinate transfers of sponsorship as necessary.</i>

LSN	NPA Feedback Reference: (ie extant DADR number, proposed NPA DADR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
397	GM1 FMA.05(a)h.ii <i>Where the foreign MAA is not DASA-recognised</i>	O6-level WG on FMA, 5Oct23	Could Sponsors use the DASA Military Airworthiness Requirements Questions (MARQ) to assist in gaining airworthiness and flight operations information from non-recognised MAAs?		<p>No. GM GR.27(a)1 was updated as follows:</p> <p>a. Sponsor RFIs. <i>The Sponsor's risk management of the FMA should occur well in advance of the FMA's anticipated in-country arrival. This is to enable the Sponsor to submit any RFIs early to the foreign operating unit, as necessary (to inform the Sponsor's risk assessment). Sponsors should not wait for the foreign operating unit to submit a request for a Diplomatic Clearance (DIPCLR) before submitting RFIs—as foreign operating units may submit DIPCLR requests at short notice.</i></p> <p>And GM GR.27(a)1e.i was updated as follows:</p> <p>(f) RFIs. <i>RFIs on aviation safety topics, raised in planning correspondence to the foreign operating unit, can inform the Sponsor's consideration of safety controls and operational limitations. Some example past RFIs include the foreign military's:</i></p> <ul style="list-style-type: none"> (i) <i>Aircraft Type crew duty limits</i> (ii) <i>deployed AVMO arrangements, and likely need to access local AVMO services</i> (iii) <i>minimum on-board emergency fuel policy in Australian territory</i> (iv) <i>Dangerous Goods carriage policy.</i> <p>Other EMAR-based MARQ questions are too complicated and could challenge IE relationships. MARQ questions are specifically established for Aviation Authorities to use. Albeit, the RFI topics above were originally sourced from MARQ, as typical of Aviation Safety challenges during past IE.</p>

LSN	NPA Feedback Reference: (ie extant DASR number, proposed NPA DASR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
398	GM FMA.05 Purpose statement	DASA DDPER	<p>1. 'therefore' not required/valid - the preceding sentence does not explain the claim that foreign personnel may have limited familiarity.</p> <p>2. the operation of an aircraft cannot have an 'effect' on its CRE. Do you mean compatibility with CRE?</p>		<p>DASA amended GM GR.27 as follows:</p> <p>a. Purpose: <i>(Context) Foreign Military Aircraft (FMA) are often approved to operate in Australian territorial airspace. However, foreign personnel can have limited familiarity with Australian airspace requirements and safety obligations to other airspace users and people on the ground. (Hazard) Ineffective Sponsor risk management of FMA in Australian airspace can compromise the safety of other airspace users and people on the ground. (Defence) This regulation places requirements on Sponsors of FMA in Australian airspace, to support compliance with the Work Health and Safety (WHS) Act 2011 (Cth), as it relates to the safety of other airspace users and people on the ground.</i></p>
399	GM FMA.05 Purpose statement	DASA DDPER	<p>Parentetical clause should say: '... risk management, or prudent cessation, of the approved operation.</p>		LSN 398 refers.
400	GM FMA.05 Purpose statement	DASA DDPER & DASA LO	The regulation extends to Suitability For Flight, which includes protection of the aircraft etc.		IAW DG DASA direction, DASA modified all instances of the term 'Suitability For Flight' in DASR GR.27 with 'safety of other airspace users and people on the ground', to better reflect Sponsor WHS Act obligations for FMA.

LSN	NPA Feedback Reference: (ie extant DASR number, proposed NPA DASR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
401	AMC FMA.05(a)b	DASA DDPER	'air shows' is not included in the DASR		<p>DASR GR.27(a)1 and the applicability statement at GM GR.27 is inclusive. 'Air shows' are not excluded, as follows at GM GR.27:</p> <p><i>b. Applicability. This regulation applies to the Sponsor of FMA in Australian territorial airspace, including landing on Defence vessels (whether inside or outside Australian territorial waters).</i></p> <p><i>d. This regulation does not apply to FMA:</i></p> <p><i>i. that are transiting through Australian territorial airspace (including stopovers)</i></p> <p><i>ii. that are used for diplomatic purposes only, or as a static display as part of their time in Australian territorial airspace (eg Aircraft used by a visiting state dignitary that will remain parked until the state visit is completed, or a FMA used only as a static display Aircraft at an air show).</i></p>
402	AMC FMA.05(a)b.i(e)(ii)	DASA DDPER	<p>What does the following mean in practice?</p> <p><i>(ii) Defence Personnel flying in foreign Aircraft possess a fundamentally different skillset or understanding of their obligations to that envisaged by the MAA in deciding what regulations and oversight the MAA should apply.</i></p> <p>There is no GM to explain.</p>		DASA deleted the requirement.

LSN	NPA Feedback Reference: (ie extant DASR number, proposed NPA DASR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
406	FMA.05	DASA DDPER & DASA LO	The Sponsor may have a duty under the WHS Act to eliminate or minimize SFARP risk to health and safety		DASA updated DASR GR.27 as follows: c. <i>All FMA involvement must have an associated Sponsor (ie an Officer IAW s27 of the Work Health and Safety (WHS) Act 2011 (Cth)), who is accountable for assessing and managing risk to the safety of other airspace users and people on the ground. Therefore, the Sponsor must be reasonably informed—ie have knowledge about the hazard and risks, and ways of eliminating or minimising the risks posed by FMA to the safety of other airspace users and people on the ground. The choice of Sponsor is a matter for command.</i>
407	FMA.05	DASA DDPER	The Sponsor may have a duty under the WHS Act to eliminate or minimize SFARP risk to health and safety of third parties.		LSN 406 refers.
410	FMA.05(a)	DASA DDPER	<p>What are we seeking to achieve by listing types of operation? All 'aircraft used in the military ... services of a foreign country' are state aircraft and therefore outside CASA's remit. We seem to be then limiting our remit to include only those that are:</p> <ul style="list-style-type: none"> - military aircraft; and - operating part of Defence exercises/operations, capability trials or for sustained operations. <p>If that is a deliberate decision, recommend we seek the DG/DefAA's concurrence prior to proceeding.</p> <p>Note that DASP Man Vol 1 Ch1 6f states that the</p>		<p>DASA did not incorporate the entire scope of the suggestion.</p> <p>Rationale: While this limitation to scope of DASR FMA is extant, the rationale for continuing the limitation has been agreed by DG DASA, based on:</p> <ul style="list-style-type: none"> - the infeasibility of Sponsors applying the requirements of DASR FMA on FMA operating in Australia, but outside the current scope of this regulation - the limited exposure to Aviation Safety hazards posed FMA operations in Australia, outside the current scope of this regulation - the absence of historical safety intelligence indicating realised risks to Aviation Safety posed by FMA operations in Australia, outside the current scope of this regulation - benchmarking against CASA's approach to its similar problem (ie providing additional surveillance to foreign private aircraft operators inbound to Australia--CASA does not provide any surveillance for inbound flights in addition to that provided by the parent CAA), noting that CASA relies upon ICAO recognition, which is not relevant to foreign state (military) aircraft. <p>As part of a balanced risk-managed approach to Aviation Safety, GM GR.27 DASA retains the extant applicability scope limitation, but added clarification as follows:</p> <p>d. <i>This regulation does not apply to foreign military Aircraft:</i></p>

LSN	NPA Feedback Reference: (ie extant DASR number, proposed NPA DASR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
			<p>scope of the DASP includes 'the operation of foreign military aircraft within national airspace.'</p> <p>What about air shows: does participating at Avalon constitute being 'part of [a] Defence exercise'? To my knowledge, this is not the case.</p>		<p>i. <i>that are transiting through Australian airspace (including stopovers)</i></p> <p>ii. <i>that are used for diplomatic purposes only, or as a static display as part of their time in Australian territorial airspace (eg Aircraft used by a visiting state dignitary that will remain parked until the state visit is completed, or a FMA used only as a static display Aircraft at an air show).</i></p> <p>Additionally, DAVNOPS considered the need to be informed of all DIPCLRs to ensure that DASA's approach remains sound and DASA's MAA recognition coverage is sufficient. In 2023 the DIPCLR cell in HQ JOC received an average of 17 DIPCLR requests per week (up to a max of 51 per week during peak Exercise timings). If DAVNOPS were to be informed of every DIPCLR request and change (on occurrence) for assessment, it would sap DAVNOPS safety assurance capacity disproportionately to any safety dividend that might be extracted (particularly noting the absence of historical safety FMA outside the proposed scope of DASR GR.27). Notwithstanding, DAVNOPS has reviewed a summary of DIPCLR HQJOC processed over the last 12 months and is satisfied that both the approach proposed in the proposed DASR, and the planned program of DASA MAA recognition is sufficient and appropriate.</p> <p>Agreement could not be reached with DDPER.</p>
411	FMA.05(a)	DASA DDPER	Recommend replacing 'that the foreign Aircraft operation will not compromise Suitability For Flight ' with 'Aviation Safety in relation to the foreign Aircraft operation'.		LSN 400 refers.

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412	FMA.05(b)	DASA DDPER	DASR part (a) implies a 'leading' role ('will not compromise ...'); ie, the only required activity is an assessment in advance of the foreign aircraft operation. However, DASR part (b) requires the Sponsor to suspend operations when there is a safety concern.	Is there an expectation that the Sponsor is monitoring the ongoing safety of the activity they have approved, and continually updating their risk assessment? If so, we should make this explicit through the regulation. If not, recommend seeking DG/DefAA concurrence to the fact that nobody has ongoing oversight responsibility.	DASA amended DASR GR.27 as follows: <i>(a) The Sponsor who approves FMA to operate in Australian territorial airspace must:</i> ... <i>3. monitor the effectiveness of controls against the risk to the safety of other airspace users and people on the ground; and any significant safety events—and suspend FMA operations when there is concern that safety may be compromised.</i> LSN 440 also refers.
413	FMA.05(b)	DASA DDPER	Recommend replacing 'when there is concern that Suitability For Flight may be compromised' with 'when there is concern that Aviation Safety may be compromised'.		LSN 412 refers.
414	FMA.05(b)	A/DDCAA	I agree with DDPER's comment regarding continuing oversight of operations by the Sponsor.	In addition, there doesn't seem to be any controls in place to determine a. what constitutes a concern b. to what risk level a concern can impose prior to suspending the operation.	LSN 412 refers. Additionally, DASR GR.27(a)1 and 2 provide a means to define risks and controls, and to issue an AUTHOP to summarise them. Therefore these provide the triggers for the suspension of Flight operations where necessary.
415	GM FMA.05	DASA DDPER	Most flypasts & flying displays would not be called 'capability trials'		LSN 401 refers.
416	GM FMA.05	DASA DDPER	<i>(Hazard) Suitability for Flight can be compromised when Sponsors cannot assure effective risk management, or prudent cessation of, the approved operation</i>	Is this really the hazard we're controlling for? Surely the hazard is that a foreign military aircraft operation results in injury or death to Defence personnel or member of the public	LSN 388 refers.

LSN	NPA Feedback Reference: (ie extant DASR number, proposed NPA DASR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
417	AMC FMA.05(a)a	DASA DDPER	Why isn't this regulation? With the reg as written, a Sponsor could deem themselves to be compliant with the reg without telling us. There is no requirement for them to come to DASA to show compliance. They could approve the operation in any way they see fit.		<p>DASA amended AMC GR.27(a)1 as follows:</p> <ul style="list-style-type: none"> a. <i>Sponsor risk management of FMA in Australian territorial airspace should include:...</i> iii. <i>engagement with relevant command or HQ's 'Director Legal' (or equivalent appointment) during exercise concept design conferences, operational planning teams, or similar; to seek written authority for the foreign nation to abide by safety direction IAW DASR GR.27 (eg through Status Of Forces Agreements, Technical Arrangements, Memoranda of Understanding, Exercise or Operation Orders, etc)</i> <p>DASA amended AMC GR.27(a)2 as follows:</p> <ul style="list-style-type: none"> a. <i>Sponsors of FMA should:</i> <ul style="list-style-type: none"> i. <i>use DASR Form 140 to issue an Authority To Operate (AUTHOP), and to:</i> <ul style="list-style-type: none"> (a) <i>advise DASA, before FMA Flights in Australian territorial airspace commence, of the intent to Sponsor FMA (note, DASA's registration of the AUTHOP is not a prerequisite to issuing the Sponsor's approval)</i> (b) <i>document the outcomes of the Sponsor's safety risk management</i> ii. <i>coordinate transfers of sponsorship as necessary.</i>
418	AMC FMA.05(a)b	DASA DDPER	<p>Can DASA cancel or suspend an ATO? If so, we need to provide for that in the reg. If not, why not?</p> <p>Can DASA cancel or suspend a Sponsor's ability to issue ATOs? As above.</p>	If 'no' to both q's, I'd question the credibility of the controls we're claiming to be providing here.	<p>DASA did not incorporate the suggestion, based on DG DASA agreement. The removal of privileges, or equivalent, is implicit in the regulation.</p> <p>LSN 502 also refers.</p>
419	AMC FMA.05(a)b.i(e)(i)	DASA DDPER	Do we have an idea of what such [compelling] evidence would look like?		DASA deleted the requirement.

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420	AMC FMA.05(a)b.ii(a)	DASA DDPER	What about the requirements referencing an MAA? If the MAA is not recognised, we probably don't care particularly much when the last oversight activity was.		DASA deleted the requirement.
421	AMC FMA.05(a)b.ii(b)	DASA DDPER	This should be done irrespective of whether the overseeing MAA is recognised, especially in cases where the Sponsor has a duty in respect of the FMA activity under the WHS Act (eg personnel under their command are travelling aboard the foreign aircraft).		<p>DASA updated AMC GR.27(a)1 as follows:</p> <ul style="list-style-type: none"> a. <i>Sponsor risk management of FMA in Australian territorial airspace should include:</i> <ul style="list-style-type: none"> i. <i>being informed by:</i> <ul style="list-style-type: none"> (a) <i>DASA's recognition of the foreign MAA</i> (b) <i>open source data, if the foreign MAA is not recognised by DASA (DASA can provide support on request)</i> (c) <i>previous direct observations of the foreign military (eg through operations, exercises, exchanges or loans, or Defence representatives overseas)</i> ii. <i>conducting:</i> <ul style="list-style-type: none"> (a) <i>risk management:</i> <ul style="list-style-type: none"> (i) <i>for the scope of the FMA's involvement, roles, tasks and environment</i> (ii) <i>IAW the 'safety risk management process' defined in DASA AC 003/2018.</i>
422	AMC FMA.05(a)b.ii(d)	DASA DDPER	Why would this not also apply for the case where the foreign MAA is recognised? Again, particularly in cases where the Sponsor has a duty in respect of the FMA activity under the WHS Act.		<p>DASA updated AMC GR.27(a)1 as follows:</p> <ul style="list-style-type: none"> iv. <i>considering additional safety controls as necessary</i>

LSN	NPA Feedback Reference: (ie extant DASR number, proposed NPA DASR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
423	GM1 FMA.05(a)	DASA DDPER	1. It should be made clear that this is an 'or' list. 2. Applies to the Sponsor of such Aircraft, not to the Aircraft themselves		LSN 401 refers.
424	GM1 FMA.05(a)i	DASA DDPER	1. The 'activity' category is not included in the DASR Part text. What does 'military activity' mean? Any activity carried out by a military is inherently a military activity. Do we mean activities that are uniquely military in nature or similar; ie stuff that civvies don't do?	2. What are examples of military aircraft conducting a 'non-military' activity, and why shouldn't they be within scope of regulation?	LSN 401 refers.
425	GM1 FMA.05(a)ii iii and iv	DASA DDPER	These are already subsets of 'i'?		LSN 401 refers.
426	GM1 FMA.05(a)iv	DASA DDPER	Where? As written, it's applicable to foreign aircraft operating anywhere in the world.		LSN 401 refers.
427	GM1 FMA.05(b)	DASA DDPER	We should more clearly articulate what types of activities we're actually trying to exclude. Then, before going to NPA, we should clear that through the DG/DefAA.		LSN 401 refers.
428	GM1 FMA.05(b)	A/DDCAA	Do not agree with the two conditions where this "does not apply". E.g. it would be no different operating a FMA to and from an air show for static display purposes or military activity		LSN 401 refers.

LSN	NPA Feedback Reference: (ie extant DASR number, proposed NPA DASR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
429	GM1 FMA.05(b)ii	DASA DDPER	I wouldn't describe 'Aircraft used by a visiting state dignitary that will remain parked until the state visit is completed' as 'static display' nor 'commercial interests'		LSN 401 refers.
430	GM1 FMA.05(c)	DASA DDPER	Which regulations?		<p>DASA updated GM GR.27(a)2 as follows:</p> <ul style="list-style-type: none"> a. <i>The purpose of an AUTHOP is to document the Sponsor's consideration of risks to the safety of other airspace users and people on the ground. The AUTHOP should define:</i> <ul style="list-style-type: none"> i. <i>the FMA being approved and the means of compliance with DASR GR.27—including the safety controls the Sponsor has implemented</i> ii. <i>any FMA Sponsorship transfers, where necessary (eg joint and combined land and ship-based operations may require different Sponsors).</i> b. <i>Sponsor AUTHOP information assists DASA to maintain a register of FMA in Australian territorial airspace, and documents Sponsor details in case of an Aviation Safety Event.</i>

LSN	NPA Feedback Reference: (ie extant DASR number, proposed NPA DASR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
431	GM1 FMA.05(f)	DASA DDPER	This whole para only discusses Dip Clearance (DIPCLR) and says nothing about the Sponsor's obligations wrt planning.		<p>DASA updated GM GR.27(a)1e.i as follows:</p> <p>(d) Operation/exercise concept design. Major Defence exercises and operations are planned through concept design conferences, operational planning teams, or similar. Such planning includes reviewing extant international agreements/arrangements (eg enduring Status Of Forces Agreements, Technical Arrangements and Memoranda Of Understanding) and the need for supplemental agreements/arrangements specific to an operation or exercise. The Sponsor should seek for any updated documents to include written authority for the foreign nation to abide by any safety directions imposed IAW DASR GR.27.</p> <p>(e) Where concept design conferences are not held, or where formal agreements are not required/will not include written authority for the foreign nation to abide by safety directions imposed IAW DASR GR.27, Sponsors may alternatively choose to either:</p> <p>(i) include this requirement in the Exercise or Operation Orders (or equivalent)</p> <p>(ii) write a letter to the relevant foreign operating unit (the unit which has command of the FMA), seeking agreement to comply with Sponsor direction (as a condition of access to Australian territorial airspace).</p>
432	GM1 FMA.05(f)i	DASA DDPER	What is a foreign MAA operating unit?		LSN 431 refers.

LSN	NPA Feedback Reference: (ie extant DASR number, proposed NPA DASR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
433	GM1 FMA.05(f)i	DASA DDPER	This seems to be suggesting that the Sponsor write to the foreign MAA and request details of their oversight of the operator, including oversight findings. [This is not executable.]		<p>DASA amended GM GR.27(a)1e.i as follows:</p> <p>...</p> <p>(f) RFIs. <i>RFIs on aviation safety topics, raised in planning correspondence to the foreign operating unit, can inform the Sponsor's consideration of safety controls and operational limitations. Some example past RFIs include the foreign military's:</i></p> <p>(i) <i>Aircraft Type crew duty limits</i></p> <p>(ii) <i>deployed AVMO arrangements, and likely need to access local AVMO services</i></p> <p>(iii) <i>minimum on-board emergency fuel policy in Australian territory</i></p> <p>(iv) <i>Dangerous Goods carriage policy.</i></p> <p>LSN 431 also refers.</p>
434	GM1 FMA.05(f)ii(a)	DASA DDPER	If we believe the CDF Directive 12/16 references are good let's just replicate them here rather than referencing a document outside our control.		<p>DASA did not incorporate the suggestion.</p> <p>Rationale: DASA applied the general ADF writing principles of 'brevity' and 'avoiding duplication'. Additionally, CDF Directive 12/16 is undergoing update (with DASA input). Therefore, DASA aims to minimise future DASR changes required due to Directive amendments.</p>
435	GM1 FMA.05(f)ii(b)	DASA DDPER	This should be 'military' in lieu of 'MAA'		DASA incorporated the suggestion.
436	GM1 FMA.05(f)ii(b)	DASA DDPER	I'd say this para is true even if the foreign MAA is recognised.		<p>DASA amended GM GR.27(a)1e.i as follows:</p> <p>(f) Direct observations of the foreign military. <i>Previous direct observations of the foreign military (through exercises or operations (and relevant post activity reports), exchanges, loans, etc) can inform the Sponsor's consideration of additional safety controls and operational limitations.</i></p>

LSN	NPA Feedback Reference: (ie extant DASR number, proposed NPA DASR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
437	GM2 FMA.05(a)	DASA DDPER	It is completely unrealistic to expect that the Sponsor can: a) obtain the certification basis of the aircraft; then b) assess the compatibility of the proposed roles etc with the certification basis	I doubt anyone would share with us: 'applicable Aircraft operating instructions, Type Certificate and authorised exemptions'. Most militaries don't have an organizational approval construct for maintenance orgs etc (especially US services).	LSN 433 refers.
438	GM3 FMA.05(a)c.i	DASA DDPER	[Ramp inspections] should be proportional to the number of sorties conducted by foreign Aircraft.		DASA deleted the requirement
439	GM3 FMA.05(a)	DASA DDPER & DASA LO	Have we confirmed that, in granting a Dip Clearance, Australia retains rights to conduct ramp inspections? My understanding is that we need to explicitly say this as a caveat on the Clearance.		DASA deleted the requirement

LSN	NPA Feedback Reference: (ie extant DASR number, proposed NPA DASR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
440	AMC FMA.05(b)a	DASA DDPER & DASA LO	This AMC doesn't make any sense; according to this, change in risk characterization from 'very low' to 'low' would result in suspension of operations. Without this part of the sentence, the para only repeats the regulation.		<p>DASA incorporated the intent of the suggestion through a re-write of its DASR Part and AMC, as follows:</p> <p>DASR GR.27(a)</p> <p>3. <i>monitor the effectiveness of controls against the risk to the safety of other airspace users and people on the ground; and any significant safety events—and suspend FMA operations when there is concern that safety may be compromised.</i></p> <p>AMC GR.27(a)3</p> <p>a. Suspension of Flight operations. <i>The Sponsor suspending Flight operations should advise relevant Service commands and DASA as soon as practicable, including the proposed criteria and plan for resuming operations. Sponsors should consider the principles of AMC ARO.55.A - Cessation of Flight Operations (AUS) when suspending FMA Flight operations.</i></p> <p>b. Resumption of Flight operations. <i>Sponsors should consider the principles of AMC ARO.55.A - Cessation of Flight Operations (AUS) when resuming FMA Flight operations.</i></p>
441	AMC FMA.05(b)b	DASA DDPER	Which MAA does this refer to? And in which situations would engagement with the MAA be required?		LSN 440 refers.
442	GM FMA.05(b)	DASA DDPER	Why is this GM? It should be regulation.		LSN 440 refers.
443	Suitability for Flight definition	DASA LO	The term <i>Suitability For Flight</i> should be substituted for the term <i>Aviation Safety</i> as it is broader and better describes WHS Act obligations	This is a legacy term that does not link to the requirements of the WHS Act and the DASF (JD 21/21) as appropriately as the definition provided by 'Aviation Safety'.	LSN 400 refers.

LSN	NPA Feedback Reference: (ie extant DASR number, proposed NPA DASR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
444	FMA.05(a)	DASA LO	In order to encapsulate all International Engagement (IE) involving FMA it might be better to use the term 'operations, actions and activities' (OAs) - as used by the published ADG.	This is the term used at HQJOC to cover all Defence engagement and will cover the full spectrum of FMA conduct, from operations, exercises and other activities such as air shows, capability demonstrations, etc. Nonetheless, we should list these OAs in GM to provide guidance on the different types of IE which are included.	LSN 502 refers. Refer to final DASR.
445	FMA.05(a)	DASA LO	From: (a) The Sponsor who approves a foreign military Aircraft to operate within Australian airspace as part of Defence exercises/ operations, capability trials or for sustained operations must assure that the foreign Aircraft operation will not compromise Suitability For Flight	To: The Sponsor who approves a foreign military Aircraft to operate within Australian airspace as part of Defence Operations, Actions and Activities (OAs) must ensure compliance with DASR FMA in order to satisfy WHS Act obligations.	DASA incorporated the intent of the suggestion at DASR GR.27 as follows: <i>(a) The Sponsor who approves FMA to operate in Australian territorial airspace must:</i> <i>1. ensure that FMA operations are conducted in a manner such that risks to the safety of other airspace users and people on the ground are eliminated So Far As is Reasonably Practicable (SFARP) and, where not reasonably practicable to eliminate, minimised SFARP.</i>
446	GM FMA.05	DASA LO	Hazard could be better described as:	(Hazard) Aviation safety is compromised when command/the sponsor are either unable to eliminate risks SFARP or if this isn't possible, are unable to minimize risks SFARP arising out of any FMA OAA to the point that the FMA OAA now risks adversely affecting the health and safety of those involved or other persons not associated with it, such as civilians.	LSN 388 refers.

LSN	NPA Feedback Reference: (ie extant DASR number, proposed NPA DASR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
447	GM1 FMA.05(a)f	DASA LO	Maybe this can be re-phrased to highlight the need for the sponsor to check with the FMA in the planning phase that they have submitted their application for DIPCLR. However, it is the responsibility of the foreign state seeking to enter Australia to submit this, not the sponsor.		LSN 397 refers.
448	GM1 FMA.05(a)a	DD FLTOPS	With all additions to this para, it can now be simplified. All contexts listed are subsets of the current a.i		LSN 401 refers.
449	GM FMA.05(a)b.ii	DASA LO	Suggest removing '...or for commercial interests..' in below, to avoid confusion. Any commercial interest would be as part of a diplomatic mission or as a static display transit.		LSN 401 refers.

LSN	NPA Feedback Reference: (ie extant DASR number, proposed NPA DASR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
450	DASR FMA	O6-level WG on FMA, 5Oct23	<p>(AI1, AI5) The success of a DASR NDR.15 'Sponsor assessment' is predicated on:</p> <p>(1) DASA Foreign MAA recognitions being in place</p> <p>(2) being risk based</p> <p>(3) being similar to the FAA [Ready to Embark - RTE] model</p> <p>(4)</p> <p>(a) the Sponsor's access to the relevant MARQ responses, or</p> <p>(b) the Sponsor seeking MARQ responses as a condition of the DIPCLR in the case of FMA with a non-recognised MAA</p> <p>(5) the capacity and capability of a Sponsor to assess and make a determination about the airworthiness and safety system of foreign military aviation operators.</p>		<p>(1) DASA included MAA recognition considerations at AMC GR.27(a)1a.i(a) and GM GR.27(a)1e.i(a), based on DASA AC 004/2018 <i>Airworthiness recognition in the DASP</i>. DASA is assessing new MAAs for recognition to an agreed order, prioritised on FVEYS and Quad countries. LSN 465 refers.</p> <p>(2) AMC GR.27(a)1a.ii and GM GR.27(a)1e-f discuss the risk-based approach to FMA.</p> <p>(3) DASA assessed the FAA RTE process at SI(NA) OPS 01-02 <i>FAA Deployable Elements (Detachments and Flights)</i> at Obj ID E7676421 and is satisfied that the proposed DASR GR.27 implements the intent of the RTE model. The RTE model is based on an accountable entity being informed, assessing the requirement and risk shortfalls, and making a decision to proceed. DASR GR.27 implements this model through a Sponsor:</p> <p>(a) Authority To Operate (AUTHOP) framework that assists to establish the hazard and risk context for the FMA, so as to be reasonably informed of the risk and all possible controls</p> <p>(b) assessment of the FMA requirement and shortfalls against DASR GR.27, and eliminating risk SFARP; and if not practicable to eliminate, minimising risk SFARP</p> <p>(c) characterisation of residual risks and a decision to proceed.</p> <p>(4)(a) LSN 397 refers.</p> <p>(4)(b) LSN 397 refers.</p> <p>(5) Sub-para (1) above and LSN 118 refers.</p>
451	DASR FMA	O6-level WG on FMA, 5Oct23	(AI8) DAVNOPS to consult draft DIPCLR requirements, and assess the feasibility of securing timely information to enable Sponsor due diligence activities.		<p>DASA consulted the HQAC DIPCLR cell. DIPCLR requests may only be received with limited advance warning to in-country arrival. Therefore, it is best to request Sponsor information through RFIs, well in advance of the foreign military's in-country arrival date.</p> <p>LSNs 421, 431 and 433 also refer.</p>

LSN	NPA Feedback Reference: (ie extant DASR number, proposed NPA DASR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
452	DASR FMA	O6-level WG on FMA, 5Oct23	(AI10) What is the basis of the requirement for DASA endorsement of ATOs where ADF pilots are expected to fly FMA aircraft?		DASA deleted the requirement.
453	DASR FMA	O6-level WG on FMA, 5Oct23	<p>(AI11) DASA LO to clarify the Sponsor's duty under WHS when the foreign MAA is operating their own aircraft without ADF personnel on board.</p> <p>Specifically:</p> <p>(1) does the Sponsor have a WHS duty to the foreign military personnel on board their own aircraft?</p> <p>(2) what duty does the Sponsor have to the overflown general public as a result of FMA actions.</p>		<p>(1) There are two answers to this question, based on context:</p> <p>(a) The Sponsor <i>normally</i> has no duty to Foreign Military Personnel (FMP) under the <i>Work Health & Safety Act 2011</i> (Cth) (WHS Act). FMP come within their own domestic MAA aviation safety regime and related legislation, and are not considered workers for the purposes of s7 of the WHS Act. Nor are they considered a PCBU under the WHS Act. An example would be foreign military aircraft transiting from A to B.</p> <p>(b) However, if the FMA was acting under <i>specific</i> ADF direction (eg such as being required to conduct operational flying it <i>wouldn't normally carry out</i>), the FMP could then fall within the WHS Act by virtue of the Sponsor's primary duty of care at s19(2) to 'other persons', to whom the Sponsor will then owe a duty to. This would be an extreme corner case.</p> <p>WHS Act, s19(2): <i>A person conducting a business or undertaking must ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.</i></p> <p>(2) The Sponsor does have a duty to the public under the WHS Act. The activity the FMA is involved in will be considered part of a Commonwealth undertaking that contributes to the defence of Australia. The key point is that the FMA is in Australia at the request of (or with the permission of) the Sponsor. Consequently, the Sponsor must comply with the WHS Act primary duty contained within s19(2) of the WHS Act requirement above.</p> <p>(Note: s19(2) of the WHS Act is the key requirement here. The Sponsor must ensure, SFARP, that the health and safety of 'other persons' (ie the civilian population that fall within this category of 'other persons') are not put at risk by the specific OAA. Therefore, the Sponsor has a duty to ensure the health and safety of the civilian population, if the FMA is permitted to overfly civilians or civilian populated areas (eg ensuring fuel tanks, practice bombs, or live ordnance do not inadvertently fall from the FMA.)</p> <p>LSN 406 also refers.</p>

LSN	NPA Feedback Reference: (ie extant DASR number, proposed NPA DASR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
454	DASR FMA	O6-level WG on FMA, 5Oct23	(AI12) DASA to clarify that:	sponsors are expected to identify and implement controls relevant to the specific mission sets intended during FMA.	LSN 421 refers.
456	DASR FMA	DAVNOPS	Update to DASR FMA to incorporate the need for DASA to provide recognition of the (foreign) safety assurance framework under which a FMA operates		LSN 394 and 465 refer.
457	DASR FMA	DAVNOPS	Update to DASR FMA to incorporate the need for the RC to provide FMA Sponsorship, informed by SME in the role, task, platform or environment.		LSN 421 refers.
458	DASR FMA	DEFEV2308 0750	There does, however, remain a disconnect between the realities of assurance activities that can be undertaken by a sponsoring MAO, perceived expectations of Australian Defence regulators and existing barriers to the access to each nation's safety and flight management systems		LSN 230 refers.

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459	DASR FMA	HQAC	What is the expected timeliness of DASA ATO [now AUTHOP] endorsements?		<p>DAVNOPS created a new Form DASR 140. Registration is not expected to be time-consuming. DASA amended AMC GR.27(a)2 as follows:</p> <p><i>a. Sponsors of FMA should:</i></p> <p><i>i. use DASR Form 140 to issue an Authority To Operate (AUTHOP), and to:</i></p> <p><i>(a) advise DASA, before FMA Flights in Australian territorial airspace commence, of the intent to Sponsor FMA (note, DASA's registration of the AUTHOP is not a prerequisite to issuing the Sponsor's approval)</i></p> <p><i>(b) document the outcomes of the Sponsor's safety risk management.</i></p> <p>LSN 516 also refers.</p>
460	DASR FMA	Mission Analysis Brief for DG DASA	Update ATO requirement to include: conducting Aviation Safety reviews IAW DASR SMS (eg Aviation Hazard Review Board) (when authorising NDR activities of a duration greater than 12 months)		<p>DASA amended AMC GR.27(a)1a as follows:</p> <p><i>ii. conducting:</i></p> <p><i>(a) risk management:</i></p> <p><i>(i) for the scope of the FMA's involvement, roles, tasks and environment</i></p> <p><i>(ii) IAW the 'safety risk management process' defined in DASA AC 003/2018</i></p> <p><i>(b) continuous risk monitoring and review—IAW 'step 7' of the safety risk management process:</i></p> <p><i>(i) tailored relative to the level of risk exposure</i></p> <p><i>(ii) on a recurring schedule (eg an annual (or similar) basis), when FMA remain in Australian territorial airspace continuously for six or more months, or remain temporarily but on a recurring basis—for example for RSAF 130SQN, SADFO RAAF Pearce. invites 130SQN representatives to Base Aviation Safety Committee meetings.</i></p>

LSN	NPA Feedback Reference: (ie extant DASR number, proposed NPA DASR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
461	DASR FMA	Mission Analysis Brief for DG DASA	Create a bespoke ATO solution		LSN 459 refers.
462	DASR FMA	Mission Analysis Brief for DG DASA	Amend as-drafted DASR GR.27 to ensure all controls are executable		DASA tested and amended DASR GR.27 controls to ensure they are all executable. LSNs 382 and 433 also refer.
464	AMC FMA.05b2a.i(h)	DD FLTOPS	<p>The AMC is as follows:</p> <p>(h) identifying the MAA's most recent oversight activity on the organisations and Aircraft Types involved in the</p> <p>This may not be executable by the Sponsor, therefore suggest modifying to that shown in the next column. The Sponsor will still be obliged to make an aviation safety assessment whether the results arrive before the OAA or not, IAW provided GM FMA.05</p>	(h) requesting the results of the MAA's most recent oversight activity on the organisations and Aircraft Types involved in the FMA	DASA deleted the AMC requirement, as it is not executable.
465	DASR FMA	O6-level WG on FMA, 5Oct23	(AI2) DASA to complete recognition of FVEYS and Quad countries as a priority		DASA included recognition of FVEYS and Quad countries into the 2024/25 MAA recognition task plan as a priority.
466	DASR FMA	O6-level WG on FMA, 5Oct23	(AI7) DASA to include Spain in the list of priorities for foreign MAA recognition		DASA included recognition of Spain into the 2024/25 MAA recognition task plan, but is of a lower priority than others, based on DG DASA direction.

LSN	NPA Feedback Reference: (ie extant DASR number, proposed NPA DASR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
467	DASR FMA	DD FLTOPS	Include GM to suggest that Sponsors should seek RFIs from foreign operating units in advance of DIPCLR submittal, to ensure sufficient time is provided for receipt of information & consideration in Sponsor RAs		LSN 451 refers.
468	DASR FMA	DASA LO	<p>1. The term 'Australian sovereign territorial airspace' could be trimmed down to read 'Australian territorial airspace'.</p> <p>The latter phrase means exactly the same thing as the former but maybe is not as wieldy to the reader. Essentially both definitions relate to the fact that Australia has exclusive jurisdiction of its own airspace up to and including 12nm.</p>	<p>2. Recommend inserting the words '...as a result of the FMA conduct.' at GM FMA.05d.</p> <p>3. After the word SFARP in the second sentence of GM FMA.05f, I recommend inserting a new sentence as follows:</p> <p>'The Sponsor will also be reasonably expected to ask further questions in those situations where he/she only has limited information in order to make an informed decision.'</p>	<p>1. DASA incorporated the suggested change.</p> <p>2. DASA incorporated the intent of the suggestions at GM GR.27 as follows:</p> <p><i>b. All FMA involvement must have an associated Sponsor (ie an Officer IAW s27 of the Work Health and Safety (WHS) Act 2011 (Cth)), who is accountable for assessing and managing risk to the safety of other airspace users and people on the ground. Therefore, the Sponsor must be reasonably informed—ie have knowledge about the hazard and risks, and ways of eliminating or minimising the risks posed by FMA to the safety of other airspace users and people on the ground. The choice of Sponsor is a matter for command.</i></p> <p>3. DASA incorporated the intent of the suggestion at GM GR.27(a)1e.i as follows:</p> <p><i>(b) In addition to leveraging from DASA's recognition of the MAA, Sponsors should conduct their own assessment of the FMA and its operation— informed by experience from previous and current operations and exercises, open sources, and RFIs.</i></p>
469	DASR FMA	DASA DDPER	As a small regulation, elevate FMA to GR.27 instead [to promote visibility and de-link from DASR NDR]		DASA incorporated the suggestion.
470	DASR GR.27	AIRCDRE Heap	Consider ATO change to, for example, to 'Record of Approval' to de-conflict with Ex Air Tasking Order		DASA renamed 'ATO' to 'Authority To Operate (AUTHOP)' to also de-conflict with 'Record of Approval'.

LSN	NPA Feedback Reference: (ie extant DASR number, proposed NPA DASR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
471	DASR GR.27	DG DASA	DASA needs to provide a level of safety assurance of FMA in Australia.	This is to provide a regulatory hazard control to the risks FMA pose to other airspace users and people on the ground.	DASA incorporated the suggestion throughout the DASR, as necessary.
472	DASR NDR.15	ACAUST-DASA SYNCH 09Aug24	<p>DACAUST noted the ongoing issues/discontent in relation to the responsibilities of Sponsors of FMA under NDR.15 (specifically referencing Pitch Black 24 /Talisman Sabre 24 activities and AIA25).</p> <p>There are several risks to broader international engagement in this area, which need to be addressed or considered by command.</p>		<p>DASA participated in discussion on Air Command Board Agenda Item 03/24 'DASR NDR.15 - FMA Operations in Australian Airspace', of 15 Oct 24, where ACAUST indicated an intention to table at the Nov 24 DASB a discussion regarding the need to:</p> <ul style="list-style-type: none"> i. educate those appointments likely to make invitations to FMA, as to their WHS obligations WRT the safety of other airspace users and people on the ground ii. establish an appropriate distribution of responsibilities (between Sponsors and those organisations and appointments issuing FMA invitations). <p>DASA is:</p> <ul style="list-style-type: none"> - postured to support any education lines of effort resulting from ACAUST's intentions - accelerating the FLTOPS recognition of foreign MAA, to simplify Sponsor FMA responsibilities. <p>Additionally, DASA is postured to develop education/promotion material for IP Div etc through a list of:</p> <ul style="list-style-type: none"> · recognised countries · familiar aircraft types: <p>to inform appointments and organisations issuing invitations as to which countries AUS could invite without a significant risk of intrusive Sponsor controls (including to the point of effectively excluding participation in the relevant activity). This list would provide an indication of when appointments and organisations should consult with DASA before making an invitation/commitment to an international partner.</p> <p>Further, DASA will update the current AM Supporting Staff Course and MAO-AM Briefing training packs by EOY 24 to provide clarification of the role and activities expected of a Sponsor.</p>

LSN	NPA Feedback Reference: (ie extant DASR number, proposed NPA DASR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
473	DASR NDR.15	ACAUST-DASA SYNCH 09Aug24	WRT discussion about NDR.15 and FEG CDR sponsorship of the foreign unit. I question the value for effort in the activity, due MAO responsibility for risk acceptance and airworthiness of aircraft systems that they are not familiar with.	ACAUST comment that we need to be mindful of the sensitives of inviting nations to participate in multi nation exercises and then imposing conditions. COS offered that 'recognition' work will reduce some of the work in this area. However, the Military org that we recognise are generally very aligned with our systems, and they are not the issue. The question is really about whether the regulations are addressing the hazard, and/or providing appropriate and viable mitigation.	DASA updated DASR GR.27 ICW DG DASA, Env CDR representatives and key MAOs (through DG DASA and the 2/24 DASB). LSN 504 refers.

LSN	NPA Feedback Reference: (ie extant DASR number, proposed NPA DASR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
474	DASR FMA	DFSB	<p>There is a lack of clarity WRT safety reporting requirements and processes associated with FMA. My understanding of current FMA-related policy reporting arrangements is as follows:</p> <ul style="list-style-type: none"> - FMA are exempt from the civil Transport Safety Investigations Act and related reporting requirements. - DFSB are to be notified of all accidents involving FMA in Australia. - The extant Australian Gov Aviation Disaster Response Plan 2014 (AUSAVPLAN) calls out DDAAFS (now DFSB) as responsible for investigating both Australian and foreign military aircraft accidents in Australia. 	<ul style="list-style-type: none"> - Consistent with Air Standard ACS 4086, there is an expectation (requirement for AFIC nations) that the individual Sponsor and DFSB are also notified of other safety events involving circumstances indicating that there was a high probability of an accident. - Sentinel reporting for the above events is determined in consultation with DFSB. <p>Further, routine reporting of FMA safety events is to occur when there is an interface between the FMA and a Defence aviation system (FO, Aerodrome, ANSP etc). In this instance, the ASR is raised, classified and investigated (if appropriate) from the perspective of the Defence organisation.</p>	<p>DASA incorporated the following into AMC GR.27(a)1a.v:</p> <p><i>...Sponsor risk management of FMA in Australian territorial airspace should include:</i></p> <p><i>v. informing the sponsored organisation of:</i></p> <ul style="list-style-type: none"> <i>(a) safety controls (including limitations) imposed through the Sponsor's Authority to Operate (AUTHOP)</i> <i>(b) Aviation Safety Event reporting and incident control requirements (in consultation with DFSB)</i> <i>(c) Australian Rules of the Air</i> <i>(d) airspace and environmental conditions and limitations</i> <i>(e) the Sponsor's obligation to suspend FMA operations when there is concern that safety may be compromised</i> <i>(f) the Sponsor's point-of-contact.</i> <p>FMA reporting and investigation considerations will also be expanded within the new DASA <i>Defence Aviation Investigations Manual</i>.</p>

LSN	NPA Feedback Reference: (ie extant DASR number, proposed NPA DASR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
475	GM GR.27a	DIA	<p>The purpose statement places requirements on Sponsors of Defence OAA, to support compliance with the Work Health and Safety (WHS) Act 2011 (Cth), as it relates to Aviation Safety.</p> <p>This sentence on its own does not relate to FMA – it provides guidance that the an OAA done by Defence is Sponsored, and that the Sponsor needs to comply – is this relevant to Aus normal Aviation Ops as it could be read that way.</p>		<p>DASA amended GM GR.27 as follows:</p> <p>a. Purpose: (Context) <i>Foreign Military Aircraft (FMA) are often approved to operate in Australian territorial airspace. However, foreign personnel can have limited familiarity with Australian airspace requirements and safety obligations to other airspace users and people on the ground. (Hazard) Ineffective Sponsor risk management of FMA in Australian airspace can compromise the safety of other airspace users and people on the ground. (Defence) This regulation places requirements on Sponsors of FMA in Australian airspace, to support compliance with the Work Health and Safety (WHS) Act 2011 (Cth), as it relates to the safety of other airspace users and people on the ground.</i></p> <p>b. <i>All FMA involvement must have an associated Sponsor (ie an Officer IAW s27 of the Work Health and Safety (WHS) Act 2011 (Cth)), who is accountable for assessing and managing risk to the safety of other airspace users and people on the ground. Therefore, the Sponsor must be reasonably informed—ie have knowledge about the hazard and risks, and ways of eliminating or minimising the risks posed by FMA to the safety of other airspace users and people on the ground. The choice of Sponsor is a matter for command.</i></p>
476	AMC GR.27(a)2a.i(b)	DIA	I do not see how compliance with the AMC actually ensures the FMA complies with the AUTHOP. I am not sure the AMC is related to the Reg at all.		<p>DASA has not incorporated the suggestion.</p> <p>Rationale: AMC GR.27(a)2a.i(b) reads as follows:</p> <p><i>(b) document the outcomes of Sponsor risk management</i></p> <p>This includes an inferred task to document (as a part of Sponsor risk management) any Sponsor tasks/activities that validate FMA compliance with AUTHOP risk controls throughout the FMA period.</p>
477	GM GR.27a	COS DASA	[Only] While FMA is operating in AS important - need to provide this context (if it wasn't, we would just say no)		LSN 475 refers.

LSN	NPA Feedback Reference: (ie extant DASR number, proposed NPA DASR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
478	AMC GR.27(a)1c.ii	COS DASA	You have not mentioned use of our Defence representation overseas who are well connected with foreign militaries and can provide valuable insight		<p>DASA amended AMC GR.27(a)1 as follows:</p> <ul style="list-style-type: none"> a. <i>Sponsor risk management of FMA in Australian territorial airspace should include:</i> <ul style="list-style-type: none"> i. <i>being informed by:</i> <ul style="list-style-type: none"> (a) <i>DASA's recognition of the foreign MAA</i> (b) <i>open source data, if the foreign MAA is not recognised by DASA (DASA can provide support on request)</i> (c) <i>previous direct observations of the foreign military (eg through operations, exercises, exchanges or loans, or Defence representatives overseas)</i>
479	Definitions	COS DASA	ATO vs AUTHOP. Can you check this against the ADG as it may already be reserved.		DASA confirmed the name of this artefact during discussion with ENV CDR representatives.
480	Definitions	COS DASA	Not second guessing you here but why not just 'Aircraft Operation' - i think i am getting that you didn't want to mix the terms "operation" as in the military ops piece vs the turning of engines and flight of an aircraft		LSN 383 refers.
481	Definitions	COS DASA	Not confident if you will be able to have C2 over foreign elements - not practical, diplomatically acceptable or legal - perhaps direct influence (through a country to country agreement or instrument)		LSN 484 refers.

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482	GR.27(a)	COS DASA	What? just out to 12NM - that isn't going to work , i can see assets popping in and out all the time - is there options where it can be defined by where you operate from/to (like Australian territory, from the point of entry to the point of exit (where you are no longer returning to land in AS sovereign territory (including AS naval ships)		<p>DASA has not incorporated suggestion.</p> <p>Rationale: This wording has been workshopped with the DASA LO. Territorial airspace (ie 12NM) is significant (from the 'baseline'), because outside of 12NM the super adjacent airspace is international airspace (ie beyond Australia's jurisdiction). The wording accounts for all scenarios, ie if there is a likelihood of FMA continuously skirting the 12NM limit, Sponsor obligations against the regulation can be addressed during planning. Additionally, the scope of the regulation includes FMA landing on RAN ships, as follows, in GM GR.27:</p> <p>b. Applicability. <i>This regulation applies to the Sponsor of FMA in Australian territorial airspace, including landing on Defence vessels (whether inside or outside Australian territorial waters).</i></p>
483	GR.27(a)	COS DASA	I think you need to include transits here that sit outside operations, activities and actions (like channel missions) and long term stays (130SQN, 127SQN, Marine OV-22s)		<p>DASA has not incorporated suggestion.</p> <p>Rationale: DG DASA approved this exclusion based on arguments presented on 06 Aug 24 (COA DEV briefing). In particular, safety intelligence combined with a lack of feasibility in conducting any meaningful Sponsor actions for transits indicate that it is neither reasonably practicable nor warranted to include transits in scope. Additionally, long term stays are already within scope of the regulation - defined in GM GR.27.</p>

LSN	NPA Feedback Reference: (ie extant DASR number, proposed NPA DASR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
484	GR.27(a)3	COS DASA	Get what you saying, agree, but this will need to be done under an agreement (defence state to defence state)		<p>DASA updated GM GR.27(a)1d.i(c) and (d) as follows:</p> <p>(c) Operation/exercise concept design. Major Defence exercises and operations are planned through concept design conferences, operational planning teams, or similar. Topics include extant international agreements/arrangements (eg enduring Status Of Forces Agreements, Technical Arrangements and Memoranda Of Understanding) and the need for supplemental agreements/arrangements specific to an operation or exercise. The Sponsor should seek for any updated documents to include written authority for the foreign nation to abide by safety direction imposed IAW DASR GR.27.</p> <p>(d) Where concept design conferences are not held, or where formal agreements are not required/will not include written authority for the foreign nation to abide by safety direction imposed IAW DASR GR.27, Sponsors may alternatively choose to either:</p> <p>(i) include this requirement in the Exercise or Operation Orders (or equivalent)</p> <p>(ii) write a letter to the relevant foreign operating unit (the unit which has command of the FMA), seeking agreement to comply with Sponsor direction (as a condition of access to Australian territorial airspace).</p>
486	GM GR.27b	COS DASA	Bit confused here - are you saying the sponsor will be the person accountable for the OAA (ie is CMD 1 DIV going to be the sponsor for TS25 (noting it is a COMD decision, but they will read the reg and draw the conclusion it is the whole ex AM))?		<p>DASA updated GM GR.27 as follows:</p> <p>c. All FMA involvement must have an associated Sponsor (ie an Officer IAW s27 of the Work Health and Safety (WHS) Act 2011 (Cth)), who is accountable for assessing and managing risk to the safety of other airspace users and people on the ground. Therefore, the Sponsor must be reasonably informed—ie have knowledge about the hazard and risks, and ways of eliminating or minimising the risks posed by FMA to the safety of other airspace users and people on the ground. The choice of Sponsor is a matter for command.</p>

LSN	NPA Feedback Reference: (ie extant DASR number, proposed NPA DASR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
487	GM GR.27c.i	COS DASA	This is good but i still believe this definition of applicability needs to be sharpened up.	ie can't keep it to this 'inside the 12NM' concept.	LSN 482 refers.
488	GM GR.27e.i	COS DASA	So we are not covering channel missions and other DIPCLR for transits?	Who else is?	LSN 483 refers.
489	AMC GR.27(a)1b.ii(b)	COS DASA	Are we talking AHRB for the FMA? - I think this will be both impractical and inappropriate (unless underpinned by another legal agreement)		<p>DASA updated AMC GR.27(a)1b as follows:</p> <p><i>ii. conducting:</i></p> <p><i>(a) risk management:</i></p> <p><i>(i) for the scope of the FMA's involvement, roles, tasks and environment</i></p> <p><i>(ii) IAW the 'safety risk management process' defined in DASA AC 003/2018</i></p> <p><i>(c) continuous risk monitoring and review—IAW 'step 7' of the safety risk management process:</i></p> <p><i>(i) tailored relative to the level of risk exposure</i></p> <p><i>(ii) on a recurring schedule (eg an annual (or similar) basis), when FMA remain in Australian territorial airspace continuously for six or more months, or remain temporarily but on a recurring basis—for example for RSAF 130SQN, SADFO RAAF Pearce invites 130SQN representatives to Base Aviation Safety Committee meetings.</i></p> <p>Rationale: The conduct of Aviation Safety reviews (or equivalent) meet the 'SFARP' requirements of continuous risk monitoring and review for FMA with exposure of this periodicity in Australian airspace. PEA currently host regular Base Aviation Safety Committee meetings together with local RMAF units, that meet the intent of AHRBs (confirmed with CI 2FTS and 25SQN Air Base Capability Development). Additionally, this control has been tested with previous Sponsors and is appropriate and proportionate. Options for the coordination of Aviation Safety reviews with FMA units are discussed in the regulation, and include the raising of legal agreements.</p>

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490	AMC GR.27(a)1b.iii	COS DASA	I form the view that these instruments are going to become the most important of all at the diplomatic level to avoid relationship issues that may become of Australia trying to exert some form of authority over partner nations.		Noted
491	AMC GR.27(a)1c	COS DASA	Why do we have [this section covering non DASA recognised MAA]?		<p>DASA has not incorporated suggestion.</p> <p>Rationale: The section has been retained. There may always be cases where FMA participating in Australian territorial airspace will not have parent MAA which have been recognised by DASA. Further, participation by these nations should not be restricted by the availability of DASA MAA recognition. Therefore, this section provides practical Sponsor AMC to allow the meeting of the DASR requirement of not compromising the safety of other airspace users and people on the ground. In parallel, FLTOPS has implemented a program to provide DASA recognition of all MAA whose aircraft are likely to participate in future Defence OAA.</p>
492	GM GR.27(a)1a	COS DASA	Does this [and the following] paragraph need to be in here? I would say that the DIPCLR process is informed by the Sponsors assessment (allow or disallow). This paragraph is just rehashing an existing policy.		Agree. DASA deleted GM GR.27(a)1a-b.
493	GM GR.27(a)1d.i(c)ii	COS DASA	Nice one! - But me thinks this letter may be higher than the Sponsor level - perhaps Def AA to FMA. (thinking military diplomacy here)		<p>DASA has not incorporated suggestion.</p> <p>Rationale: The choice of letter signatory is a Sponsor prerogative. The GM does not impose limitations.</p>

LSN	NPA Feedback Reference: (ie extant DASR number, proposed NPA DASR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
494	GM GR.27(a)1d.i(d)	COS DASA	Invaluable - noting most exchanges are from like-minded (culturally) nations, I actually believe PXR/PAR are THE most valuable insight, working with the other nation and understanding the inside workings.		Noted. The GM already includes the potential use of PXR/PAR.
495	GM GR.27(a)1d.ii(a)	COS DASA	Noting that [carriage] of air riders are subject to CDF Directive 12/2016 (context of limited scope is mentioned here). So do we see these air riders doing formalised "assurance"? The control you mention is against the risk of ?		DASA amended GM GR.27(a)1d.ii(a) as follows: <i>Use of ADF air riders and other liaison staff for FMA. Use of ADF air riders and other liaison staff (interpreter or otherwise) can provide an effective safety control of FMA (against the hazards FMA pose to other airspace users and people on the ground) for a pre-agreed scope and duration/exposure—pending the relevant foreign command's acceptance. Note that the carriage of air riders and other liaison staff may be subject to CDF Directive 12/16).</i>
496	GM GR.27(a)1e	COS DASA	[CDF Directive 12/16] will be redundant in Sep 25 as it will be incorporated into the DASPMAN and the MSC under AdminPol, so be careful including it (ie don't include) - we should be putting out Vol 3 guidance and not using the directive.		DASA has not incorporated suggestion. Rationale: The Directive is extant, and any replacement is more than six months away. The DASR will refer to the directive, but an editorial change will be issued once the directive is rescinded, to update to the appropriate alternative.
497	AMC GR.27(a)2a.i	COS DASA	I couldn't find Form 140 to make comment		Noted. The form is still in draft, and still needs to be adjusted based on complementary changes to the draft DASR GR.27. DASA is aiming for the final form draft to be reviewed by the Env Comd representatives during targeted stakeholder consultation. [Post Comment: Form 140 has since been amended to incorporate consultation feedback and published on DASA internet site].

LSN	NPA Feedback Reference: (ie extant DASR number, proposed NPA DASR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
498	AMC GR.27(a)2a.i(b)	COS DASA	Is this just the Seven Step process as per the AC? I think Vol 3 Guidance is essential here to provide context (this could be a two year FLGOFF picking this task)		DASA has not incorporated suggestion. Rationale: Yes. The AMC reflects the requirement to document, <i>inter alia</i> , the outcomes of the seven step risk management process. The prior AMC (AMC GR.27(a)1) defines the scope of Sponsor risk management required, inclusive of the application of the 'safety risk management process' of DASA AC 003/2018. In essence, the form provides the basis for creating formal, exemplar 'RMPs' for every FMA scenario over time, which could then be refreshed as needed.
500	AMC GR.27(a)2a.iv	COS DASA	Do these [forms] all look the same (format) or it is "choose your own adventure"?		All forms have identical fields, with Sponsor input required (in free-text fields and pull-down selectable menus) to provide the required information. LSN 497 also refers.
501	AMC GR.27(a)3a	COS DASA	This needs to be underpinned by an agreement (legal) at Govt Dept level in my view - without that, some sponsored FMA will just laugh at us.		DASA has not incorporated suggestion. Rationale: The suspension of Flight operations is an extant DASR NDR.15 requirement. This draft only provides clarification. DASR do not document IE procedures. It is a task on command to consider and act upon any IE concerns associated with executing Sponsor obligations.
502	DASR GR.27	DG DASA	Multiple	Multiple	Incorporated as discussed with DG DASA and GPCAPT Pouncey on 14 Oct 24 at 0900hrs. Changes captured in track-while-edit 'comments' of draft regulation document.

LSN	NPA Feedback Reference: (ie extant DASR number, proposed NPA DASR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
503	DASR GR.27	HQAVNCO MD (LTCOL C Phillips)	If DASR UAS.80 will disappear concurrently with the update to GR.27, please clarify that this regulation will empower a Sponsor (not necessarily a MAO) to now approve a scope of operations for foreign military that they are not currently empowered to approve for sovereign aircraft.	DASR.GR.27 appears to have a greater degree of flexibility for sponsorship of foreign military UAS, such as Grey Eagle (GE), as it removes any [GM] to consult DASA in the event it is outside the scope of a Standard Scenario. This opens the possibility of a more responsive acceptance of foreign MAA approval instruments such as Airworthiness Release (AWR) or Interim Flight Clearance (IFC) without requiring formal DASA recognition.	<p>Yes, DASR GR.27 will continue to empower a Sponsor (including Sponsors that are not necessarily a MAO) to approve a scope of operations for foreign military UAS that they are not empowered to approve for Defence aircraft (ie DASR UAS.80 currently obliges a Defence organisation to Sponsor a foreign military UAS—including where that operation (if it were by Defence) would be subject to a DASA-issued UASOP). This remains the case with the proposed withdrawal of DASR UAS.80 and the proposed DASR GR.27 in Feb 2025.</p> <p>Further, obligations in DASR GR.27 are the same irrespective of who the Sponsor is (ie safety risk management must be conducted IAW DASA AC 003/2018, which includes being informed and retaining residual risk at the appropriate level). If the Sponsor has no aviation experience, being informed means speaking to an aviation SME to gain an improved context to Sponsorship, including potential risks to other airspace users and people on the ground.</p> <p>Note that AMC GR.27(a)1b(i)a requires DASA recognition of the foreign MAA. Foreign UAS assets are subject to their own recognition program (see DASA recognition pages at https://dasa.defence.gov.au/aviation-authority-recognition). Where the FMA UAS is not recognised by DASA, DASR GR.27 imposes additional obligations on the Sponsor to ensure appropriate RM.</p> <p>Accordingly, DASA added the following to GM GR.27(a)1e(i)g:</p> <p><i>UAS.</i> <i>The level of safety implicit in DASR UAS provides a suitable benchmark for the sponsor to execute their responsibilities. That is, a Sponsor could identify which UAS category an equivalent Defence UAS would operate within, and use this equivalent categorisation as a basis for assessing the foreign UAS operator's risk controls. For example, where a foreign UAS operation is within the scope of a 'specific category' Standard Scenario, or within scope of the 'open' category, the Sponsor should confirm the FMA has implemented each of the standard operating conditions for that category.</i></p>
504	DASR GR.27	HQAC (SRG)	1. [Use of the term] 'ensure' is still a contentious point, given the typical expectations on 'ensuring' something, but I appreciate the reluctance on the use of 'assure'. Can we say "ensure so far as reasonably practicable that the FMA..."?	<p>b. It is DASA's role to establish safety data sharing agreements with MAAs – not Sponsors.</p> <p>c. Given it looks to be a de-centralised Sponsor/execution style model here, you may have multiple Sponsors over time who are sponsoring the same country. In that case DASA would certainly be better</p>	<p>1. DASA amended DASR GR.27(a)1 as follows:</p> <p><i>...ensure that FMA operations are conducted in a manner such that risks to the safety of other airspace users and people on the ground are eliminated So Far As is Reasonably Practicable (SFARP) and, where not reasonably practicable to eliminate, minimised SFARP.</i></p> <p>2. By convention, DASRs do not detail DASA's 'assure' actions. However, in this case:</p>

LSN	NPA Feedback Reference: (ie extant DASR number, proposed NPA DASR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
			<p>2. The regulation and supporting material does not adequately provide discussion or transparency as to what DASA will do on the “Assure” side of the equation, and then proactively feed information back over time to help the Sponsors achieve an informed SFARP outcome.</p> <p>3. Specific comments:</p> <p>a. For example, DASA would be far better placed to actively gather and share data/intelligence on how the health/performance of the respective FMA nations (even better if they are part of a MAA) and/or how country XYZ have operated in Australia previously.</p>	<p>placed to build a level of assurance intelligence over time and surely this would be more efficient to have this information available rather than rely on each Sponsor starting from scratch.</p> <p>d. The above points could be better articulated in the AMC or GM</p>	<p>a. DASA amended GM GR.27(a)1c to include the DASA information that can be provided in support of Sponsor's risk assessments, as follows:</p> <p>c. <i>On request, DASA can provide:</i></p> <p>i. <i>a list of recognised countries</i></p> <p>ii. <i>a list of familiar aircraft types</i></p> <p>iii. <i>information on previous Sponsor's relevant FMA risk assessments (DASA maintains a central repository—drawn from DASR Form 140 submissions)</i></p> <p>b. GM GR.27(a)1e(i)a already summarises the MAA recognition process, its goal, and its exploitation by the RC.</p> <p>c. DASA amended GM GR.27(a)1f to describe DASA support to Sponsors where the foreign MAA is not recognised, as follows:</p> <p><i>f. Where the foreign MAA is not recognised by DASA. Where the foreign MAA is not recognised by DASA, CDF Directive 12/16 provides additional reference sources that Sponsors may use to inform the required safety controls. DASA can provide support on request.</i></p> <p>d. DASA amended AMC GR.27(a)1a(i)b to include that DASA information can be provided in support of Sponsor's risk assessments, as follows:</p> <p><i>(b) open source data, if the foreign MAA is not recognised by DASA (DASA can provide support on request).</i></p> <p>3a. Agree. DASA is best placed to provide recognition of foreign MAA's-- providing assurance that there is a competent regulator assuring the aviation safety of the relevant FMA. The RC is best placed to leverage from previous direct observations of the foreign military (through exercises or operations (and relevant post activity reports), exchanges, loans, etc) to inform the Sponsor's domain and platform specific RM of the FMA. Further, DASA support of Sponsor risk assessments is described above.</p> <p>3b. Agree. DFSB's remit includes establishing data sharing agreements where advantageous, and as currently defined in the DASM.</p> <p>3c. Refer to 2.</p> <p>3d. Above paras refer.</p>

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505	DASR GR.27	HQAC (SRG)	'...This regulation places requirements on Sponsors of FMA in Australian airspace, to support compliance with the Work Health and Safety (WHS) Act 2011 (Cth), as it relates to the safety of other airspace users and people on the ground'	The regulation does not address the authorisation of FMA supporting operations in Australia. [For example] I suggest that Defence has an obligation under the WHS Act to ensure so far as reasonably practicable that FMA are safely maintained on Defence establishments.	IAW GM GR.27a, the scope of the regulation is 'safety obligations to other airspace users and people on the ground'. DASA agrees that this regulation does not address the authorisation of FMA supporting their own operations in Australia. It is outside the scope of the DASP (and hence the DASR). However, Base management (as a shared Duty Holder) would have separate obligations under Defence WHS requirements.
506	DASR GR.27	HQAC (SRG)	'choice of Sponsor is a matter for command'. While not really affecting the proposed DASR, the selection of Sponsor is an important consideration for effective risk management, given the current separation between the Defence entity that invites FMA operators to Australia, and the Defence entity that is expected to assess risk, retain risk (based on judgement of risk vs benefit), authorise, and oversight FMA ops in Aus airspace.	The MAO-AM / FEG CDR is often not best placed to be the risk decision-maker for FMA ops in Aus airspace. FYI the Air Command DASB paper will seek Def AA support to raise awareness within the strategic centre of the importance of a coordinated approach to the invitation of foreign military aircraft to operate within Australia.	Noted, DASA is assisting as necessary.
507	DASR GR.27	HQAC (SRG)	'including landing on Defence vessels.'	Suggest "including landing on Defence vessels outside of Australian territorial airspace."	DASA amended GM GR.27c as follows: Applicability. <i>This regulation applies to the Sponsor of FMA in Australian territorial airspace, including landing on Defence vessels (whether inside or outside Australian territorial waters).</i>
508	DASR GR.27	HQAC (SRG)	'open source data, if the foreign MAA is not recognised by DASA'	Suggest "DASA advice and/or open-source data, if the foreign MAA is not yet formally recognised by DASA."	LSN 478 refers.

LSN	NPA Feedback Reference: (ie extant DADR number, proposed NPA DADR, etc)	Unit	Unit: Comment or suggested change	Unit: Further Explanation where provided	DASA Response
509	DADR GR.27	HQAC (SRG)	Continuous risk monitoring and review	Risk monitoring should be tailored relative to the level of risk exposure. High-risk FMA ops should probably be continuously monitored for the duration of the activity, while low-risk FMA ops may require less oversight.	<p>DASA amended AMC GR.27(a)1 as follows:</p> <p><i>(b) continuous risk monitoring and review—IAW ‘step 7’ of the safety risk management process:</i></p> <p><i>(i) tailored relative to the level of risk exposure</i></p> <p><i>(ii) on a recurring schedule (eg an annual (or similar) basis), when FMA remain in Australian territorial airspace continuously for six or more months, or remain temporarily but on a recurring basis—for example for RSAF 130SQN, SADFO RAAF Pearce invites 130SQN representatives to Base Aviation Safety Committee meetings...</i></p>
510	DADR GR.27	HQAC (SRG)	Suggest including sponsored organisation (ie FMA operator) should be informed that the Sponsor retains the right to suspend FMA operations.		<p>DASA amended AMC GR.27(a)1v(e)v as follows:</p> <p><i>... informing the sponsored organisation of:</i></p> <p><i>(a) safety controls (including limitations) imposed through the Sponsor’s Authority to Operate (AUTHOP)</i></p> <p><i>(b) Aviation Safety Event reporting and incident control requirements (in consultation with DFSB)</i></p> <p><i>(c) Australian Rules of the Air</i></p> <p><i>(d) airspace and environmental conditions and limitations</i></p> <p><i>(e) the Sponsor’s obligation to suspend FMA operations when there is concern that safety may be compromised</i></p> <p><i>(f) the Sponsor’s point-of-contact...</i></p>

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511	DASR GR.27	HQAC (SRG)	'The Sponsor's risk management of the FMA should occur well in advance of the FMA's anticipated in-country arrival.'	Suggest including in this GM that the Sponsor should be identified as part of the process to invite FMA ops in Australian airspace, and that the risk management activities should be completed as soon as practicable after any such invitations have been accepted.	<p>DASA amended GM GR.27(a)1b as follows:</p> <ul style="list-style-type: none"> b. Organisations and appointments issuing invitations for FMA. <i>Organisations and appointments issuing invitations for FMA should identify and consult with Sponsors prior to extending invitations—to enable safety risk management without undue risks to either:</i> <ul style="list-style-type: none"> i. <i>other airspace users and people on the ground</i> ii. <i>the adverse international engagement effects of retrospectively withdrawing or curtailing the scope of an invitation.</i> c. <i>On request, DASA can provide:</i> <ul style="list-style-type: none"> i. <i>a list of recognised countries</i> ii. <i>a list of familiar aircraft types</i> iii. <i>information on previous Sponsor's relevant FMA risk assessments (DASA will maintain a central repository)</i> d. <i>These lists and information:</i> <ul style="list-style-type: none"> i. <i>inform appointments and organisations issuing invitations as to which countries AUS could invite without a significant risk of intrusive Sponsor controls (including to the point of effectively excluding participation in the relevant activity)</i> ii. <i>provide an indication of when appointments and organisations should consult with DASA before making an invitation/commitment to an international partner...</i>
512	DASR GR.27	HQAC (SRG)	'Sponsors should augment DASA recognition as necessary, with their own assessment of the FMA, informed by experience from previous and current	I don't think Sponsors should be expected to augment the DASA MAA assessment. Sub-para (d) below is appropriate as Sponsors may have an awareness of how other foreign militaries operate their	<p>DASA did not incorporate the suggestion. However, to minimise opportunities for confusion, DASA separated GM GR.27(a)1e(i) as follows:</p> <ul style="list-style-type: none"> (a) DASA MAA recognition. <i>DASA's MAA recognition promotes awareness, efficiency and flexibility, while maintaining an established level of credible and defensible safety assurance. The goal of recognition is to understand similarities and differences in the</i>

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			<p>operations and exercises, open sources, and RFIs.'</p> <p>Noting the “as necessary” in the GM, this is effectively asking a Sponsor to think and act like an MAA. With a fully recognised MAA there should be no need for any augmentation. Of course any visiting squadrons (Australian or otherwise) need to be provided sufficient information to operate safety at an away base. You could call this an induction, and may require no more involvement than providing access to flight information documents (including ERSA, DAP, TERMA and the relevant AD2 Supps). If part of an Exercise, all participants are provided with a Mass Brief, exercise instructions, etc</p>	<p>aircraft, but Sponsors have little to no experience in assessing foreign MAAs and their aviation safety frameworks.</p> <p>There must be advice provided by DASA.</p> <p>Put another way, I am sure a court would be intrigued as to why a Sponsor did not consult with our centre of expertise for aviation safety and thought they were reasonably informed.</p>	<p><i>assessed MAA and its system, providing confidence that the foreign operator is working within a suitable safety framework with independent oversight. The basis of recognition is a top-down systems assessment, using an internationally agreed (open source) set of questions (Military Airworthiness Recognition Questions—MARQ), culminating in a published recognition certificate and relevant provisions (ie recognition scope, conditions and caveats). In turn, the regulated community can exploit this information to ensure the suitability of their specific Aviation Safety requirements.</i></p> <p><i>(b) In addition to leveraging from DASA’s recognition of the MAA, Sponsors should conduct their own assessment of the FMA and its operation— informed by experience from previous and current operations and exercises, open sources, and RFIs.</i></p> <p>Rationale: GM GR.27(a)1e(i)a discusses Sponsor assessment of the FMA <i>per se</i>, beyond DASA recognition--not Sponsor augmentation through their own MAA assessment. The separation into two paragraphs will minimise the potential confusion between these two. Further, in DASR GR.27, there are two distinct roles, for:</p> <ol style="list-style-type: none"> 1. DASA, and 2. the Sponsor (as a member of the regulated community). <p>DASA is best placed to:</p> <p>(a) provide recognition of foreign MAAs--providing assurance that there is a competent regulator assuring the aviation safety of the relevant FMA (ie the adequacy of the 'MAA system')</p> <p>(b) support the Sponsor's FMA risk assessments (especially where the MAA is not recognised--LSN 504 refers).</p> <p>The RC is best placed to leverage from previous direct observations of the foreign military (through exercises or operations (and relevant post activity reports), exchanges, loans, etc) to inform the Sponsor's domain and platform-specific RM of the FMA and the FMA unit--irrespective of whether the MAA is DASA-recognised.</p>

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513	DASR GR.27	HQAC (SRG)	'Some example past RFIs include the foreign military's:'	Suggest the GM also includes seeking RFIs on aviation safety data (such as historical aircraft accident/incident rates). This data may not be available open-source.	<p>DASA has not incorporated the suggestion.</p> <p>Rationale: In a previous draft of GR.27/DASR NDR.15 DASA had included 'aviation safety data' as a specified RFI for Sponsors to seek from the relevant FMA. However, DASA deleted this from the list of (indicative) RFIs on advice from experienced past FMA Sponsors, that in many cases the data would not exist, and that to seek such data from the FMA would risk an adverse IE effect.</p> <p>Accordingly, DASA is silent on whether a Sponsor should pose RFIs to the FMA RE: aviation safety data. Where the Sponsor is confident that the data exists and that an RFI RE: Aviation Safety data would not adversely affect the relationship, a Sponsor is free to raise such RFIs. Where the Sponsor is not confident that data exists, or the relationship would support such an RFI, the Sponsor should consider other sources to inform their RM.</p>
514	DASR GR.27	HQAC (SRG)	'Where the foreign MAA is not recognised by DASA, CDF Directive 12/16 provides additional reference sources that Sponsors may utilise to inform safety controls required.'	Seems insufficient. As the entity that does the assessment of MAAs for formal recognition, DASA should provide advice on non-recognised foreign MAAs. Current resource constraints of DASA should not preclude them from being consulted for such advice.	LSN 504 refers.

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515	DASR GR.27	HQA VNCO MD	<p>The Sponsor. Unsure whether this needs to be better defined in the DASR or somehow indicated on the AUTHOP form, but we have had quite a few issues with Sponsorship vs C2 function, and with many of the enduring engagements, the responsibilities are not clear and in the end, none of the oversight occurs. It states clearly in the draft regulation that: "The choice of Sponsor is a matter for command.", but maybe there needs to be a bit more guidance or allowance for an Aviation consultant?</p>	<p>Example: MRF-D C2 function is via NORCOM to JOC. 16 Bde provides information to US Army on local procedures to ensure they understand how to operate in Australia and particularly around Darwin, but the Sponsorship does not extend to monitoring their flights and operations and the support they are providing in Australia.</p> <p>Furthermore, when 1 Avn depart Darwin at the end of this year, there will be no link between 16Bde and MRF-D. In this instance, the better Sponsor may have been NORCOM with 16Bde as a consultant/advisor.</p>	<p>DASA did not incorporate the suggestion.</p> <p>Rationale: The DASP glossary defines Sponsor as:</p> <p><i>The entity/organisation responsible for defining the required aviation outcome, receives or uses the outcome and is responsible for funding the related activities, processes, project or products required to safely achieve the outcome. [emphasis added]</i></p> <p>The choice of Sponsor is a matter for command, no matter the C2 context. The regulation is flexible in application. For example, there may be both a 'Sponsor' and another working-level appointment who may instead deal with the FMA on a day-to-day basis.</p>

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516	DASR GR.27	HQAVNCO MD	<p>1a. The purpose of this form is to document the means of compliance, however, it has one drop down box to indicate whether you have attached documents to an email or the form and no indication what has been submitted. It may be useful to list the AMC items as a guide of what could/should be used and included in the submission. Example:</p> <ul style="list-style-type: none"> i. DASA recognition Yes/No > open source data research/previous direct observations/DASA advice ii. Risk Management Plan including monitoring/review process iii. Written authority for the foreign nation to abide by safety direction IAW DASR GR.27 (Status Of Forces Agreements, Technical Arrangements, Memoranda of Understanding, Exercise or Operation Orders, etc) iv. Copy/confirmation of information provided to sponsored organisation v. Operation/exercise concept design 	<p>1b. Allowance to “coordinate transfers” is missing from the form. Additional space on the form for transfer of sponsorship and POCs, whether temporary or permanent would be very useful. E.g. If FMA embark one of our amphibious elements for an exercise, a Comd on-board may be better postured to take over sponsorship, or at least to have a POC on the Ship, that is documented on the AUTHOP. If there is a running log on the one document of all contacts and also contains all the supporting documentation, it will make tracking and updating much easier. Instead of using this form only to inform DASA of FMA activity, it could remain as a ‘live/working’ document to keep the sponsor, DASA and the sponsored organisation up to date at all times.</p>	<p>DASA actioned the suggestions as follows:</p> <p>1a. DASA did not incorporate the suggestion</p> <p>Rationale: DASR Form 140 links to the applicable AMC. Inclusion of individual AMC elements into the Form complicates the form and makes it prone to unnecessary administrative changes with corresponding future AMC changes (if any).</p> <p>1b. DASR Form 140 has been updated to provide additional utility for multiple Sponsorship transfers, using the same form for the same FMA.</p>

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517	DASR GR.27	HQAVNCO MD	For suspension of FMA operations, it previously stated: "Suspension of flight operations should occur when the aircraft operations generate a risk exposure that is increased from the risk levels considered by the Sponsor during the approval process". Now only says: "when there is concern that safety may be compromised".	There is clear guidance in AMC ARO.55.A para 1 a-c on when to suspend Aus operations. I think it may be worth referring to this in addition to current wording to avoid ambiguity and provide more direct guidance. It already refers to this ARO for resumption of flight operations. Thinking back to the 2x V22 accidents last year where flight operations were not suspended; If it were Australian Defence aircraft, in training or exercise, we would definitely have suspended operations until we knew what went wrong. I know we don't want to undermine foreign Comd, but it could potentially affect the safety of other airspace users or people on the ground.	DASA amended AMC GR.27(a)3 as follows: a. Suspension of Flight operations. <i>The Sponsor suspending Flight operations should advise relevant Service commands and DASA as soon as practicable, including the proposed criteria and plan for resuming operations. Sponsors should consider the principles of AMC ARO.55.A - Cessation of Flight Operations (AUS) when suspending FMA Flight operations.</i>
518	AMC GR.27(a)1a.v(b)	DFSB	Update as follows, to ensure that first responders can be informed of hazardous material on FMA, in case of accident.	'Aviation Safety Event reporting and incident control requirements—including Aircraft Accident Hazard information relevant to first responders—in consultation with DFSB'.	DASA amended AMC GR.27(a)1a.v(b) as follows: <i>Aviation Safety Event reporting and incident control requirements (inclusive of hazardous material information required by first responders), in consultation with DFSB.</i>

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519	DASR GR.27	DG DASA	Consistent with my advice in preparation for the Nov 24 ACB FMA briefing, DASA will support Sponsors where DASA has not recognised an MAA, and will establish a central repository of Sponsor risk assessments...noting that DASA is the only organisation resourced and able to execute judgements on this. DASA support will be led by DASA HQ.	Please ensure that final GR.27 regulation GM is amended to reflect DASA support if FMA recognition does not exist.	<p>DASA amended AMC GR.27(a)1a(i)b as follows:</p> <p><i>open source data, if the foreign MAA is not recognised by DASA (DASA can provide support on request)</i></p> <p>DASA amended GM GR.27(a)1c(iii) as follows:</p> <p><i>information on previous Sponsor's relevant FMA risk assessments (DASA maintains a central repository—drawn from DASR Form 140 submissions).</i></p> <p>DASA amended GM GR.27(a)1f as follows:</p> <p><i>f. Where the foreign MAA is not recognised by DASA. Where the foreign MAA is not recognised by DASA, CDF Directive 12/16 provides additional reference sources that Sponsors may use to inform required safety controls. DASA can provide support on request.</i></p>

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520	AMC GR.27(a)1a.iii	DASA LO	DASR amendments as shown on right are endorsed		<p>DASA amended AMC GR.27(a)1a.iii as follows:</p> <p><i>engagement with relevant command or HQ's 'Director Legal' (or equivalent appointment) during exercise concept design conferences, operational planning teams, or similar; to seek written authority for the foreign nation to abide by safety direction IAW DASR GR.27 (for example, through Status Of Forces Agreements, Technical Arrangements, Memorandums of Understanding, Exercise or Operation Orders, etc)</i></p> <p>DASA amended GM GR.27(a)1e(i)c as follows:</p> <p>(a) Operation/exercise concept design. Major Defence exercises and operations are planned through concept design conferences, operational planning teams, or similar. Such planning includes reviewing extant international agreements/arrangements (eg enduring Status Of Forces Agreements, Technical Arrangements and Memoranda Of Understanding) and the need for supplemental agreements/arrangements specific to an operation or exercise. The Sponsor should seek for any updated documents to include written authority for the foreign nation to abide by any safety directions imposed IAW DASR GR.27.</p> <p>(b) Where concept design conferences are not held, or where formal agreements are not required/will not include written authority for the foreign nation to abide by safety directions imposed IAW DASR GR.27, Sponsors may alternatively choose to either:</p> <p>(i) <i>include this requirement in the Exercise or Operation Orders (or equivalent)</i></p> <p>(ii) <i>write a letter to the relevant foreign operating unit (the unit which has command of the FMA), seeking agreement to comply with Sponsor direction (as a condition of access to Australian territorial airspace).</i></p>