



COMMENT RESPONSE DOCUMENT TO NPA 02/2019 – DASR.139 - AERODROMES

INTRODUCTION

1. This Comment Response Document (CRD) outlines the DASA's agreed position on intended changes to the draft DASR.139 regulations. It finalises the external consultation process with respect to the *DASR.139 Aerodromes – Notice of Proposed Amendment 02/2019 - Revision 1*. Only under exceptional circumstances will the DASA consider additional views or arguments opposing the position expressed in this CRD. Any member of the public having views or arguments to support an appeal against the decisions documented in this CRD may petition the DASA to consider such an appeal.

BACKGROUND

2. On 04 Jul 19, the DASA released "*DASR.139 Aerodromes – Notice of Proposed Amendment 02/2019 - Revision 1*" for comment. The period for public comment on the proposal contained in this NPA was intended to close on 30 Aug 19, however, an extension was granted up to 30 Sep 19 to allow additional time for further responses to be provided. All comments received prior to the revised closure date were assessed by the DASA and a formal position was agreed, for change or otherwise, to the DASR.139 regulations.

ANALYSIS OF COMMENTS

3. The Authority found it encouraging to see stakeholders consult a wide and far reaching audience as part of the NPA review process. It was also reassuring to see the joint involvement of Military, APS and contracted staff in developing a common standing for future aerodrome regulations. The wealth of feedback and engagement received from all stakeholders was welcome and played an important part in helping shape the updated set of DASR.139 regulations and significantly informs the education and promotion program that is being developed to support the release and ongoing implementation of these regulations.

4. Comments received complemented many discussions held as part of the ongoing development of DASR.139. With the removal of Aviation Support Systems (AvSS) and Ship Aviation Facilities (SAF) from the DASR.139 and the incorporation of shipborne heliports, it was evident that these responses were generally accepting of the proposal but with some modifications requested. Notwithstanding these concerns, the NPA was deemed generally acceptable for improving safety and the reliability of the broader aerodrome capability, by closely aligning with civil aerodrome regulations and aerodrome operator best practice. The introduction of Aerodrome Operator organisational approval and the requirement for future aerodrome certification, including ongoing aerodrome inspection arrangements, was also seen as an important and necessary move forward by all stakeholders.

5. Where appropriate, the identified concerns were addressed and modifications to the DASR.139 regulations were made. These modifications can be seen in the updated set of regulations developed. Other concerns are informing the development of the education and promotion program in support of these regulations. A summary of the concerns raised along with the Authority's responses to these concerns are highlighted below.

Comment 1

6. Several responses highlighted editorial and typographical errors made within the NPA. Clarification and correction of some terminology used within the NPA was also identified as a common concern.

Response 1

7. Appropriate editorial, typographical and terminology errors have been addressed in the updated DASR.139 regulations. Certain terms have been further clarified within the text of the updated regulations and new terms have also been added into the DASR Glossary of terms.

Comment 2

8. Clarification and definition of the Authority (DASA), applicant and Aerodrome Operator functions within the DASR.139 was requested within the NPA responses. This also aligned with several comments that identified training / understanding shortfalls for personnel within the aerodrome environment and a desire for defined competency requirements.

Response 2

9. Several amendments were made to the DASR.139 regulations to clearly outline the Authority's functions. Terminology, definitions and responsibilities of the applicant, Aerodrome Operator and the Authority, towards initial and ongoing compliance with the DASR.139, have also been added to improve understanding of the regulations. Further, competency requirements are likely to be many and varied across the range of organisations and aerodromes and thus will not be stipulated within the regulations, but assessed during Aerodrome Operator approval.

10. A formal educational course and engagement program will be delivered by DASA to all relevant ADF aerodrome supporting staff in conjunction with the release of the regulation, to address potential shortfalls in existing aerodrome management awareness and to aid in understanding DASR.139 regulations.

Comment 3

11. There was a clear want for the DASA to further align with the CASA MOS 139 as an acceptable means of compliance and clarify certification requirements (including the ability to temporarily deviate from the certification basis).

Response 3

12. Clarity was provided to the regulations on the alignment that is appropriate to the CASA MOS 139 and the certification requirements (certification basis) that underpins the Aerodrome certificate. The use of CASA MOS 139 is captured in the AMC where it is applicable. Not all aspects are applicable due to the change in context of operations between civilian and military operations. Alignment is also maintained within the soon to be published updated Aerodrome requirements within the AAP 7001.054 ADRM which covers off on specific aerodrome facilities requirements such as friction. The education and promotion program will help provide detailed understanding of the certification requirements within the ADRM which should further alleviate concerns expressed. In relation to temporary deviation from the certification basis, DASR 139.80 contains information on how non compliances to the certification basis are managed. Temporary deviations from the certification basis are currently managed through the NOTAM process. This allows those impacted by the temporary deviation (military air operators) to be informed and to make risk decisions for operations at the aerodrome. Information in relation to deviation from the certification basis, will also be provided in the education and promotion program.

Comment 4

13. Numerous comments were related to providing a more succinct interpretation of the regulations through Guidance Material (GM) and Acceptable Means of Compliance (AMC).

Response 4

14. Several changes have been made to provide clarity in the GM and AMC to support the community in understanding the regulations. Coupled with a DASR.139 education and

promotion program, the AMC and GM should provide clear interpretation of the regulations for the stakeholder community.

Comment 5

15. Concerns were raised by some stakeholders regarding legacy issues surrounding existing facilities at land and shipborne heliports and the overall complexity of criteria and management arrangements for rotary wing operations in the context of barracks, fields or remote operations and during operations at sea.

Response 5

16. Application of the regulations to rotary wing operations at land and shipborne heliports was considered and reflected in the regulations. The DASA is aware of potential legacy issues that may be create for heliports stemming from CASA not previously applying regulation and standards in the heliport domain¹. Due to the military context of operations, and CASA's current direction, it is prudent to apply the DASR.139 regulations for heliports. The education and promotion program will help provide detailed understanding of the regulations to heliports, which should alleviate the legacy concerns expressed.

Comment 6

17. A key feature of the responses was the projected impact on resources, supporting personnel and their competencies likely to require staffing and funding increases due to increased aerodrome inspection requirements and certification work. The proposed timeframes for transition to, and compliance with, the new regulations were also identified as being potentially optimistic, consequently requiring an increase to resources and staffing.

Response 6

18. The Authority acknowledges that these changes in regulations will introduce an impost to organisations for funding, staffing and training requirements. However, the new DASR.139 now closely aligns with international 'good practice' requirements for aerodrome management, design and maintenance. Adopting a lesser approach, solely to reduce cost and staffing pressures on Defence, is unlikely to be defensible under Australia's WHS Legislation.

19. While the initially proposed timeframes were optimistic, they have since been updated to take the stakeholders concerns into consideration. The new transition periods (two years for Aerodrome Operator approval and five years for aerodrome certification) should provide the stakeholders with sufficient time to meet all the requirements imposed on them as a result of the updated regulations.

Comment 7

20. A general theme from all respondents was the complexity associated with a single Aerodrome Operator being accountable for many sites, systems and works and thus a need for further definition and clarity to be provided regarding the required relationships and supporting arrangements between the Aerodrome Operator and external organisations conducting design, inspection and maintenance work.

Response 7

21. The updated DASR.139 regulations provide further definition and clarity on the roles of the Aerodrome Operator and better align with CASR Part 139. Improvements to the regulations to aid the wider community's understanding of DASR.139 also include provision of further clarity pertaining to the organisation construct and inspection requirements. The

¹ DASA is aware that a CASA internal working group is considering regulations and standards for rotary wing operations at heliports at this time.

regulations maintain the accountability with the Aerodrome Operator to make clear whom is solely accountable, however, it is expected that formal arrangements will be implemented with external providers to achieve the functions required under DASR.139. The formal arrangements are likely to be many and varied across the range of organisations and aerodromes and thus will not be stipulated within the regulations, but assessed during Aerodrome Operator approval. The education and promotion program will help provide detailed understanding of the regulations which should help alleviate the concerns expressed.

Comment 8

22. The comments received from the stakeholders identified that the aerodrome manual requirements described in the DASR.139 regulations were unclear. Consequently the stakeholders requested further detail on artefacts and aerodrome manual expectations to be provided including the establishment and management of hazard management plans, safe systems of work and complexities surrounding the technical inspection requirements to be adopted for certified aerodromes.

Response 8

23. In response to the stakeholder's comments, the updated DASR.139 regulations provide an increase to the detail regarding appropriate artefacts and aerodrome manual expectations, better alignment with CASR Part 139 for Aerodrome Manual requirements, and further clarity regarding hazard management and works safety requirements in alignment with MOS 139. The requirements for the Aerodrome Technical Inspections (ATI) have been amended to better contextualise for civil and military operations at Defence aerodromes.

Comment 9

24. There were comments from the stakeholders regarding the recognition of NAA and MAA by the DASA and for the regulations to establish agreements with CASA.

Response 9

25. Recognition of NAAs and MAAs, including CASA, has been investigated by the DASA, with little benefit identified so far. For example, the DASA believes the certification of joint user aerodromes can be achieved through means other than recognition, and Authority assessments of foreign aerodromes does not appear to be common practice. It is, however, an area that will be further explored by the DASA during the DASR.139 transition period.

AUTHORITY

26. The content of this comment response document in support of amendments to DASR.139 for release in Mar 2020 has been reviewed and is authorised.

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