



DEFENCE AVIATION SAFETY AUTHORITY

NOTICE OF PROPOSED DASR AMENDMENT NPA 2020-028 Revision 1

REMOVAL OF ARO.40—AIRCRAFT CRASH PROTECTION

INTRODUCTION

Applicability

1. This proposal is applicable to Groups that operate Defence-registered aircraft.

Purpose

2. The purpose of this NPA is to remove the DASR.ARO.40 on aircraft crash protection (CP). The application of DASR.SMS assures the protection of aircraft occupants during survivable crashes, without the need for a specific CP regulation.
3. This NPA is an integral part of key stakeholder consultation to allow for comment and input to regulation development prior to its formal release.
4. The proposed amendment is expected to remove:
 - a. one instance of IR with all accompanying GM and AMC; and
 - b. two definitions from the DASR Glossary.
5. The benefits flowing from the proposal are expected to:
 - a. allow MAOs to make risk management decisions without the undue influence of artificial priorities inferred from the existence of ARO.40;
 - b. reduce the regulatory burden through compliance with an unnecessary regulation; and
 - c. align Defence CP practices with international regulatory best practice.

Background

6. In response to the Board of Inquiry into the 2005 Sea King accident, the Defence Airworthiness Authority released an aircraft CP policy focused on the required treatment of CP design deficiencies. This policy was replaced in subsequent years, by a series of revised policies and finally the standalone policy was replaced by a single DASR regulation, ARO.40. Whilst previous policies placed obligations on diverse stakeholders, ARO.40 only places CP obligations on the Military Air Operator (MAO).
7. A recent review within DASA concluded that ARO.40 no longer provides ongoing value given the context differences between the current aviation safety environment and that which existed when the CP policy was first published. In particular, the statutory obligations, regulations, procedures, organisational practices and personnel competencies applicable to risk management are markedly superior to their equivalents 10+ years ago.
8. ARO.40 supplements the risk management obligations placed on MAOs by DASR.SMS.A.25, which in turn amplify the MAO's risk management obligations under the WHS Act 2011 (Cth). Of all the types of aircraft design deficiency risks that require MAO management under DASR.SMS, only CP design deficiencies are specifically regulated. Given the DASR single out CP design deficiencies for special treatment, the implied priority afforded to ARO.40 compliance



influences holistic risk management decisions within MAOs. Less severe CP design deficiency risks may be prioritised over more severe risks flowing from other types of design deficiencies. Such prioritisation decisions may result in a less safe aircraft considering the overall risk profile. Ideally, MAOs should have the discretion to risk-manage design deficiencies in accordance with their own risk assessments, unconstrained by the pressures resulting from the need to remain regulatory compliant with ARO.40.

9. DASA does not consider that the removal of ARO.40 would return Defence to the situation before the Sea King accident. On its removal, the residual set of statutory, regulatory and policy requirements will provide assurance that CP risk management remains effective. Its removal would not adversely affect:

- a. DASA's continuing to monitor changes in CP design requirements and update the contemporary CP design requirements in the ADRM over time as it does for all other forms of airworthiness-related design requirements;
- b. 21J design organisations continuing to ensure that proposed changes to the aircraft configuration retain the extant level of aircraft CP and satisfy the relevant DASA prescribed contemporary CP design requirements;
- c. MTC holders continuing to monitor the type design for noncompliance with airworthiness requirements and identify new hazards/risks; and.
- d. MAOs continuing to discharge their DASR.SMS risk management obligations, using the 7-step risk management process to 'monitor and review' identified CP hazards/risks.

10. Large sections of the GM and AMC to ARO.40 would remain valuable guidance for ongoing CP risk management. This material will be retained in DASA documentation, potentially through a new CP Advisory Circular. A draft AC is currently under development by the DASA.

11. DASA policies and regulations are a product of their environment. Over ten years ago, Defence faced pressure to respond to the Sea King accident, which justified a need for a CP policy that prescribed particular risk treatments for the management of CP design deficiencies. However, today's improved risk-management environment no longer requires this special treatment. With ARO.40 removed, the WHS Act and DASR.SMS would still oblige MAOs to risk-manage CP design deficiencies, but they could do so unconstrained by artificial risk management priorities.

Proposed Amendment

12. The proposed amendment would:
- a. remove ARO.40 in its entirety, and
 - b. remove the current definitions of 'crash protection' and 'contemporary crash protection design requirements' in the DASR Glossary since these terms are no longer used within the Implementing Regulations.

Implementation Strategy

13. The DCP is intended to be released in conjunction with the DASR update in Mar 21.
14. DASA assesses that this DCP will not introduce any additional training requirements.
15. Given this DCP removes a regulation, no compliance transition period is necessary.

HOW TO SUBMIT COMMENTS ON THIS NPA

Format

16. Responses to this NPA are to be recorded on the NPA Response Sheet included at Annex B.



17. Responses are to be submitted by email to [DASA](#), Hardcopies of the NPA Comment Sheet are not required.

Timing

18. Comments on NPA 2020-028 are to be forwarded to DASA by close of business 03 Dec 20.

Additional Information

19. Additional information concerning this NPA is available from Mr Stuart Donaldson, OIC DTS, Directorate of Initial Airworthiness, stuart.donaldson@defence.gov.au.

DISPOSITION OF RESPONSES RECEIVED

20. A Comment Response Document will be prepared and published on the [DASA Website](#). DASA will not individually acknowledge or respond to comments or submissions.

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Nov 20

Annex:

A. NPA 2020-028 Revision 1 - Response Sheet

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NPA 2020-028 Revision 1 Response Sheet

ARO.40 AIRCRAFT CRASH PROTECTION

Please forward this sheet as an email attachment to [DASA](#) by 04 Dec 20. A word version of this response sheet can be found via obj no: [BO3960659](#) or alternatively contact [DASA](#).

Please indicate your acceptance or otherwise of this proposal by ticking the appropriate box below. Additional comments, suggested amendments or alternative action are welcome and may be provided on this response sheet or by separate correspondence.

- The proposal is **acceptable without change**.
- The proposal is **acceptable but would be improved if the following changes were made**:
- The proposal is **not acceptable but would be acceptable if the following changes were made**:

LSN	NPA Reference: (i.e Regulation number, NPA paragraph etc)	Comment or suggested change	Explanation
1			
2			
3			
4			
5			

RESOURCE IMPLICATIONS

Please provide specific comment on any significant resource implications that this proposal may have for your organisation, for both its implementation and ongoing compliance. Your comments should address both financial and human resource considerations.

Resource implications – Proposal implementation	
Resource implications – Proposal sustainment	



RESPONDENT DETAILS

Your name:	
Submission date:	
Your organisation:	
Email address:	
Postal address:	
Phone:	
<p>Whose views are represented in your response?</p> <p>i.e. Is your response the authoritative response from your organisation?</p>	<p>Responding on behalf of :</p> <p>Individual [<input type="checkbox"/>]</p> <p>Regulated Military entity [<input type="checkbox"/>]</p> <p>Regulated Commercial entity [<input type="checkbox"/>]</p> <p>Wing HQ [<input type="checkbox"/>]</p> <p>Group HQ [<input type="checkbox"/>]</p> <p>ADF Regulatory, Technical or Logistics policy agency [<input type="checkbox"/>]</p> <p>Other commercial entity [<input type="checkbox"/>],</p> <p>Other [<input type="checkbox"/>] Please describe:</p>
<p>Do you consent to your name being published as an NPA respondent within the NPA Summary of Responses:</p>	<p>YES [<input type="checkbox"/>]</p> <p>NO [<input type="checkbox"/>]</p>

