

SUMMARY OF RESPONSES TO NPA 01/2016

DEFENCE AVIATION SAFETY REGULATIONS — DRAFT RELEASE

INTRODUCTION

1. **General.** Readers should note that this Summary of Responses outlines DGTA's agreed policy and intended regulation changes and finalises the public consultation process in respect of this NPA. Only under extreme or unusual circumstances will DGTA consider views or arguments opposing the views expressed in the Summary of Responses. Any member of the public having views or arguments to support an appeal against the decisions documented in this Summary of Responses may petition DGTA to consider such an appeal.
2. **Background.** On 29 Jan 16, DGTA-ADF released NPA 01/2016 for comment. The period for public comment on the proposals contained in this NPA closed on 31 Mar 16.
3. A total of 53 (DASR 21), 12 (DASR M) and 13 (DASR 145) itemised responses to the NPA were received. Of the feedback received by DGTA-ADF, editorial and typographical issues are not discussed in this summary of responses. Responses were generally substantive and comprehensive submissions, and the overall quality of feedback was very high. As a consequence, many deficiencies in the proposed regulation changes have been identified and inconsistencies in approach have been highlighted and will be addressed.
4. This Summary of Responses discusses those comments, and provides a DGTA-ADF response and disposition. A list of commercial organisations and Defence Units those who had responded is attached at Annex A.
5. DGTA-ADF would like to thank everyone who has taken the time to respond to the NPA. The final regulation changes when released will, to the greatest extent possible, reflect the content of comments received.

ANALYSIS OF COMMENTS

General

6. No responses were received for the aviation safety (ie. operational) regulations; this was expected as the NPA guidance stated that operational regulations are consistent with MILAVREG and OAREG requirements and was simply reformatted into DASRs.
7. Many comments of a general nature were received covering such diverse subjects as editorial and typographical errors, incorrect cross references, administrative and procedural matters and the need for guidance material to support the regulations. Comments of a general nature are addressed collectively in this summary of responses rather than individually.
8. Draft DASR are being updated in response to feedback by DGTA-ADF staff. This information will be issued as part of NPA 02/2016 in the coming weeks.

Comment 1

9. Adding of a review of error capturing methods for critical maintenance tasks to MARC requirements under M.A.710.
10. **DGTA Response.** The requirement for error capturing methods was included in DASR as a Defence unique addition AMC which was obtained from EASA regulation M.A.402 (g). This was overlooked for inclusion into the documented review component of the Military Airworthiness Review.
11. **Disposition.** DGTA will consider amending the AMC for the documented review MARC requirements in M.A.710(a) to include the requirement to check that the error capturing methods, as promulgated by the CAMO, have been conducted by the relevant DASR 145. The quality system of the relevant DASR 145 will be checking that error capturing methods are being carried out correctly.

Comment 2

12. Include QTE requirement 'knowledge of the aircraft's certification basis' to airworthiness review staff requirements.

13. **DGTA Response.** Knowledge of the aircraft's certification basis is an implied requirement to be able to undertake the Airworthiness Review role as the Airworthiness Review Staff are required to review the aircraft records including whether the aircraft complies with the latest revision of the type design approved by the NMAA/MTCH.

14. **Disposition.** DGTA will consider inclusion of 'knowledge of the aircraft' certification basis' as an explicit statement in AMC M.A.707(a)(1)(iii) to ensure appropriate staff are nominated for this position.

Comment 3

15. What happens under DASR when aircraft are 'force assigned' and under operational command from a different organisation?

16. **DGTA Response.** Airworthiness and Aviation Safety management responsibilities do not change when forces are assigned to operational commands. Deployed forces liaise directly with their parent organisations for the routine management of Airworthiness and Aviation Safety. Refer to CAF Directive 05/11 for further information.

17. Deployed aviation forces are fundamentally dependent on their parent organisations for Airworthiness and Aviation Safety advice. This will necessitate frequent communication between deployed elements and the parent organisation for specialist support. The operational chain of command should be informed of any issues, decisions and/or initiatives that influence the operational employment of the aircraft.

18. **Disposition.** N/A

Comment 4

19. DASR transition questions in general raised through all three DASR Parts of feedback.

20. **DGTA Response.** As indicated in the NPA document, there is a need to explain how transition issues will be managed from 30 Sep 16 to full DASR transition. Accordingly, Airworthiness Advisory Circulars (AACs) 01/2016 *DASR Transitional Guidance* and 02/2016 *Transition of Design Acceptance and DAR functions to DASR* are currently in draft and will be released in the coming weeks.

21. **Disposition.** AACs will address most (if not all) transition questions.

Comment 5

22. There is no information on D ratings/licences for specialist maintainers (ALSE, NDT etc)

23. **DGTA Response.** DGTA is developing Category D ratings for specialist maintenance tasks/processes together with associated standards for such services (e.g. aircraft welding/CASA CAAP 33-1)

24. **Disposition.** Category D ratings will be added to DASR 145 to address specialist maintenance services.

Comment 6

25. DASR 145 refers to DASR 66 category A, B1, B2 and C qualified personnel 'or national equivalent', what is the national equivalent for commercial organisations?

26. **DGTA Response.** DGTA has acknowledged that DEF(AUST)9022 no longer represents best practice. A Defence Technical Equivalent Qualification (DTEQ) is the combination of an RTO-issued Aeroskills qualification (or, if applicable, a Statement of Attainment) and a task authorisation issued

under the TAREG system. DTEQ is the extant ADO aviation trade authorisation and training methodology. The Proposed DASR 66 and 147 are substantially different to the current methods of authorising maintenance personnel and regulation of maintenance training organisations,

27. **Disposition.** DGTA-ADF will release further information regarding national equivalent qualifications. Consultation through a future NPA activity will occur prior to DASR 66 and 147 release.

Comment 7

28. Clarification required on the level of detail required when adding components to the scope of maintenance carried out (ie. broad categories or individual part numbers)

29. **DGTA Response.** The MOE can define a process for adding components to their capability list (this would not extend to Aircraft or Engines/APU).

30. The procedure needs to outline the assessment by the DASR 145 organisation to ensure that:

- a. all personnel are trained,
- b. publications are available and current,
- c. all required tooling is available,
- d. facilities are adequate, and
- e. any scope increase needs to be sent to DGTA-ADF and will be evaluated during the next audit.

31. **Disposition.** N/A

Comment 8

32. Clarification sought on 'Shall' statements used in AMC (all regs)

33. **DGTA Response.** AMC is considered as soft law and preserves EMAR wording. However some Australian AMC will virtually be regulatory

34. **Disposition.** DASR regulation is consistent as far as possible with EMAR regulation to maintain equivalence; hence Australian specific aspects are often addressed as additional Acceptable Means of Compliance (AMC) (referenced as AMC (AUS) and appearing as green text) rather than changes to regulation. All AMC (including EMAR AMC) is considered 'soft law', in that while it is not mandatory, an alternative approach carries greater risk for the applicant, in that Authority approval is not necessarily assured. Practically, AMC should be followed as far as possible (and hence treated as pseudo-regulation). Guidance Material (GM) is provided to further amplify or explain regulation or AMC, and hence is advisory material only.

Comment 9

35. A number of questions were raised concerning the implementation of Military Type Certificate Holder (MTCH) provisions for Australian MTCs.

36. **DGTA Response.** This area of regulation is still under development since EMAR does not adequately address how Australian MTCs are issued and managed.

37. **Disposition.** These issues will be explained in AACs 01/2016 and 02/2016, and improved regulation, AMC and GM will feature in subsequent NPAs.

Comment 10

38. A number of respondents questioned the QTE requirements for Form 4 holders.

39. **DGTA Response.** Chartered Professional Engineer (CPEng) for Form 4 holders remains but DGTA have agreed to remove the requirement for a Masters qualification.

40. **Disposition.** This has been incorporated into the draft DASR and will be included as part of NPA2.

Comment 11

41. The role of the MTCH-delegate in overseeing Minor changes to Type Design is unclear.

42. **DGTA Response.** This area of regulation is still under development since EMAR does not adequately address how Australian MTCs are issued and managed. Concur on this specific issue, in that the MTCH delegate will be primarily interested in the impact of Major changes to the Type Design, as is the case for most TC holders in general. Notwithstanding, in the course of analysing defects, failures and malfunctions (21.A.3), an MTCH delegate will often be oversighting an MDOA holder processing Minor changes in response to these issues.

43. **Disposition.** These issues will be explained in AACs 01/2016 and 02/2016, and improved regulation, AMC and GM will feature in subsequent NPAs.

Comment 12

44. DASR21.A.101 requires use of Certification Program Plan (CPP) and airworthiness code approval for STCs and Major changes to MTCs. Will this be enforced?

45. **DGTA Response.** 21.A.101 requires the codes in effect at the time of application. The time of application is not clear in terms of how Australian MTCs are managed, and as there is no longer equivalent TAREG 2 requirements for the TAR to approve the ADF SOR prior to contract signature.

46. **Disposition.** Disposition will be dependent on the proposed inclusion of CPP requirements in Subparts D and E.

AUTHORITY

47. The content of this Summary of Responses has been reviewed and is authorised.

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16 May 2016

Annex:

A. List of Respondents

NOTICE OF PROPOSED RULE MAKING NPA 2016.01

LIST OF RESPONDENTS

1. Maritime Patrol Systems Program Office
2. AIR 7000 Ph 2B Project Office
3. DGTA-ADF
4. Tactical Fighter Systems Program Office
5. AIR 5077 Ph 5A Project Office
6. Boeing Defence Australia
7. Airborne Self Protection Systems Program Office
8. Airbus Group Australia Pacific
9. QinetiQ
10. Navy Aviation Systems Program Office
11. Fast Frigate Guided System Program Office
12. MMP Kidde Aerospace and Defence Pty Ltd
13. Airflite Pty Ltd
14. LOGBR-AF
15. 725 Squadron
16. HQ 78 WG
17. HQ 44 WG
18. Ground Telecommunications Equipment Systems Program Office
19. Northrop Grumman Integrated Defence Services
20. Aerospace Systems Division
21. HQ Air Mobility Group
22. Training Aircraft Systems Program Office