

NOTICE OF PROPOSED AMENDMENT DASP 02/2016

DEFENCE AVIATION SAFETY REGULATIONS – UPDATED RELEASE

INTRODUCTION

Applicability

1. This proposal is applicable to all members of the Defence aviation community, including all regulated organisations and individuals subject to the requirements of Military Aviation Regulations (MILAVREG), Operational Airworthiness Regulations (OAREG) and Technical Airworthiness Regulations (TAREG). This Notice of Proposed Amendment (NPA) is issued by the Directorate General Technical Airworthiness – Australian Defence Force (DGTA-ADF) and the Airworthiness Coordination and Policy Agency (ACPA) on behalf of the Defence Aviation Safety Program (DASP – incorporating ACPA, Directorate of Defence Aviation and Air Force Safety (DDAAFS) and DGTA-ADF), with DGTA-ADF providing administrative support. The term NPA is used by both the European Aviation Safety Authority (EASA) and the European Military Airworthiness Requirements (EMAR) and replaces the previous NPRM.

Purpose

2. This NPA continues the development of the new Defence Aviation Safety Regulations (DASR) and provides an opportunity for readers to comment and familiarise themselves with materiel that was not available when NPA DASP 01/2016 was released. Feedback from this NPA will be used to assist further additions and refinement activities (including additional NPAs if required), leading to a formal DASR release in Jan 17.

Background

3. Just as NPA DASP 01/2016 introduced the new DASR this NPA builds on that framework with the issue of the basic regulation, the development of aviation safety (operational) regulations that were previously placeholders and improved materiel on MTCH delegates (promulgated at DGTA AAC 2/2016). Any regulation content gaps will be addressed and fully incorporated into the electronic manual with the authoritative DASR release in January 2017.

NPA DASP 02/2016 Content

4. **Basic Regulation.** This is an administrative regulation defining the DASP and DASR framework, key appointments and accountabilities. In terms of the current Defence airworthiness framework, basic regulation loosely encompasses the intent of MILAVREGs 1 and 4, OAREG 1 and TAREG 1. Basic Regulation is written in such a way that it is not specific to any particular National or Military Airworthiness Authority, and in so doing allows for direct adoption by multiple countries.

5. **Aviation Safety Management Systems.** DASR SMS.A.25 (AUS) GM-General (generic SMS) and DASR SMS.A.25 (AUS) GM-21 (21 SMS) guidance has been included as part of the DASR SMS to further clarify these requirements. As part of the review GM associated with 145.A.65 (a) Safety and quality policy, maintenance procedures, quality system and safety management system (AUS) has been transferred, amended and subsequently included as part of the SMS.A.25 GM-General.

6. **DASR 145.** No changes to the regulation have been made however the following AMC/GM has been added/amended:

- a. Incorporation of ASI/ESI requirements into 145.A.60 (a) GM2
- b. Addition of deferred defect AMC/GM to 145.A.50 (e)
- c. Addition of AMC 145.A.30 and 30 (b)
- d. Update of AMC3 145.A.48 (h) (2)

- e. Deleted GM 145.A.65 (a) — data transferred to DASR SMS
 - f. Added GM 145.A.70 (c) — Significant changes to MOE
7. **DASR M.** Regulation M.A.712(g) has transitioned from a placeholder to a regulatory requirement for the CAMO to have an Safety Management System as an integrated part of the Military Air Operator's SMS. The following AMC/GM has been added/amended:
- a. Incorporation of ASI/ESI requirements into AMC M.A.202(a) Occurrence reporting, AMC M.A.302(d) Aircraft Maintenance Programme, AMC M.A.305(h)2 Aircraft continuing airworthiness record system, AMC M.A.801(h) Certificate of Release to Service
 - b. Amendment of deferred defect AMC M.A.301(a)2 and addition of deferred defect flow chart as GM
 - c. Placeholder added to GM M.A.304(d) to clarify an 'organisation accepted by the NMAA' with regard to data for modifications and repairs can be used by the CAMO
 - d. Addition of GM M.A.704(a)3 – list of names of key appointments can be referenced
 - e. Addition of AMC for quality manager QTE requirements
 - f. Addition of AMC in M.A.706 for key positions to be 'Form 4' holders. QTE for CAM moved to M.A.706(d)
 - g. Amendment of airworthiness review staff formal training requirements AMC M.A.707(a)1(iii) to include 'knowledge of the aircraft's certification basis'
 - h. Airworthiness Review, AMC and GM amended to provide clarity on the documented review. Airworthiness review of documents amended to include review of error capturing requirements.
8. **DASR 21.** Additional sub-regulation added to MTCH regulation (DASR 21.A.44) for an ASI/ESI requirement to undertake periodic Aircraft Structural and Propulsion System Integrity assessments.
- a. Added ASI/ESI specific AMC and GM for DASR 21.A.44.
 - b. Additional AMC for DASR 21.A.3(a)—System for collection, investigation and analysis of data for Structural Integrity.
 - c. Additional GM for DASR 21.A.3(b)—Occurrence reporting.
 - d. Additional GM for DASR 21.A.3B—Airworthiness Directives
 - e. Addition of note #5 to AMC to DASR 21.A.3B(b)2—Determination of an Unsafe Condition.
 - f. Rewrite of AMC to DASR 21.A.3B(d)(4)—Compliance Time.
 - g. Additional GM for aircraft structural and propulsion systems integrity to DASR 21.A.20—Compliance with the type-certification basis and environmental protection requirements.
 - h. AMC and GM to 21.A.041—Type-certificate and restricted type certificate.
 - i. Additional AMC to DASR 21.A.445—Unrepaired Damage.
 - j. Additional GM to DASR 21.A.708(c)—Substantiations.
9. Incorporated action items from NPA DASP 01/2016 feedback including:
- a. The removal of Masters of Science qualification for Form 4 holders

- b. Clarification that for the Head of Design the required ten years experience must comprise of at least two years experience as staff of DGTA-ADF or an organisation holding a Design Organisation Approval under DASR, CASA, EMAR or EASA Part 21 Subpart J.

10. **Part ORO – Flight Authorisation.** A Complete rewrite has been undertaken by ACPA at the direction of the Defence AA. The issue pertained to the regulation not requiring the flight authorisation officer to be qualified on Type. This change was circulated to the regulated community IAW OAREG RCP late 2015.

- a. Reason for review: Type qualification underpins the flight authorisation process.
- b. Impact: Units that operate more than one type will need command approval to cross flight authorise. Flight test activity operated under an FTAA will have an exemption to this requirement where they are not Type qualified.

11. **Part MED.** This change was initiated by the Institute of Aviation Medicine. The regulations now outline recommended periods for aviation medicine awareness training, account for aviation support system operator medical standards, allow aircrew in non-flying positions as well as identified non-pilot aircrew in flying positions to complete an aviation medical assessment every two years IAW MAO guidance. This change was circulated to the regulated community IAW OAREG RCP late 2015/early 2016.

- a. Reason: NPA DASP 01/2016 did not include Part MED. The extant OAREG were deficient in aviation medicine training periods and did not adequately account for medical standards to aviation support system operators.

- b. Impact: Part MED implementing regulation added to DASR as required by basic regulation.

12. **Part UAS.** Extant UAS OAREG plus airworthiness regulation combined to form DASR UAS regulation.

- a. Reason: NPA DASP 01/2016 did not include Part UAS.

- b. Impact: UAS regulation with minimal change during the transition to DASR.

13. **Part FSTD.** Extant OAREG for flight simulation changed under PIRR. New, simplified simulation regulation incorporated into DASR. Regulation simplifies process of IOP and Qualification.

- a. Reason: NPA DASP 01/2016 did not include Part FSTD.

- b. Impact: Part FSTD implementing regulation added to DASR as required by basic regulation.

14. **Part NDR.** During late 2015/early 2016, MILAVREG 5 and OAREG 5 were combined using outcomes based regulation that has just completed the Regulation Change Process (RCP) consultation phase. This change places all regulation WRT Non-Defence Registered Aircraft into OAREG 5.

- a. Reason: NPA DASP 01/2016 did not include Part NDR as it was still under RCP consultation.

- b. Impact: As this has already circulated the regulated community as part of the RCP, there is nil impact.

15. **Part FT.** Extant OAREG currently under consultation under a PIRR and RCP. DASR FT reflects current changes with the regulation aligned to the EASA categories of Flight Test.

- a. Reason: NPA DASP 01/2016 did not include DASR FT as regulation was still under development.

- b. Impact: Flight Test regulation was changed to align to the EASA four categories of flight test. The ability of the MAO and FTAA to authorise respective complexity of FT has been retained from OAREG. The regulation has been simplified to accommodate all complexity of testing,

including 'OPEVAL', into flight test while ensuring FT is authorised under a flight test permit and has a flight test plan.

Interactive Electronic Regulation Manual

16. As per this proposal, DASR will be published in a single electronic publication that will be accessible via both the intranet and internet. The publication can be downloaded to a portable or mobile device, however physical manuals and hard copies will not be provided. Note that some components of the manual are currently .pdf format and will require an appropriate reader to view.

Implementation Strategy

17. Implementation of DASR will require substantial change so that efficiencies and other benefits of integration of airworthiness and operational DASR into one regulatory suite and harmonisation to an internationally recognised airworthiness framework may be realised. Due to the risk of confusion and uncertainty, potentially leading to gaps or deficiencies in safety assurance, DASR will be implemented via a two-phase strategy as follows:

- a. Phase 1: Organisations will initially migrate to the DASR with minimal impact to existing management, plans, contracts and organisational structures. This phase offers a controlled transition in which the regulated community can be fully educated on DASR, while protecting the arrangements that have assured safety under the current regulations. The scope is limited and well defined, allowing simple deconfliction with other change initiatives across Defence. The pace of transition can be quick and offers certainty; key organisations 'cut over' at the same date to maintain integrity of the new safety assurance framework. The cost of implementation in both human and financial terms is minimised.
- b. Phase 2: Organisations can then exploit the flexibility and efficiencies afforded by the DASR in a manner and rate that is sensible to their unique circumstance. Having preserved the level of current safety offered by existing arrangements, and achieved initial compliance to the new DASR; organisations can explore and exploit the flexibility and efficiencies offered by DASR. Organisations can explore these benefits in combination with other changes occurring across Defence, and develop integrated plans that can be properly resourced by their organisations.

18. Parts 66 and 147 will require adaptation and hence may be progressively introduced over the next few years (including a separate NPA as previously indicated).

19. DASR ARO is currently under development to reflect the introduction of a Military Air Operator (and Certificate). This critical regulation will be subject to consultation prior to the authoritative DASR release in Jan 17.

Transition Plan

20. Implementation of DASR is also influenced by other changes occurring within Defence, such as the Capability Acquisition and Sustainment Group (CASG) 1QMS Program. A provisional (but authoritative) release of DASR will be available by 30 Sep 16 to facilitate the transition of CASG organisations to 1QMS ahead of the full release of authoritative DASR in Jan 17.

21. Operational DASRs will be progressively populated up to 30 Jun 16, with an education and consultation program planned throughout 2016 to assist with transition. A cross reference matrix of MILAVREG/OAREG to DASR can be found on the DASP webpage. Further details concerning transition of DASR Parts 21, M and 145 may be found via the following link:

- a. [DGTA-ADF U6762519 DASR Implementation Strategy 30 Oct 15](#)

22. Even though all regulated organisations will follow the two phase implementation as outlined above, not all organisations will transition to DASR in the same timeframe. As a result, organisations will be required to account for a combination of DASR and extant airworthiness regulations until all relevant organisations have transitioned. DAVREG-DGTA will provide detailed interface guidance prior to the authoritative release of DASR that explains how the products and services of the extant system are to be interpreted in the context of DASR, and vice versa.

23. Finally, some concepts introduced by DASR are novel and new to Defence aviation, and hence will be subject to a gradual implementation, irrespective of an individual organisation's transition to DASR (eg. Military Airworthiness Reviews required under DASR M). Organisations will be supported by DGTA-ADF and ACPA staff to assist with the transition to these new concepts.

Frequently Asked Questions

24. A number of FAQs have been prepared to assist readers in interpreting and understanding DASR, these may be found via the following links:

<http://www.defence.gov.au/DASP/DASRQuestions/Default.asp>

<http://www.defence.gov.au/DASP/DASR-Regulations/DASRNPA/TAMMRequirement.asp>

Consultation and engagement

25. DGTA-ADF and ACPA staff have consulted on the content of this NPA extensively on the intention to transition to DASR at all levels of the Defence organisation, including key industry partners. Specific training on individual regulations continues, with further training planned in the future. Release of this NPA is the next step in the overall strategy for transition to DASR.

26. The Regulation Change Process promulgated in AAP 7001.048 *Defence Aviation Safety Policy Manual* requires that the regulated community is consulted prior to changes in regulation. The aim of this NPA is to promulgate background and details of the proposed changes in accordance with Step 9 of that process. Advice on how petitions on this proposal are to be presented to DASP agencies is also provided. Feedback relevant to DASR operational aspects will be on forwarded by DGTA-ADF staff to ACPA for consideration.

PROPOSAL

27. DASRs can be viewed using the following link to the draft DASR electronic manual:

<http://www.defence.gov.au/DASP/Docs/Manuals/8000-011/DASRWeb/index.htm>

Deficiencies

28. Users will note that the draft DASR are incomplete: the remaining operational Implementing Regulations to be made available by 30 Jun 16. Furthermore, Parts 66 and 147 will require adaptation and hence will be progressively introduced over the next few years (including a separate NPA as previously indicated). Further, Implementing Regulations for operational safety currently link to PDF files. Critical regulation content gaps will be addressed and fully incorporated into the electronic manual with the authoritative DASR release in Jan 17.

HOW TO SUBMIT COMMENTS ON THIS NPA

Scope

29. Feedback is primarily sought in those areas where additional explanation/interpretation (AMC and GM) is necessary to suit the Australian Defence aviation environment, or otherwise to avoid ambiguity or misinterpretation. Similarly the intent of the operational DASR has not changed substantially, and as such comments should be aimed at continuous improvement of these regulations.

Format

30. Responses to this NPA are to be recorded on the NPA Response Sheet included at Annex B, and as published on the DASP Internet website.

31. Responses are to be submitted by email to DGTA-ADF.DASR-NPA@defence.gov.au. Hardcopies of the NPA Comment Sheet are not required. Air Command units are required to forward their responses to HQAC A9 DDA via their FEG chain of command.

Timing

32. Comments to this NPA are to be received by close of business **04 July 2016**.

Additional Information

33. Similar to NPA DASP 01/2016 many comments are expected to be specific to an organisation's circumstances with a view to preparing for transition. While these comments may lead to the need for additional AMC or GM, in the first instance please use the following points of contact for assistance (ie. rather than submitting a formal NPA response):

- a. DASR Parts 21, M and 145: Please contact your DAVCOMP-DGTA Desk Officer (contact details available via the DGTA-ADF intranet website functional directory).
- b. Other DASRs: Send an email to [ACPA Regulations](#) or contact the appropriate Desk Officer (contact details available via the ACPA intranet website 'Contact Us' page).

DISPOSITION OF COMMENTS RECEIVED

34. A Summary of Responses will be prepared and published on the DASP Internet website <http://www.defence.gov.au/dasp/>. DGTA-ADF and ACPA will not individually acknowledge or respond to comments or submissions.

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17 May 2016

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GPCAPT
Director
Airworthiness Coordination and Policy

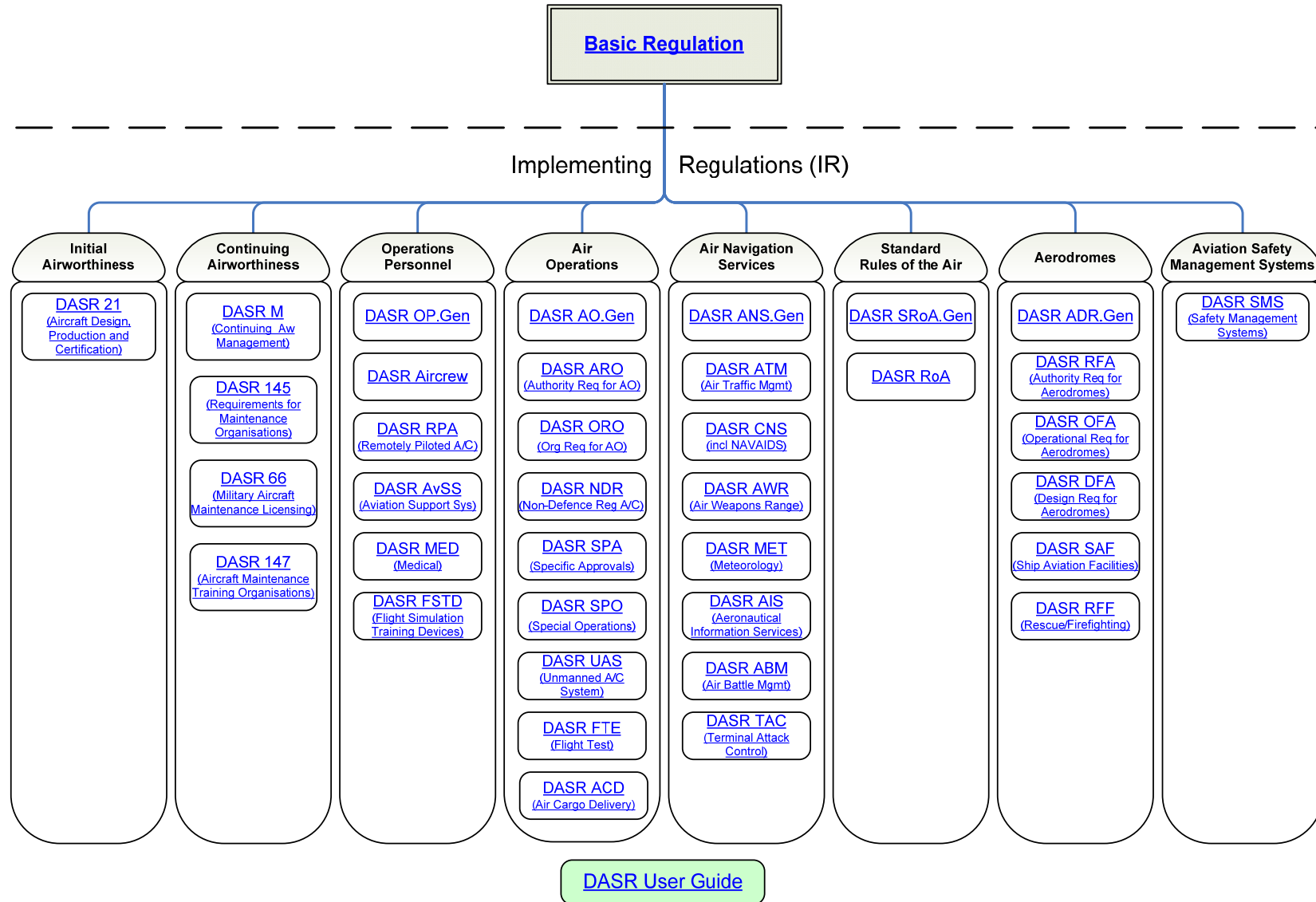
Tel: (02) 6128 7493

17 May 2016

Annex:

- A. DASR structural diagram
- B. NPA DASP 02/2016 - Comment Sheet

Defence Aviation Safety Regulation (DASR)



NPA DASP 02/2016 Comment Sheet

DASR Draft Release

Please return this response sheet by 27 Jun 16, via email attachment to DGTA-ADF.DASR-NPA@defence.gov.au.

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:	
Whose views are represented in your response? i.e. Is your response the authoritative response from your organisation?	Responding on behalf of : Individual [] ADF AEO/AMO [] Commercial AEO/AMO [] Operational HQ (WG/FEG/Command) [] Defence Regulatory, Technical or Logistics policy agency [] Other commercial entity [], Other [] Please describe:-