

AERIAL AGRICULTURAL ASSOCIATION OF AUSTRALIA LTD.

ABN 13 002 501 886 • ACN 002 501 886



28 August 2015

Part 61 Pathways to Simplicity

Summary

This paper identifies a range of issues with Part 61 and offers suggestions for their urgent remedy to stop further damage to the aerial application (AA) industry.

A key issue arising from the inaugural AAAA Aerial Firefighting Conference recently was the need for much clearer pathways to clarify the various Part 61 requirements that are difficult to understand and which are not being consistently interpreted by CASA staff.

While this may be considered superficially as a ‘packaging’ or communication issue, there is a range of significant changes required to underpin this very practical and useful approach.

The initiatives include:

1. Exemption then amendment - Transition of ‘ag’ pilots to firebombing pilots
2. Change firefighting endorsement to firebombing endorsement
3. Joint AAAA/CASA review of Part 61 AA syllabus, exams and competencies
4. Urgently commission a consultant to rewrite AA exams
5. Exemption then amendment – reintroduce 13 months checks for new AA pilots
6. Exemption then amendment - simplify rating renewals for multi rating holders
7. Exemption then amendment – changes to examiner requirements
8. Exemption then amendment – changes to instructor (AA) requirements
9. Reconfirm Examiner indemnity
10. Clarify Part 141/142 coverage/relationship of examiners and instructors
11. Exemption then amendment – simplify flight test process by permitting sampling of competencies
12. Exemption then amendment – introduce supervision of new instructors
13. Exemption then amendment – give rotary AA pilots same requirements for recency through OPC as fixed wing pilots currently have through Part 137
14. Exemption then amendment – Part 137.240 (3) to repair the current inability for unemployed pilots to have an operator proficiency check as was permitted under the old regulations.
15. Work with AAAA to introduce superior professional development across the sector.

AAAA believes each of the exemption requirements above could be incorporated into an ‘omnibus’ aerial application Part 61 exemption that would remedy many of the issues currently being encountered.

AAAA takes a very different view to many regarding the critical role and value of exemptions. AAAA supports their use to remedy short term problems and as a prototype for longer-term solutions through amendments to the regulations.

If AAAA is mistaken in its interpretation of the issues raised in this paper, then a correction via sound explanation that can be passed on to the industry would be very welcome. In many ways this highlights the key problem of a lack of definitive, centralised detailed explanation and interpretation material for each sector. This remains an ongoing failure of Part 61 implementation.

The details for each initiative are provided below.

AAAA would welcome the opportunity to discuss these matters with CASA.

Current Transition Issues

1. Ag Pilot to firefighting endorsement

Short term – an extension of the EX 114/14 is urgently required to give effect to previous CASA commitments.

Longer term - All pilots who held an agricultural rating before 1 September 2014 should be automatically transitioned to hold an Aerial Application Rating with both the AA Endorsement and a Firebombing Endorsement.

2. Night recency requirements

CASA EX 18/13 and Part 61 requirements should be review the ensure they deliver what the industry needs within normal AA risk management parameters.

3. ATO to Examiner

All persons holding an ATO approval before 1 September 2014 should be automatically transitioned to an Examiner.

4. Approved Pilots to instructor or instrument under Part 61.040

Any person holding an instrument of approval for a training activity before 1 September 2014 should be automatically transitioned to holding the same approval using an instrument created under CASR 61.040. Where the previous instrument permitted any privilege that can be equated to an Instructor type privilege, they should be transitioned to holding the relevant instructor privilege.

5. Change of Firefighting Endorsement to Firebombing Endorsement

This has been agreed to by CASA and should be implemented by Exemption in the short term and regulatory amendment in the longer term. This should be conducted concurrently with the review of competencies and recognition of prior learning as discussed below.

Pilot Pathways

6. *Ab initio* aerial application training

A range of issues impinging on the *ab initio* training for an application rating is raised in this paper. They include:

- AA syllabus
- AA examinations
- AA competencies review
- RPL
- Supervision
- 13 month checks
- Instructor and examiner issues
- Role of the 141/142 organisation approvals

7. Aerial Application syllabus

CASA and AAAA should review the current AA syllabus to ensure it reflects the required competencies and the available learning materials.

8. Aerial Application Examinations

The current AA examinations are a disgrace and the subject of a number of formal complaints to the ICC.

CASA should urgently commission an independent review of the AA exam question bank to ensure all questions are relevant to the AA rating (not a broader standard of asking Part 61 or CAO 48.1 questions or other questions from the CPL syllabus).

Importantly, a new question bank should be commissioned based on the available learning materials and especially the joint publication by AAAA and CASA of the Aerial Application Pilots Manual.

Alternatively, CASA should consider handing over the examination process to AAAA in the same way that all State/Territory agencies recognise the AAAA pilot Spraysafe examination process for the issuing of an aerial application chemical licence.

9. Competencies review

The current Part 61 competencies have never been reviewed or tested by industry. This review should be urgently conducted, using the considerable expertise of the AAAA Safety Reference Group made up of ATOs and senior pilots and operators – both rotary and fixed wing.

10. Recognition of prior learning in AA rating and AA endorsement to Fire endorsement

CASA must urgently review the competencies for the AA Rating and two endorsements as above and in so doing ensure that the RPL incorporated into the draft competencies

developed by AAAA and given to CASA is reinstated to ensure there is clarity regarding the need to only teach certain aspects of, for example, a firebombing endorsement where the pilot already holds an AA endorsement.

11. AA supervision requirements

Part 61 is relatively clear but this has not been effectively communicated

12. 13 month check by Examiner

This requirement – unilaterally dropped by CASA in Part 61 with no explanation or safety countermeasure – is a retrograde step and should be reintroduced urgently.

13. Rating renewals

Rating renewals should be rationalised so that a person holding several ratings only has to perform one flight check every two years for all of their rating to be renewed – with the possible exception of an Instrument Rating that could continue with the previous requirement.

14. Pathway from rotary to fixed and vice versa

Pilots who hold a class rating for fixed wing or rotary application operations and who seek to ‘cross-over’ to the other type of operation appear to receive no consideration for already holding many of the relevant competencies, knowledge and skills.

For example, a fixed wing application pilot seeking a rotary wing application rating appears to have to complete the full rotary application syllabus, examination and training, even though the main differences relate to the manipulation of the actual aircraft, rather than the principles of planning, human factors, aerial survey and other sequences that are common to both rotary and fixed wing operations.

CASA should give consideration to how this increasingly common situation can be managed more effectively than it currently is, and more effectively than how it appears to be managed under the new Part 61 regime.

Consideration must be given to a system for the recognition of prior learning in competencies, exams, and flight tests.

15. Low Level Rating privileges automatic for Aerial Application rating holders

This needs to be clarified – including on the licence.

Training Pathways

16. Examiner

AAAA feels that the following requirements are superior to those in the current draft of Part 61 and should be implemented through an exemption followed by eventual amendment of Part 61:

Examiner Qualifications

- Approved Principles of Instruction course
- Instructor (Application) Rating
- Application Rating
- Flight test

Examiner Minimum Experience

- 120 hours of AA instructing experience (about three AA fixed wing ratings).

Examiner Privileges

In some ways, the Examiner (Application) is seen as the pinnacle of application flying and therefore should have privileges commensurate with that position:

- All privileges of Instructor (Application) rating including all low level training and authorisations including night ag and turbine endorsements where they hold that authorisation themselves
- Can conduct training for and conduct flight test / issue/sign-off of Application ratings and Instructor (Application) rating.
- Can conduct all flight tests for application including initial issue, 13 month check, operator proficiency checks, biennial reviews for Instructor (Application)
- Can sign out all endorsements, authorisations and application and low level related ratings (except powerline maintenance - retain as specific authorisation)

17. Instructor (Aerial Application specialist)

It remains unclear, despite repeated reviews of Part 61, as to the head of power that would enable a pilot to become an instructor specialising in aerial application – without the need to hold another ‘instructor qualification (eg Grade 3).

AAAA would appreciate CASA clarifying this issue in writing so that existing senior pilots in the industry can be encouraged to start planning to become specialised instructors, thereby offering some remedy to the current problems with lack of application training availability – especially in WA, SA and northern Australia.

AAAA believes that a specific clause on aerial application instructors would solve a great deal of confusion, in a similar manner to the way it was dealt with in the 2004 Part 61 draft. See, for example, the 2004 draft 61.660 (4) and 61.665 (4).

AAAA still believes that an overt mention of an Instructor (Application) with the following requirements clearly set out is a less confusing approach than the current Part 61 approach of tables.

Instructor Qualifications

A candidate for the issuing of an Instructor (Application) rating must complete the following:

- Application rating
- Successful completion of an acceptable Principles of Instruction Course

- 5 hours dual right hand seat instruction with any flight school delivering Instructor ratings or through an Examiner (Application). NB this is not low level work, but *instruction* work
- Flight test with an Examiner (Application) or a CASA delegate or FOI

Instructor Experience

Experience requirements for an Instructor (Application) should be:

- 2000 hours of application experience minimum
- The experience requirements need to be discussed in light of helicopter issues.

Instructor Privileges

An Instructor (Application) will be able to:

- issue endorsements for those qualification that they also hold such as :
 - turbines
 - other low level related authorisations
- conduct training for a low-level rating if under the control of a 141 organisation or some other training approval that includes a syllabus etc
- conduct training for an AA rating – but not flight test or sign-off (examiners only) - if under the control of a 141 organisation or some other training approval that includes a syllabus etc
- conduct Operator Proficiency Checks for all application pilots
- conduct biennial reviews of low level type ratings

18. Instructor and Examiner Indemnity

CASA should maintain its indemnity coverage of ATOs and in the future, examiners.

The work undertaken by specialist examiners in areas such as aerial application is critical both for the maintenance of appropriate standards of training and safety and for the ongoing provision of new pilots to the industry.

In fulfilling their role in examining and testing candidates to ensure standards are maintained the ATOs/Examiners are fulfilling a key role on behalf of CASA and therefore CASA should continue to play a supporting role by providing indemnity coverage.

Any additional cost increase in specialist areas such as aerial application is likely to act as a significant disincentive for the continuation or initiation of application training organisations and the individuals who run them.

19. Part 141 / 142 relationships to Examiners and Instructors.

The current requirements appear confused as to whether an Examiner (and especially those transitioning from the ATO position) can operate ‘independently’ or whether they need to operate under the auspices and control of a Part 141 or Part142 organisational approval.

AAAA believes that whatever the CASA approval or qualification required, any requirement for a syllabus, training manual etc should be as simple as possible.

20. Flight tests

Exemption - the examiner or instructor should be authorised to conduct a flight test on the basis of a 'sampling' of the most relevant competencies so that they can 'form an opinion' as to the competency or otherwise of the candidate. This simpler approach can then be reflected in syllabus, flight test MOS requirements, and the CASA forms required to be completed for a flight test.

21. Supervision of new instructors

As a new instructor is brought 'on-line' to deliver training, it is important they receive appropriate guidance, constructive critique and mentoring through a supervision arrangement with an Examiner. This supervision period should extend for the first 3 students they prepare within the confines of their qualifications, before they are able to be endorsed by the Examiners for operations in their own right.

Recency checking pathways

22. Short Term

Exemption - to provide equality between rotary aerial application and fixed wing, with the exemption for rotary operations to copy the Chief Pilot recency assessment for an OPC in Part 137.

The current EX148/14 for fixed wing that permits Chief Pilots/HOFOs of a Part 137 operation to provide an OPC for a Chief Pilot/HOFO or another Part 137 operation, should be replicated to cover rotary operations in aerial application.

Exemption – to remedy the error in Part 137.240 whereby there is no ability now – thanks to amendments made as part of the introduction of Part 61 – to conduct an Operator proficiency check for any application pilot that is NOT employed by an operator (see CASR 137/240 (3)).

The old form of the regulation (pre-Part 61 amendments) permitted an annual proficiency check for a pilot regardless of whether they were employed or not by permitting them to be checked by an ATO or an instructor holding both a current instructor rating and application rating. This element has been removed without consultation.

23. Longer term

Part 137 amended to include all rotary operations as well – all other requirements from CAOs etc are effectively countered by a new regulation in Part 137 that specifically provides relief from any other requirements – eg analogous with 137.020

Part 137 amended to remedy error identified above in part 137.240 (3).

Professional Development

24. Examiners

The current PDP for Examiners should be handed over the AAAA to run, in cooperation with CASA. The current content is irrelevant, the experience of the people delivering the course is generally inadequate for credibility to be established by participants, and the learning outcomes are untargeted and not relevant to sector operators – because of the lack of experience and knowledge of the ‘instructors’.

The current process is not respected by industry and is seen as a waste of time – this is actually damaging the likelihood of acceptance of any future PDOP program – unless it is run by AAAA.

25. Instructors

After initial issue and ongoing oversight (see above), instructors should be required to participate in a Professional Development Program. If they are specialist application instructors AAAA should be approved to provide such a program modelled on its existing and very successful PPP program.

26. Chief Pilots

The AAAA Chief Pilots course is already recognised in the CASA Sector Risk Profile as a key risk mitigator.

CASA should recognise the course and assessment as providing a superior outcome to current CASA Chief Pilot approval processes and accept it for the purposes of appointing Chief Pilots/HOFOs for aerial application operations.

After initial training through the AAAA course, all Chief Pilots should be required to participate in a new AAAA program for Chief Pilot professional development, along similar lines as the longstanding AAAA Professional Pilot Program that has been delivering ongoing professional development since 2002.

27. Pilots

Most pilots in the aerial application industry participate in the AAAA Professional Pilot Program. This program requires pilots to accumulate 15 education units every three years to renew their Spraysafe accreditation, which in turn is required for their compliance with the conditions of State/Territory issues chemical distribution licences.

AAAA provide a range of education opportunities through the program including the national Convention, state conferences, technical workshops and direct training courses covering environmental protection, risk management, aircraft set-up and operation, wire risk management, CRM and human factors.

AAAA would be interested in working with CASA to establish how the PPP could be recognised by CASA and supported.

Further Information

For more information or to discuss any aspect of this paper, please do not hesitate to contact Adam Hooper on 0459 357 876, the AAAA office on 02 62412100 or aims@arialag.com.au