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Our Ref: S05-0012-2  
Your Ref: draft CAAP 48-1(2)

Dear Ian,

### **AIPA COMMENTS ON DRAFT CAAP 48-1(2)**

AIPA is pleased that such a large percentage of our earlier comments appear to have been valuable in enhancing the previous draft of the CAAP. We again welcome the opportunity to offer comments on the this draft, noting that only the clearest explanation of the regulatory intent will enhance the overall industry knowledge of the complexities of managing fatigue risk and minimise the inevitable gaming of the system.

Unsurprisingly, we remain concerned about some aspects of the prescriptive Flight Time Limitations (FTL) even following the July amendments to the Instrument. We believe that CASA is wilting somewhat under the commercial and political pressure of vested interests that are unwilling to accept the inherent costs of doing business and who chose not to commit fully to the debate until the original implementation date had passed. Our simple axiom is that the science must prevail and CASA must be the champion of the science rather than being beholden to past policy mistakes.

The attached comments are intended solely to improve the CAAP as an explanation of the provisions within the Instrument. We will continue to separately raise our philosophical concerns about the Instrument itself in other forums and correspondence.

Once again, you and your team are to be congratulated on putting together a very useful and informative document that goes some way towards explaining both your intentions and reasoning in designing many of the provisions of the Instrument.

Yours sincerely,



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Attachment: AIPA Comments on Draft CAAP 48-1(2) August 2016

## AIPA COMMENTS ON DRAFT CAAP 48-1(2)

### General Comments

1. While there have been many changes in drafting styles, the use of numbers rather than words (“8” rather than “eight”) remains inconsistent throughout the document.
2. Similarly, there does not appear to be a consistent approach to the punctuation of sub-paragraphs and dot points or the related use of conjunctions.
3. There are numerous occurrences of repeated or missing punctuation marks as a consequence of cutting and pasting.
4. There are frequent occasions where the change bars do not reflect the modification of existing text or the inclusion of new text. It may well be advisable to go down the “too many changes/virtually new document” approach and dispense with them altogether, thereby forcing the reader to grasp the context of the whole document, rather than what they perceive to be the only changes.
5. There does not seem to be a consistent approach to cross-referencing Appendices within the document: in some cases, for example, the style is “see APPENDIX B Operations under multiple appendices...” while in others (most frequently) it is “refer to APPENDIX D of this CAAP...”.

### Definitions of Crew Rest Facility and Fit for Purpose

6. AIPA welcomes the inclusion of “fit for purpose” in the chapeau of the Crew Rest Facility definition (and elsewhere) and the related definition of “fit for purpose”. As has been discussed separately, the fitness for purpose of the Boeing 787-9 crew rest facility for LR and ULR operations will be an acid test for CASA in the enforcement of reasonable standards.
7. While gaining sleep is the primary intention, CASA needs to contemplate what facilities are appropriate for maximising rest when sleep is precluded by circadian rhythms, particularly in the early parts of augmented flights and when morning departures are scheduled.

### Definition of Flight Time

8. While sub-paragraph a correctly reflects the current legislation, the retention of “under its own power” creates a practical compliance problem for operator and FCM recording systems where pushback or pull forward is involved.

### Definition of Sleep Opportunity

9. The inclusion of the phrase “under normal circumstances” in sub-paragraph b of the definition is not explained until the fourth paragraph of Appendix C on page 40. AIPA suggest that the inclusion of a note that either points to page 40 or, preferably, states:

**Note:** Normal circumstances refer to those situations where the operator wishes to preserve the prior sleep opportunity. Abnormal circumstances refer to the case

where the operator needs to contact the FCM and it is understood that this will mean that the prior sleep opportunity has been interrupted.

### **Definition of Suitable Sleeping Accommodation**

10. AIPA is unclear as to what precipitated the change to sub-paragraph c., but this fundamental change from the original "clean, tidy and hygienic facilities", which would include the room and all sensible elements of the accommodation, to now only requiring "access to clean, tidy and hygienic amenities..." could have the unintended effect that everything other than the amenities could be anything but "clean, tidy and hygienic" and "access to" might mean amenities in a different part of the 'facility' or even 'across the road'..

### **Paragraph 3.4**

11. The guidance material has always been a tripartite IATA, ICAO and IFALPA publication and is now called "Fatigue Management Guide for Airline Operators, Edition 2015".

12. For clarity, is CASA actually choosing the tripartite guidance to operators over the ICAO Doc 9966 *Manual for the Oversight of Fatigue Management Approaches* Edition 2 (2016)?

### **Paragraph 4.4.3**

13. On page 14 there is a footnote 2 about sleep inertia but there does not appear to be a preceding footnote 1.

### **Paragraph 7.5.2**

14. Unfortunately, "statistically unlikely (exceptional)" is now an orphan adjective as a consequence of amendments to the preceding paragraph. Perhaps the solution is to write:

7.5.2 For circumstances that require extensions to be considered exceptional, they should only occur in less than 5 percent of events in any sample of similar FDPs or similar operations.

### **Paragraph 10.4**

15. There are two occurrences of "causal" instead of "casual" on page 18.

## **APPENDIX B**

16. Third last line on page 34: "has" instead of "have".

17. Example 1: This sees the first instance of the phrase "of consecutive 4 off duty days", which seems to be a particularly awkward construction.

## **APPENDIX C**

### **Section C2.2**

18. AIPA suggest that the paragraph beginning “Training flights in a simulator...” needs the same qualifying addition as in para 11.4.8.
19. The Appendix 1 sub-section begins with a punctuation/capitalisation problem.
20. The first lines of “Appendix 4B” and “Appendix 5” include a similar ‘cut and paste’ punctuation/capitalisation problem.

### **Section C3.2**

21. AIPA would love to know the science that validates the concept under “Appendix 4B” that access to suitable sleeping accommodation for as little as two hours will sustain an increase in the maximum permissible FDP on a 1:1 basis.

### **Section C4.1**

22. In the last line of the first paragraph, editorial consistency suggests either "...under Appendix 2 or Appendix 7 (FRMS)" or "under Appendix 2 or under an Appendix 7 FRMS".

### **Section C4.2**

23. The last line of the first paragraph may benefit from the addition of "...unless specifically managed under an Appendix 7 FRMS."

### **Section C5.2**

24. The second sentence of the first paragraph under the heading of Appendix 1 is an awkward construction. It is repeated in other sections.
25. There is a significant formatting problem within the subsection “Delays of less than 10 hours – with operations manual procedures” on page 58. The statement in the second dot point “...the maximum FDP limits are not appropriate without modification” can be misread to imply further action is required by operators – our understanding is that it serves only to justify the concept of the clock running from the 4 hour point even if the FDP has yet to commence.

### **Section C6.2**

26. In light of the removal of the extension report provisions from each relevant appendix sub-section, is the dot point at the top of page 62 sufficiently precise to generate a formal extension report, given that they are still required for operational analysis and on-demand regulatory review?

### **Section C7.1**

27. There is inconsistency in using the term “aerodrome” vs “airport”.
28. AIPA is concerned that the first paragraph may lead to some misinterpretation. We agree that anticipation anxiety is a real and valid consideration, whether it involves standby, early starts or expected operational difficulties. However, this paragraph may

have the unintended effect that having sleeping accommodation at the aerodrome/heliport from which rescue services are provided is unnecessarily discounted as a suitable arrangement. In immediate or ultra-short response standby scenarios, adding in travel time and transport risk may exacerbate anticipation anxiety. Similarly, there are common domestic situations that can make resting at home the worst option.

## **Section C7.2**

29. The first dot point could be taken to imply that on-base sleeping accommodation is not acceptable – the test should remain as “fit for purpose”.

30. The note following the second dot point directly contravenes the definition of standby – if the FCM is “required to undertake duties”, then they cannot be on standby.

## **Section C9.2**

31. The (incorrectly formatted) note at the bottom of page 73 doesn’t make sense. The sequence is ODP 1, FDP 1, ODP 2, FDP 2, ODP 3 and the provision allows for ODP 2 to be reduced to 9 hours - any reference to “the FDP that starts after the reduced ODP” is a reference to FDP 2 and any reference to the time prior to FDP 2 must refer to ODP 2, which must be less than 10 hours for this provision to apply. The same note is repeated on pages 76 and 77.

32. AIPA remains curious as to why CASA abandoned “sleep opportunity” for “the minimum ODP being 8 consecutive hours at suitable sleeping accommodation” for other than Appendices 1, 2 and 3. Is there a different restorative sleep mechanism at play in these circumstances?

## **APPENDIX D**

### **Scenario 1**

33. All three paragraphs include references to paragraph numbers, but do not clarify that they relate to paragraphs in CAO 48.1 rather than in the CAAP. This is inconsistent with earlier reference styles in the CAAP.

34. The third paragraph is a significant change in interpretation from the previous draft. In our comments on that draft, we accepted the logic as originally written by CASA, thus highlighting the potential for misinterpretation. A note might be helpful to clarify that the “greatest time zone displacement” refers to the location of each FDP/ODP start point in comparison to the last acclimatised location, up to 36 hours elapsed.

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