



Australian Government

Civil Aviation Safety Authority

I, TERENCE LINDSAY FARQUHARSON, Acting Director of Aviation Safety, on behalf of CASA, make this instrument under paragraph 28BA (1) (b) and subsection 98 (4A) of the *Civil Aviation Act 1988*.

[Signed T. Farquharson]

Terry Farquharson
Acting Director of Aviation Safety

17 August 2014

Civil Aviation Order 82.3 Amendment Instrument 2014 (No. 2)

1 Name of instrument

This instrument is the *Civil Aviation Order 82.3 Amendment Instrument 2014 (No. 2)*.

2 Commencement

This instrument commences on the day after registration.

3 Amendment of Civil Aviation Order 82.3

Schedule 1 amends Civil Aviation Order 82.3.

Schedule 1 Amendments

[1] Paragraph 2.7

omit

In this paragraph:

insert

In this subsection:

[2] Paragraph 2A.2

omit

An SMS must,

insert

Subject to paragraph 2A.4, an SMS must,

[3] After paragraph 2A.3

insert

2A.4 An SMS approved by CASA under subparagraph 2.1 (a) may only be amended in accordance with subsection 2B.

- 2A.5 An SMS may have a process for the amendment of the SMS in accordance with subsection 2B.

Note Under paragraph 2.7, SMS has the meaning given in subsection 2A and includes the documents mentioned in subsection 2A.

[4] After subsection 2A

insert

2B SMS amendment process

- 2B.1 In this subsection:

SMS amendment process is a process within an SMS for amendment of the SMS, or a specified part of the SMS, in accordance with this subsection.

Note The SMS amendment process can only be altered in accordance with subsection 2C.

- 2B.2 An operator, who does not have an SMS amendment process approved by CASA, must not amend the operator's approved SMS without CASA's approval.
- 2B.3 For paragraph 2B.2, CASA's approval may only be given in the form of a new SMS approval.
- 2B.4 If an operator has an SMS amendment process, it must be approved in writing by CASA at the time CASA approves the operator's SMS.
- 2B.5 An approved SMS amendment process must have the capacity to identify and record reliable information from which a reasoned and persuasive safety case may be developed to demonstrate whether or not a proposed amendment to the SMS is likely to:
- (a) maintain at least the same level of safety as that which exists under the SMS at the time of the proposed amendment; or
 - (b) increase the level of safety above that which exists under the SMS at the time of the proposed amendment.
- 2B.6 Subject to paragraph 2B.10, if an operator has an approved SMS amendment process, the operator may, without CASA's approval, make a proposed amendment to the operator's SMS, but only if:
- (a) the proposed amendment is:
 - (i) merely editorial; or
 - (ii) such that no reasonable person could doubt that the proposed amendment increases the level of safety above that which exists under the SMS at the time of the proposed amendment; or
 - (b) a safety case, developed in the SMS amendment process, demonstrates that the proposed amendment is likely to:
 - (i) maintain at least the same level of safety as that which exists under the SMS at the time of the proposed amendment; or
 - (ii) increase the level of safety above that which exists under the SMS at the time of the proposed amendment.
- 2B.7 If an operator makes an amendment to the operator's SMS in accordance with this subsection, the amendment must not take effect until it is documented by being incorporated into every copy of the documents mentioned in subsection 2A used by the operator to which the amendment is relevant.

- 2B.8 If an operator makes an amendment to the operator's SMS in accordance with this subsection, the amendment must be notified in writing to CASA in accordance with a procedure and timetable that must be set out in the operator's approved SMS amendment process.
- 2B.9 An approved SMS amendment process may itself only be altered in accordance with subsection 2C.
- 2B.10 An amendment to part of an SMS, on which an approved SMS amendment process directly depends in order to comply with paragraph 2B.5, is deemed to be an alteration of the SMS amendment process to which subsection 2C applies.

Note If, as part of its general capacity to demonstrate the safety of SMS amendments, the SMS amendment process **directly** depends on some feature of the SMS itself, a proposed amendment to that SMS feature would be considered an amendment of the SMS amendment process. Subsection 2C would, therefore, apply to the proposed amendment.

2C Alteration of an approved SMS amendment process

- 2C.1 An operator with an approved SMS amendment process must not alter the process without CASA's written approval.
- 2C.2 For paragraph 2C.1, CASA's written approval may only be:
- (a) given on application; and
 - (b) in the form of an approval for an SMS containing a new SMS amendment process in accordance with subsection 2B.

2D HF&NTS training and assessment program amendments

- 2D.1 In this subsection, and in subsections 2E and 2F:

HF&NTS means human factors and non-technical skills.

HF&NTS program amendment process means a process within an HF&NTS program for amendment of the program, or a specified part of the program, in accordance with subsection 2E.

Note The HF&NTS program amendment process can only be altered in accordance with subsection 2F.

HF&NTS program means an operator's program to train and assess the operator's personnel in HF&NTS and includes the operator's documents for the program.

- 2D.2 An HF&NTS program approved by CASA under subparagraph 2.1 (c) may only be amended in accordance with subsection 2E.
- 2D.3 An HF&NTS program may have an HF&NTS program amendment process for the program in accordance with subsection 2E.

2E HF&NTS program amendment process

- 2E.1 An operator, who does not have an HF&NTS program amendment process approved by CASA, must not amend the operator's approved HF&NTS program without CASA's approval.
- 2E.2 For paragraph 2E.1, CASA's approval may only be given in the form of a new HF&NTS program approval.
- 2E.3 If an operator has an HF&NTS program amendment process, it must be approved in writing by CASA at the time CASA approves the operator's HF&NTS program.

- 2E.4 An approved HF&NTS program amendment process must have the capacity to identify and record reliable information from which a reasoned and persuasive safety case may be developed to demonstrate whether or not a proposed amendment to the HF&NTS program is likely to:
- (a) maintain at least the same level of safety as that which exists under the HF&NTS program at the time of the proposed amendment; or
 - (b) increase the level of safety above that which exists under the HF&NTS program at the time of the proposed amendment.
- 2E.5 If an operator has an approved HF&NTS program amendment process, the operator may, without CASA's approval, make a proposed amendment to the operator's approved HF&NTS program but only if:
- (a) the proposed amendment is:
 - (i) merely editorial; or
 - (ii) such that no reasonable person could doubt that the proposed amendment increases the level of safety above that which exists under the SMS at the time of the proposed amendment; or
 - (b) a safety case developed in the HF&NTS program amendment process demonstrates that the proposed amendment is likely to:
 - (i) maintain at least the same level of safety as that which exists under the HF&NTS program at the time of the proposed amendment; or
 - (ii) increase the level of safety above that which exists under the HF&NTS program at the time of the proposed amendment.
- 2E.6 If an operator makes an amendment to the operator's approved HF&NTS program in accordance with this subsection, the amendment must not take effect until it is documented by being incorporated into every copy of the HF&NTS program documents used by the operator to which the amendment is relevant.
- 2E.7 If an operator makes an amendment to the operator's approved HF&NTS program in accordance with this subsection, the amendment must be notified in writing to CASA in accordance with a procedure and timetable that must be set out in the operator's approved HF&NTS program amendment process.
- 2E.8 An approved HF&NTS program amendment process may only be altered in accordance with subsection 2F.

2F Alteration of an approved HF&NTS program amendment process

- 2F.1 An operator with an approved HF&NTS program amendment process must not alter the process without CASA's written approval.
- 2F.2 For paragraph 2F.2, CASA's written approval may only be:
- (a) given on application; and
 - (b) in the form of an approval for an HF&NTS program containing a new HF&NTS program amendment process in accordance with subsection 2E.
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