

4. The DIRD ARFFS Regulatory Review:

Introduction

On 18 December 2015, the Department Infrastructure and Regional Development (DIRD) released a regulatory policy review consultation paper that considered future arrangements in relation to the provision of ARFFS at Australian airports. Public and industry comments on the paper closed on 12 February 2016. Eleven submissions were received, from the following entities:



Airservices Australia



Australian Airports Association



Ayers Rock Airport



Board of Airlines Representatives of Australia Inc



International Air Transport Association



Qantas



Regional Aviation Association of Australia



Regional Express



The Administration of Norfolk Island



United Fire Fighters Union of Australia Aviation Branch



Virgin Australia

In December 2016, the Minister for Infrastructure and Transport, the Hon Darren Chester MP announced the outcomes of the ARFFS Regulatory Policy Review.

Summary of the Review:

Recommended amendments to the Civil Aviation Safety Regulations (CASR) Subpart 139.H and Manual of Standards:

ARFFS to be established at a location where a trigger event occurs and where the Civil Aviation Safety Authority (CASA) decides, following a risk review, that ARFFS is required at that location. The establishment triggers for a risk review are:



Scheduled international passenger air services, or



500,000 passengers on scheduled commercial air services P/A.

ARFFS is disestablished when a trigger event occurs and where CASA decides, following the conduct of a risk review **by the ARFFS provider** that ARFFS is no longer required.

Disestablishment triggers for a risk review are:



Withdrawal of scheduled international passenger air services, or



Passenger on scheduled commercial air services falling below 400,000 P/A.



CASA and the ARFFS provider to consult with industry, **the public** and relevant government agencies during the conduct of risk reviews.

CASA must complete a risk review for establishment of an ARFFS within six months of a scheduled international passenger air services approved to commence operating at an airport. Or when the Bureau of Infrastructure, Transport and Regional Economics (BITRE) confirms 500,000 passenger's P/A trigger has been met at an airport.

An ARFFS provider must complete a risk review within six months of the withdrawal of scheduled international passenger air services or the BITRE confirming passenger numbers below 400,000 P/A. Where an establishment risk review decides that ARFFS is not required, CASA will monitor activities to determine whether a further risk assessment is required. If numbers continue to be above 500,000 P/A or scheduled international passenger air services continue a further risk review is to be undertaken. A risk review should be undertaken if significant changes of safety risk factors occur. Where the risk review decides ARFFS is required at a location, CASA in consultation with the ARFFS provider, will determine the timeframe for establishment.

CASA may permit a graduated service prior to the establishment of full ARFFS operations. A graduated service could include the initial provision of ARFFS at a category lower than the services required. Alternatively, other measures including the training of the local fire brigade, and the provision of personnel and firefighting equipment.

Where the risk review indicates that ARFFS should remain at the location, and twelve months after CASA's decision, passenger numbers remain below the disestablishment trigger or does not receive a scheduled international passenger air service, further risk review should be undertaken by the ARFFS provider and decision made by CASA.

In transitioning to the new arrangements, **it would not** be necessary to undertake a disestablishment risk review relating to **an existing ARFFS** unless the total number of passengers falls below the existing disestablishment threshold of **300,000** P/A.

A "fire-fighting related service" provided at an airport that is not required to have an ARFFS under the CASR is not an "ARFFS" within the meaning of the CASR. A "firefighting related service" could still be provided at an airport but would not be subject to the regulatory framework or regulation by CASA.

ARFFS are for areas or facilities which are used or intended to be used for aviation activities and activities closely connected with aviation activities; including: taxiways, runways, aprons, airside roads, airside grounds and aircraft parking areas; airside freight handling and staging areas; air traffic control towers; airport terminals; and aircraft hangars, on-airport maintenance facilities and aviation fuel storage/refuelling facilities.

Aviation-related infrastructure may be identified as such in an agreement (Memorandum of Agreement) between ARFFS and fire authorities. Agreements should be developed in consultation with the airport owner/operator.

Fire authorities are not required to hold separate CASA approval to assist an ARFFS provider in the provision of ARFFS under an agreement with ARFFS.

The airport operator facilitates the provision of ARFFS and are required to facilitate the provision of: access to on airport utilities to meet service delivery requirements; adequate facilities for rapidly replenishing water supply; emergency roads capable of supporting ARFFS vehicles; crash gates for off airside access; regular communication about the provision of ARFFS at the airport, and access to a reasonable area on the airport for storage, training and other ARFFS related uses.

Prescriptive requirements relating to training and equipment provisions be replaced with a more systems and outcomes-based approach supported by the regulatory requirement for the ARFFS provider to establish a safety management system which is approved and audited by CASA.

Conclusion:

The UFUA Aviation Branch tried very hard to prevent this travesty of a regulatory review from proceeding. It appears that our efforts may have saved the ARFFS at those airports that don't currently meet the 400k disestablishment threshold. Our letters to CASA, the Minister, Comcare & all Australian MHRs and Senators asking for support along with our **Three Minutes to Live** campaign may have been responsible for preventing a total disaster.

But there are still significant dangers to our members in these changes. We believe there are issues with Airservices Risk work is when it comes to ARFF. Airservices cannot be trusted to meet the requirements of the Regulations now and the number of CASA exemptions is testimony to this. So, if they can't their current obligations, what is going to happen with a more relaxed regulatory framework?

Providing an ARFFS at a lower category as a graduated service, in our view, shows how little the authors of these regulations know about ARFFS. If you don't have the agent required, you can't put out the fire. If you don't have the staff required you can't operate in a safe and effective manner, as per the SOP's. Passengers and ARFF staff will be put at greater risk again but at least Airservices will have saved some money.