

Phengrasmy, Keeley

From: Regulatory Guidance
Sent: Friday, 26 May 2023 4:11 PM
To: s 22
Subject: CASE ENQ-22-153668 - Response to Guidance Query - Unforeseen operational circumstances [SEC=OFFICIAL] CRM:000247001583

Dear s 22

This response was scheduled to be sent on the 18 November 2022. A system error was discovered and the response below is being sent today as a precaution in case it was not received. The Guidance Delivery Centre apologises for any inconvenience this may have caused.

Please find the response to your query below:

Question: CAAP 48-01 v3.2 4.5.7 references weather patterns to be utilised to foresee potential disruptions or delays. Airnorth mainly operates along the northern parts of Australia with the wet season producing TEMPO or INTER requirements in weather forecasts (TAF).

It is our understanding as an operator that these requirements should not be used when assessing the need for an extension prior to or during the last planned sector.

Example: -

Sign on 07:30, depart 08:30, 4 sectors = allowable duty 12.5 hours

last flight lands 19:10, Sign off 19:25. allowable end time 20:00

If the weather forecast (TAF) has a TEMPO appended for the arrival time for the last flight, this is a flight fuel planning requirement, and should not be used by the crew to assume that they need to make a decision to extend the duty past the allowable end time of 20:00 because of a TEMPO referring to the requirement to carry 60 minutes of holding fuel?

Request CASA's guidance and thoughts on this and the definition of "Weather patterns" as mentioned in the CAAP

Answer: Section 4.5.7 of the [CAAP 48.1](#) refers to extensions due to unforeseen operational circumstances. The intention behind the use of the term 'unforeseen circumstances' that include weather patterns is to prevent operators continually rostering flight and duty times to their maximum limits and regularly relying on extensions to achieve their operational goals.

CASA acknowledges the operational environment being discussed. In the case of the above scenario ("Wet Season" in Northern Australia).

Chapter 6 of the [Civil Aviation Order 48.1](#) (CAO) offers a definition of unforeseen operational circumstance, "*means an unplanned exceptional event that becomes evident after the commencement of the FDP, such as unforecast weather, equipment malfunction, or air traffic delay.*"

For Appendix 2 operations, a circumstance is only unforeseen if it occurs after the FDP has commenced. - see definition

- If an unforeseen circumstance occurs after the FDP commencement, then an FDP can be extended but all other limitations must be respected.
- If an unforeseen circumstance occurs after the commencement of the final sector, an FDP can be extended and other limitations may be breached (Appendix 2 sub-clause 7.7 of CAO 48.1).

If a TEMP (WX) condition existed that could affect the crew's ability to complete the final sector with-in the allotted duty period, and this weather event was forecast prior to the FDP the intent is for the extension **not** to be utilised.

In the same way that a TEMPO would attract a fuel penalty, the operational planning would also have to consider the associated time penalty for the purposes of Flight and Duty considerations. Rostering practices should take this into account with the rostered duty. Section 4.3.4 of the CAAP notes that rosters should be designed to cater for reasonably foreseeable delays such taxi requirements, holding requirements without the need for operational

extensions.

The utilising of the extension function by the FCM allows a mechanism to achieve a desirable operational outcome in the instance of unforeseen operational circumstances. If the TEMPO was forecast BEFORE the Flight Duty Period, it would not be 'unforeseen'.

Note: Extensions should only occur under 5% of any sample of similar flight duty period (FDP). If the operator experiences extensions greater than 5% of the sample the operator should consider revising their practices. Extensions beyond FDP limits should not be made on a regular basis.

This guidance is current and accurate at the time of receiving this notification, and is subject to change over time at the discretion of the policy holder which may impact the accuracy of this information.

If you require further clarification relating to this matter, please reply to this email.

Best regards,

Guidance Delivery Centre

CASA\Guidance, Transformation & Safety Systems

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----- Original Message -----

From: Civil Aviation Safety Authority <project-name.noreply@govcms.gov.au>;

Received: Thu Oct 27 2022 16:53:38 GMT+1000 (Australian Eastern Standard Time)

To: Guidance <regguidance@casa.gov.au>; Guidance Delivery Queue <regguidance@casa.gov.au>;

Subject: Webform submission from: Flight operations rules enquiries > Page components - 50785

First Name s 22

Last Name s 22

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Email

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Representing
organisation Yes

Organisation
Name s 47F

Organisation
ARN s 47G

Enquiry type Other

Case number

Enquiry
number

CAO 48.1 Extensions

CAAP 48-01 v3.2 4.5.7 references weather patterns to be utilised to foresee potential disruptions or delays. Airnorth mainly operates along the northern parts of Australia with the wet season producing TEMPO or INTER requirements in weather forecasts (TAF).

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Released under Freedom of Information