

## Explanatory Statement

### Civil Aviation Regulations 1988

#### CASA 24/18 — Precision Runway Monitor Operations at Sydney Airport Direction 2018

##### Legislation

Subsection 98 (1) of the *Civil Aviation Act 1988* (the *Act*) provides that the Governor-General may make regulations for the Act and the safety of air navigation.

Under subregulation 99AA (5) of the *Civil Aviation Regulations 1988* (*CAR*), CASA may, among other things, give directions about the use of a controlled aerodrome by aircraft engaged in instrument flight rules flights.

Under regulation 217 of CAR, an operator of a regular public transport (*RPT*) service, an operator of any aircraft the maximum take-off weight of which exceeds 5 700 kilograms and any other operator that CASA specifies shall provide a training and checking organisation (known as a *CAR 217 organisation*) so as to ensure that members of the operator's operating crews maintain their competency.

Part 175 of the *Civil Aviation Safety Regulations 1998* (*CASR*) establishes standards and requirements for the quality and integrity of data and information used in air navigation.

##### Background

Sydney (Kingsford Smith) Airport (*KSA*) is a controlled aerodrome and has a Precision Runway Monitor (*PRM*). The PRM is special surveillance equipment that enables air traffic services to monitor the accuracy of aircraft tracking on final approach. The PRM is very accurate and allows aircraft to fly side-by-side down the instrument approaches to the parallel runways separated by a no-transgression zone of 2 000 feet. Parallel runway operations at KSA, using the PRM, provide a significant increase in runway capacity in poor weather conditions (known as *I.M.C.* and defined in regulation 2 of CAR). Pilots are notified when PRM operations are in force via the automatic terminal information service at KSA. Special procedures apply when these operations are in progress and pilots are required to satisfactorily complete additional training for safety purposes.

CASA has previously issued directions under subregulation 99AA (5) of CAR (instrument CASA 41/15) that require the pilot in command of an aircraft undertaking a PRM approach at KSA to have completed PRM approach procedures training. CASA 41/15 expires at the end of 31 March 2018.

##### Instrument

CASA 24/18 is a new direction that replaces CASA 41/15 and applies to PRM operations at KSA. It provides, under subsections 4 (1) and (2), that the pilot of an aircraft must not undertake a PRM approach in I.M.C. unless the specified requirements are complied with.

For aircraft operating under an Air Operator's Certificate (*AOC*) (other than a foreign aircraft AOC) or other Australian aircraft, the pilot must satisfy the training requirements mentioned in Schedule 1, which include satisfactory completion of a training course and assessment.

The requirements of the course and assessment are set out in clause 1 of Schedule 1 of the instrument. The course includes studying the specified documents relevant to PRM approach

procedures. These documents are the relevant pages of the Aeronautical Information Package – Departure and Approach Procedures (*AIP-DAP*) containing user instructions and aeronautical charts for PRM operations as existing from time to time. AIP-DAP is freely available on the Airservices Australia (*AA*) website.

There may be documents made by a data service provider authorised under Part 175 of CASR that contain user instructions and aeronautical charts for PRM operations that are equivalent to those in AIP-DAP as existing from time to time. Studying those documents is an acceptable alternative to studying the corresponding pages of AIP-DAP. Those documents are publicly available but would generally not be freely available as they are subject to copyright. The cost of obtaining a copy of those documents is a matter for the training provider or the operator or pilot of the aircraft. CASA has no effective control over those costs. However, in practice, a person would use documents made by a data service provider only when the person already has a subscription for that aeronautical information with the data service provider. People who do not have a subscription can use the AIP-DAP at no cost.

The pilot must also have viewed a video on PRM operations as produced by AA or CASA from time to time. As at the date of this instrument, the video is a 15-minute video titled *ILS PRM Approaches — A Pilot's Approach* and can be found on AA's website at:

<http://www.airservicesaustralia.com/flight-briefing/precision-runway-monitor/a-pilots-guide-to-ils-prm-approaches/>

and on YouTube at: [https://www.youtube.com/watch?v=\\_dNNvn5jjZ4](https://www.youtube.com/watch?v=_dNNvn5jjZ4).

The person or organisation that must have conducted a Schedule 1 course and assessment will depend on whether the aircraft is engaged in an RPT or charter operation, or some other type of operation, and, for charter operations, whether the AOC holder is required to have a CAR 217 organisation. For an AOC holder that is required to have a CAR 217 organisation, the training course will be embedded in the CAR 217 organisation and detailed in its training and checking manual. For a charter operator that is not required to have a CAR 217 organisation, the training course will be included in its operations manual. Where the training is conducted by a Part 141 operator or Part 142 operator, the course will be included in the exposition or operations manual of the relevant training operator. In each case, the relevant manual or exposition will have been assessed and accepted by CASA.

Where the training course is conducted by a person or organisation approved by CASA under subparagraph 4 (a) (ii) of Schedule 1 of this instrument, CASA will have assessed the proposed course when deciding whether to grant the approval.

For aircraft operating under a foreign aircraft AOC or other foreign registered aircraft, either the operator must be approved by its national aviation authority (*NAA*) to conduct PRM approaches or the pilot must satisfy the training requirements mentioned in Schedule 2. The term *foreign aircraft AOC* is defined in section 27AE of the Act.

Schedule 2 requires a pilot of the aircraft to satisfactorily complete a training course in PRM approach procedures. The syllabus for the training course must have been issued by a training provider that is approved by the relevant NAA. The syllabus must also have been approved in writing by CASA.

The instrument also provides, under subsection 4 (3), that the operator of an aircraft must ensure that the aircraft does not undertake a PRM approach in I.M.C. unless the operator has a

program to ensure the initial and ongoing competence of flight crew required to conduct PRM approaches.

Unlike the previous instruments on this topic, this instrument is not confined to PRM operations using the Instrument Landing System at KSA. PRM operations using any precision approach procedures, including GNSS Landing System and RNAV (RNP-AR) procedures, may be used.

### **Legislation Act 2003 (the LA)**

Subsection 8 (4) of the LA provides that an instrument is a legislative instrument if it determines the law or alters the content of the law, rather than determining particular cases in which the law is to apply or is not to apply. As the instrument directs requirements for all operators and pilots of aircraft that conduct PRM operations at KSA, the instrument is a legislative instrument. The instrument is, therefore, subject to tabling and disallowance in the Parliament under sections 38 and 42 of the LA.

### **Consultation**

Consultations were undertaken in the late 1990s between CASA, the Bureau of Air Safety Investigation, AA and the major domestic airlines. Earlier instruments on the same topic as this instrument (including CASA 192/13) were issued based on those consultations. CASA had received requests from aircraft operators for CASA 192/13 to be issued to renew the previous directions on this topic. The International Civil Aviation Organization has issued a Manual on Simultaneous Operations on Parallel or Near-Parallel Instrument Runways, which was taken into account in preparing CASA 192/13.

Instrument CASA 41/15 was developed by CASA in consultation with industry and AA to replace CASA 192/13.

CASA has developed this instrument in consultation with AA to replace CASA 41/15. Compared to the previous direction, the new direction is beneficial to industry in that pilots of foreign operators may conduct PRM approaches without being required to provide a statement by the foreign NAA that the foreign operator's training provider is approved to conduct training in PRM approaches. The obligations in the instrument have been extended to all pilots required by the aircraft's flight manual to conduct a PRM approach and to the operator of the aircraft. Other requirements for the conduct of PRM approaches remain largely unchanged. In these circumstances, it is CASA's view that no further consultation under section 17 of the LA is necessary or appropriate.

### **Office of Best Practice Regulation (OBPR)**

A Regulation Impact Statement (*RIS*) is not required because the instrument is covered by a standing agreement between CASA and OBPR under which a RIS is not required for directions (OBPR id: 14507).

### **Statement of Compatibility with Human Rights**

A Statement of Compatibility with Human Rights is at Attachment 1.

### **Making and commencement**

The instrument has been made by a delegate of CASA relying on the power of delegation under subregulation 11.260 (1) of CASR.

The instrument commences on 1 April 2018.

## Statement of Compatibility with Human Rights

*Prepared in accordance with Part 3 of the  
Human Rights (Parliamentary Scrutiny) Act 2011*

### **CASA 24/18 — Precision Runway Monitor Operations at Sydney Airport Direction 2018**

This legislative instrument is compatible with the human rights and freedoms recognized or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

#### **Overview of the legislative instrument**

The legislative instrument specifies the requirements to be met by operators and pilots who conduct precision runway monitor (*PRM*) operations at Sydney (Kingsford Smith) Airport (*KSA*).

PRM operations are simultaneous approach operations in poor weather conditions conducted on parallel runways using special surveillance equipment that enables air traffic services to monitor the accuracy of aircraft tracking on final approach. They require flight crew to be competent in special procedures to avoid accidents.

The primary purpose of the legislative instrument is to ensure, in the interests of the safety of air navigation, that pilots conducting PRM operations at KSA have received appropriate training in conducting those operations.

#### **Human rights implications**

This legislative instrument does not engage any of the applicable rights or freedoms.

#### **Conclusion**

This legislative instrument is compatible with human rights as it does not raise any human rights issues.

**Civil Aviation Safety Authority**