



Australian Government

Civil Aviation Safety Authority

I, SHANE PATRICK CARMODY, Director of Aviation Safety, on behalf of CASA, make this instrument under regulation 139.005 of the *Civil Aviation Safety Regulations 1998*, and section 4 of the *Acts Interpretation Act 1901*.

[Signed S. Carmody]

Shane Carmody
Director of Aviation Safety

15 July 2020

Part 139 (Aerodromes) Manual of Standards Amendment Instrument 2020 (No. 1)

1 Name of instrument

This instrument is the *Part 139 (Aerodromes) Manual of Standards Amendment Instrument 2020 (No. 1)*.

2 Commencement

This instrument commences on 13 August 2020, immediately after the commencement of the *Civil Aviation Safety Amendment (Part 139) Regulations 2019*.

3 Amendment of the *Part 139 (Aerodromes) Manual of Standards 2019*

Schedule 1 amends the *Part 139 (Aerodromes) Manual of Standards 2019*.

Schedule 1 Amendments

[1] After Chapter 1, Preliminary

insert

CHAPTER 1A TRANSITIONAL PROVISIONS

Division 1 General

1A.01 Application

In this Chapter:

- (a) Divisions 2 to 6, and Division 8 apply to an aerodrome that immediately before 13 August 2020 was a registered aerodrome to which a provision of this MOS applies on and after 13 August 2020 as a consequence of the operation of regulations 202.701 and 202.702 of CASR; and
- (b) Division 7 applies to an aerodrome that immediately before 13 August 2020 was a certified aerodrome that has scheduled international air transport operations, to which a provision of this MOS applies on and after 13 August 2020 as a consequence of the operation of regulations 202.701 and 202.702 of CASR.

Division 2 Technical inspection programs

1A.02 Technical inspection programs

- (1) This section applies despite subsections 12.06 (2) and 12.07 (2).
- (2) For the first application of subsection 12.06 (1) or 12.07 (1) to an aerodrome, “financial year” is taken to be the financial year commencing on 1 July 2020.
- (3) Subject to subsection (4), for the first application of subsection 12.06 (1) or 12.07 (1) to an aerodrome, all elements of the first aerodrome technical inspection must be implemented not later than 13 November 2022.
- (4) If, in the 12 months immediately before 13 August 2020, a safety inspection had been conducted for the aerodrome under regulation 139.315 of CASR (as in force immediately before 13 August 2020) then, for the first application of subsection 12.06 (1) or 12.07 (1) to the aerodrome, all elements of the first aerodrome technical inspection must be implemented not later than 13 November 2021.

Division 3 Annual aerodrome manual validation and report

1A.03 Annual aerodrome manual validation and report

- (1) This section applies despite subsection 12.11 (2) and subparagraph 12.11 (11) (d) (i).
- (2) For the first application of subsection 12.11 (1) to an aerodrome, “financial year” is taken to be the financial year commencing on 1 July 2020.
- (3) Subject to subsection (4), for the first application of subsection 12.11 (1) to an aerodrome, the first aerodrome manual validation must be carried out not later than 12 months after CASA grants the aerodrome operator a new aerodrome certificate under paragraph 202.702 (7) (a).
- (4) The aerodrome operator must conduct a check of the currency and accuracy of aerodrome information published in the AIP, not later than the date on which the aerodrome operator would have been required to comply with subparagraph 12.11 (11) (d) (i) if subsection (3) had not been made.

Division 4 Wildlife hazard management plans

1A.04 Wildlife hazard management plans

- (1) This section applies despite subsection 17.03 (2).
- (2) For the first application of subsection 17.03 (1) to an aerodrome, “financial year” is taken to be the financial year commencing on 1 July 2020.
- (3) For the first application of subsection 17.03 (1) to an aerodrome, the first wildlife hazard management plan must be prepared and implemented not later than 13 November 2022.

Division 5 Aerodrome emergency plans

1A.05 Aerodrome emergency plans

- (1) This section applies:
 - (a) despite subsection 24.02 (2); and
 - (b) as if the reference in subsection 24.02 (1) to subsection 24.02 (2) were a reference to subsection (3) of this section.
- (2) For the first application of subsection 24.02 (1) to an aerodrome, “financial year” is taken to be the financial year commencing on 1 July 2020.

- (3) For the first application of subsection 24.02 (1) to an aerodrome:
 - (a) the aerodrome operator must have an aerodrome emergency plan for the aerodrome not later than 13 November 2022; and
 - (b) until 13 November 2022, section 24.05 does not apply to the aerodrome operator; and
 - (c) until 13 November 2022, section 24.06 applies to the aerodrome operator.

Division 6 Requirement for an SMS

1A.06 Requirement for an SMS (registered aerodromes)

- (1) This section applies despite subsection 25.02 (2).
- (2) For the first application of subsection 25.02 (1) to an aerodrome, “financial year” is taken to be the financial year commencing on 1 July 2020.
- (3) For the first application of subsection 25.02 (1) to an aerodrome, the first SMS must be prepared and implemented not later than 13 November 2022.

Division 7 Requirement for an SMS (certified aerodromes with scheduled international air transport operations)

1A.07 Requirement for an SMS

- (1) This section applies to the operator of an aerodrome that, immediately before 13 August 2020, had scheduled international air transport operations.
- (2) For the first application of paragraph 25.04 (1) (b) to the aerodrome, the first SMS that provides for, and includes documented details of, the matters mentioned in subsections 25.04 (2) to (16) must be prepared and implemented not later than 13 November 2021.

Division 8 Risk management plans

1A.08 Risk management plans

- (1) This section applies despite paragraphs 26.01 (1) (c) and (d).
- (2) For the first application of subsection 26.01 (1) to an aerodrome, “financial year” is taken to be the financial year commencing on 1 July 2020.
- (3) For the first application of subsection 26.01 (1) to an aerodrome, the aerodrome operator must have a risk management plan prepared and implemented not later than 13 November 2022.

[2] Paragraph 2.04 (3) (a)

omit

of this MOS

insert

of this MOS, as if they continued in force (the *grandfathered rules*)

[3] After subsection 2.04 (3)

insert

- (3A) The grandfathered rules apply to a grandfathered facility and, for this purpose, the provisions of the Manual of Standards (MOS) – Part 139 Aerodromes for an aerodrome facility (the *old MOS*) (including the OLS associated with a runway) are incorporated into this MOS, as those provisions were in force immediately before 13 August 2020.

Note **Aerodrome facility** is defined in subsection 3.01 (2). See also the Note at the end of subsection (3) in relation to processes and systems.

- (3B) The requirements of this MOS in relation to an aerodrome facility apply to a grandfathered facility if it fails to comply with the grandfathered rules in accordance with this section.

Note The purpose of subsection (3B) is to remove any doubt that, despite the incorporation of previous standards for certain circumstances, any enforcement action for failure to comply with relevant standards provided for by this MOS will be under Part 139 of CASR and this MOS.

[4] After section 2.04

insert

2.04A Application — grandfathering of new aerodrome facility developments

- (1) In this section:

new aerodrome facility, for an existing aerodrome other than an aerodrome that is compliant with the standards in this MOS for aerodrome facilities, means an aerodrome facility:

- (a) that did not exist at the aerodrome before 6 September 2019; and
- (b) for which the process of bringing it into existence (the **development process**) was started by the relevant or proposed aerodrome operator, before 6 September 2019; and
- (c) whose construction is completed:
 - (i) for an aerodrome facility under construction before 6 September 2019 — before 13 November 2021; and
 - (ii) for an aerodrome facility not under construction before 6 September 2019 — before 13 November 2022.

development process, means any of the following by or for the relevant or proposed aerodrome operator, for construction of the new aerodrome facility:

- (a) construction of the new aerodrome facility was underway, provided that, not later than the end of 13 August 2020, the operator satisfies CASA that:
 - (i) the construction is intended to be completed before 13 November 2021; and
 - (ii) the operator has a demonstrable plan to achieve such completion;
- (b) final building approval was granted by such of the Commonwealth, State, Territory or Local Government authorities (**relevant authorities**) as are responsible under relevant legislation for granting such a final building approval, provided that, not later than the end of 13 August 2020, the operator satisfies CASA that:
 - (i) the construction is intended:
 - (A) to begin before 13 November 2021; and
 - (B) to be completed before 13 November 2022; and
 - (ii) the operator has a demonstrable plan to achieve such a beginning and such a completion;

- (c) funding, or funding approval, was granted by such of the relevant authorities as are empowered by relevant legislation to grant funding or approve funding for construction of such a facility, provided that, not later than the end of 13 August 2020, the operator satisfies CASA that:
 - (i) the construction is intended:
 - (A) to begin before 13 November 2021; and
 - (B) to be completed before 13 November 2022; and
 - (ii) the operator has a demonstrable plan to achieve such a beginning and such a completion;
 - (d) application for a final building approval mentioned in paragraph (b), provided that:
 - (i) the application is successful, and the approval is granted before 13 November 2021; and
 - (ii) the construction is intended:
 - (A) to begin before 13 November 2021; and
 - (B) to be completed before 13 November 2022; and
 - (iii) the operator has a demonstrable plan to achieve such a beginning and such a completion; and
 - (iv) CASA is satisfied, not later than the end of 13 August 2020, that subparagraphs (ii) and (iii) are the case;
 - (e) application for grant of funding, or funding approval, mentioned in paragraph (c), provided that:
 - (i) the application is successful and the funding, or funding approval, is granted before 13 November 2021; and
 - (ii) the construction is intended:
 - (A) to begin before 13 November 2021; and
 - (B) to be completed before 13 November 2022; and
 - (iii) the operator has a demonstrable plan to achieve such a beginning and such a completion; and
 - (iv) the operator satisfies CASA that subparagraphs (ii) and (iii) are the case.
- (2) Subject to subsection (3), this MOS applies to the relevant or proposed aerodrome operator of a new aerodrome facility (the ***new aerodrome facility***).
- (3) The standards in this MOS for an aerodrome facility and the obstacle limitation surfaces associated with a runway (the ***OLS***) do not apply to the new aerodrome facility of the same kind as long as that facility:
- (a) complies with the standards under the Manual of Standards (MOS) – Part 139 Aerodromes for the aerodrome facility (including the OLS associated with a runway), as in force immediately before 13 August 2020 (the ***relevant old MOS rules***); and
 - (b) is not:
 - (i) replaced; or
 - (ii) upgraded; and
 - (c) is maintained in accordance with the requirements of this MOS for the same kind of facility.

Note Subsection 2.04A (3) indicates when this MOS does not apply to a new aerodrome facility. Without this protected status, all of the requirements of this MOS would apply. With protected status, only the standards in this MOS for an ***aerodrome facility*** and for the obstacle

limitation surfaces associated with a new runway that is, or is part of, such a new facility, do not apply. Instead, the standards for the aerodrome facility and runway-associated obstacle limitation surfaces contained in the relevant old MOS rules apply. Processes or systems are not aerodrome facilities (as defined) and, subject to any transitional provisions, the standards for these in this MOS apply to the operators of all new aerodrome facilities from the completion of construction of the facility until the facility is replaced or upgraded.

- (4) The relevant old MOS rules apply to the new aerodrome facility and for this purpose the relevant old MOS rules, including the OLS associated with a runway, as in force immediately before 13 August 2020, are incorporated into this MOS; and

Note **Aerodrome facility** is defined in subsection 3.01 (2). See also the Note at the end of subsection (3) in relation to processes and systems.

- (5) The requirements of this MOS apply to a new aerodrome facility if it fails to comply with the relevant old MOS rules in accordance with this section.

Note The purpose of subsection (5) is to remove any doubt that, despite the incorporation into this MOS of previous standards for certain circumstances (**relevant standards**), any enforcement action for demonstrable failure to comply with those relevant standards, as provided for by this MOS, will be under Part 139 of CASR and this MOS. This is because the relevant provisions of these 2 instruments constitute the default applicable rules in the event of such a failure.

- (6) Despite anything else in this section, this MOS applies to a new aerodrome facility if, before construction of the facility is completed, the relevant or proposed aerodrome operator notifies CASA, in writing, that from a specified date, sooner than would otherwise have been the case under this section, the facility will comply with the requirements of this MOS for the facility.

[5] Subsection 5.12 (6), the Note only

repeal and substitute

Note For the applicable runway code number, see Table 4.01 (3).

[6] Subsection 6.04 (2)

omit

For paragraph (1) (a),

insert

For paragraph (1) (b),

[7] Subsection 6.08 (2)

omit

runway shoulder

insert

runway

[8] Subsection 6.41 (2)

omit

runway shoulder

insert

taxiway

[9] Section 6.53, Table 6.53 (1)-1

omit

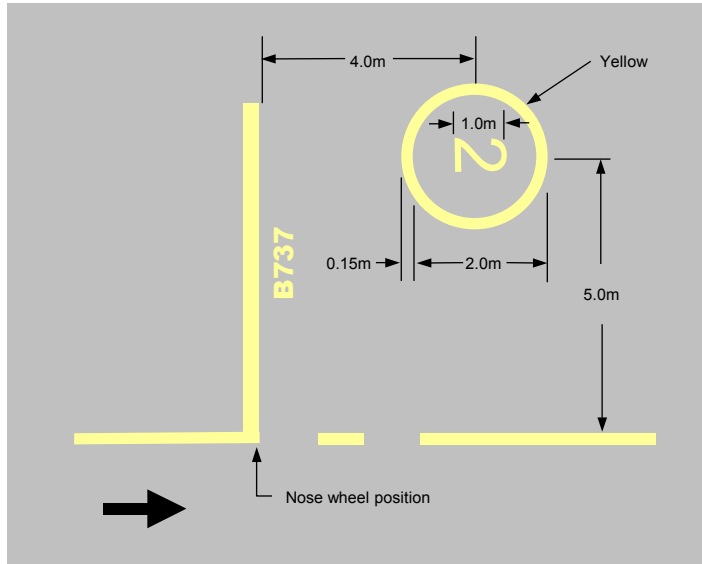
Runway code letter (Column 2) (twice occurring)

insert

Code letter (Column 2)

[10] Figure 8.58 (2)-1

repeal and substitute



[11] Section 9.20, the Note

omit

CASA recommends that the code pilots should send is 3 bursts of approximately 1 second each,

insert

CASA recommends that the code pilots should send is 3 bursts of approximately 3 seconds each,

[12] Subparagraph 9.36 (3) (c) (ii)

omit

paragraph (2) (d)

insert

paragraph (2) (c)

[13] Subsection 9.44 (5)

omit

An AT-VASIS must

insert

An AT-VASIS or PAPI must

[14] Subsection 9.105 (3)

omit

between 350 m and 550 m,

insert

of at least 350 m but less than 550 m,

[15] Paragraph 9.105 (4) (a)

omit

between 350 m and 550 m,

insert

of at least 350 m but less than 550 m,

[16] Subsection 9.105 (4), Note 2

omit

greater than 550 m or generally to prevent runway incursions.

insert

of 550 m or more, or generally, to prevent runway incursions.

[17] Subsection 9.108 (1)

omit

unserviceability markings

insert

aircraft no entry signs

[18] Section 13.02, the Note

omit

139.100 (4)

insert

139.110 (5)
