I, PHILIPPA JILLIAN SPENCE, Director of Aviation Safety, on behalf of CASA, make this instrument under regulations 91.040 and 201.025 of the *Civil Aviation Safety Regulations 1998* andsection 4 of the *Acts Interpretation Act 1901*.

**[Signed P. Spence]**

Pip Spence
Director of Aviation Safety

10 November 2021

Part 91 MOS Amendment Instrument 2021 (No. 1)

1 Name of instrument

 This instrument is the *Part 91 MOS Amendment Instrument 2021 (No. 1)*.

*Note*   MOS is short for Manual of Standards.

2 Commencement

 This instrument commences on 2 December 2021, immediately after the commencement of the *Civil Aviation Safety Amendment (Part 91) Regulations 2018*.

3 Amendment of Part 91 Manual of Standards

 Schedule 1 amends the *Part 91 (General Operating and Flight Rules) Manual of Standards 2020*.

Schedule 1 Amendments

[1] Subsection 1.05 (1), including the Note

repeal and substitute

 (1) In this MOS, unless a contrary intention appears, a reference to a particular AS/NZS standard is a reference to:

(a) the particular joint Australian and New Zealand Standard (the ***standard***), as applicable; or

(b) a later version of the standard, as applicable.

 (1A) For subsection (1), “applicable”, in relation to the standard, is a reference to the version of the standard that was in existence and applicable to the thing on the date of its manufacture.

*Note*For example, the joint *Australian and New Zealand Standard AS/NZS 1754:2004, Child restraint systems for use in motor vehicles*, would apply to an automotive child restraint system that was **manufactured** during the time period that this 2004 version of the AS/NZS was in force. However, there are later versions of this standard, for example, dated 2010 and 2013. If an automotive child restraint system was manufactured during the time period that the 2010 standard was in force, then that system would be acceptable for use; and if the automotive child restraint system was manufactured during the time period that the 2013 standard was in force, then that system would also be acceptable for use. In effect, by prescribing the 2004 version of this standard, or later version as applicable, the rule permits the use of this version, or any later version, but not any earlier version, and the version that applies to any specific system is the version that applied at the time the system was **manufactured**.

[2] Subsection 1.07 (6), Definitions and abbreviations

insert

***approved GNSS position source*** has the meaning given by section 26.67.

***ATS surveillance service*** has the meaning given by ICAO Document 4444.

*Note*At the commencement of this instrument, ICAO Document 4444 included the following:

“***ATS surveillance service.*** A term used to indicate a service provided directly by means of an ATS surveillance system.”

***ATS surveillance system*** has the meaning given by ICAO Document 4444.

*Note*At the commencement of this instrument, ICAO Document 4444 included the following:

“***ATS surveillance system***. A generic term meaning variously, ADS-B, PSR, SSR or any comparable ground-based system that enables the identification of aircraft.

*Note.— A comparable ground-based system is one that has been demonstrated, by comparative assessment or other methodology, to have a level of safety and performance equal to or better than monopulse SSR.*”.

***civil aviation authorisation*** has the meaning given by section 3 of the *Civil Aviation Act 1988*.

***FATO*** means the final approach and take-off area, as that expression is defined in the CASR Dictionary.

***flying in formation*** has the meaning given by the CASR Dictionary.

***in-company***, in relation to 2 or more aircraft in flight, means aircraft:

(a) that form a group and occupy a specific 3-dimensional volume of airspace; and

(b) each of whose pilots in command self-separates from the other group aircraft in the volume of airspace.

***jump aircraft*** means an aircraft from which parachutists jump for a parachute descent.

***LOA*** means a letter of acceptance issued by an NAA to a data supplier that has demonstrated compliance with the requirements of RTCA DO-200B, or EUROCAE ED-76A, Standards for Processing Aeronautical Data, as in force from time to time.

*Note 1*  An LOA may be a Type 1 LOA or a Type 2 LOA.

*Note 2*  An LOA, issued by an appropriate NAA to each of the participants in the data chain, demonstrates compliance with this requirement, for example, FAA LOA issued in accordance with FAA AC 20-153 or EASA LOA issued in accordance with EASA Agency Opinion 01/2005 and the associated “Conditions for the issuance of Letters of Acceptance for Navigation Database Suppliers by the Agency”.

*Note 3*  A Type 1 LOA provides recognition of a data supplier’s compliance with RTCA/DO‑200A/EUROCAE ED-76 with no identified compatibility with an aircraft system. A Type 1 LOA ensures the processes for producing the aeronautical data comply with the documents identified in Note 2 and the documented data quality requirements.

*Note 4*  A Type 2 LOA provides recognition of a data supplier’s compliance with RTCA/DO‑200A/EUROCAE ED-76 and the compatibility of its delivered data with particular avionic systems that are identified in the LOA.

*Note 5*  A data service provider who holds a certificate under regulation 175.295 of CASR equates to an EASA or FAA Type 1 LOA.

***manufacturer’s data manual***, in relation to an aircraft, means a publication (however described) other than the AFM, produced by the manufacturer of the aircraft as a guide for the flight crew members in the operation of the aircraft.

***MBA*** means mandatory broadcast area.

***rescue operation***: see section 20.01.

***SBAS CAT I***, in relation to an instrument approach procedure, means SBAS Category I.

***SFIS*** means Surveillance Flight Information Service.

***Type 2 DAT approval*** means an approval issued by EASA that authorises the supply of aeronautical databases for which aircraft compatibility has been demonstrated.

***Type 2 LOA*** means an LOA issued by the FAA or EASA that identifies the compatibility of its delivered data with a particular avionic system or avionic systems.

***Vy***, for an aircraft, means the speed mentioned in the AFM for the best rate of climb.

[3] Subsection 1.07 (6), Definitions and abbreviations

omit the following definitions

***ASAO***

***large aeroplane***

***small aeroplane***

***Vyse***

[4] Subsection 1.07 (6), definition of *approved provider*

repeal and substitute

***approved provider*** means:

(a) the holder of a Type 2 LOA or a Type 2 DAT approval that receives its aeronautical data from a data service provider; or

*Note*   A data service provider is a person who holds a certificate under regulation 175.295 of CASR.

(b) for a foreign aircraft — a provider of aeronautical information for performance‑based navigation, approved by the NAA of the State of registration or State of operator, of the foreign aircraft.

[5] Subsection 1.07 (6), definition of *MSA, or minimum sector altitude*

repeal and substitute

***MSA***, or ***minimum sector altitude***, means the lowest usable altitude that provides at least 300 m (or 1 000 ft) clearance above all objects within a circle or a sector of a circle of radius 46 km (25 NM) or 18.5 km (10 NM) centred on a significant point.

[5A] Subsection 1.07 (6), paragraphs (a) and (b) of the definition of *navigational tolerance*

repeal and substitute

(a) for PBN operations — the RNP value for the segment of the IAP being conducted;

(b) for VOR or LOC-based operations — full-scale deflection of the course deviation indicator;

[6] Subsection 1.07 (6), definition of *precision approach procedure*

repeal and substitute

***precision approach procedure*** means an IAP based on an ILS, an MLS, a GLS or an SBAS CAT I, and which is designed for 3D instrument approach operations.

[7] Subsection 1.07 (6), definition of *QNH*

repeal and substitute

***QNH*** is an atmospheric pressure adjusted to sea level and measured in hPa or millibars so that when QNH is set the altimeter will read altitude.

[8] Subsection 1.07 (6), definition of *RVSM, or reduced vertical separation minimum*

repeal and substitute

***RVSM airspace***, or ***reduced vertical separation minimum airspace***, has the meaning given by Part 1 of the CASR Dictionary.

[9] Subsection 1.07 (6), definition of VFR climb/descend

repeal and substitute

***VFR climb*** is a specific kind of ATC authorisation for an IFR flight.

***VFR descent*** is a specific kind of ATC authorisation for an IFR flight.

[10] Subsection 1.07 (6), definition of *VFR-on-top*

repeal and substitute

***VFR-on-top*** is a specific kind of ATC authorisation for an IFR flight.

[11] Section 2.02

repeal and substitute

2.02 Specified aircraft performance category

 (1) This section is for the definition of ***specified aircraft performance category*** in the CASR Dictionary.

*Note*   Paragraph 91.320 (1) (a) requires an aircraft to “operate in the specified aircraft performance category” unless an approval under regulation 91.045 is held. The specific requirements for an IFR aircraft that determine whether the aircraft is being operated within the ***specified aircraft performance category*** are contained in section 14.09.

 (1A) In relation to an aircraft’s ***specified aircraft performance category***, the aircraft performance categories, in order of lowest to highest, are H, A, B, C, D and E.

 (2) For an aeroplane with an IAS mentioned in an item of column 1 of Table 2.02 (2), the aircraft performance category is that mentioned in the same item of column 2.

 (3) The ***specified aircraft performance category*** for an aeroplane is the aircraft performance category determined under subsection (2).

 (4) The ***specified aircraft performance category*** for a helicopter is:

(a) aircraft performance category H; or

(b) during the conduct of an IAP that does not have category H minima — aircraft performance category A.

 (5) The ***specified aircraft performance category*** for a powered-lift aircraft is the aircraft performance category stated in the AFM.

**Table 2.02 (2) — Aircraft performance categories**

|  |  |  |
| --- | --- | --- |
|  | **Column 1** | **Column 2** |
| **Item** | **Indicated airspeed (IAS)****VAT (kts)** | **Aircraft performance category** |
| 1 | Not more than 90 | A |
| 2 | 91-120 | B |
| 3 | 121-140 | C |
| 4 | 141-165 | D |
| 5 | 166-210 | E |

[12] Paragraph 2.05 (2) (b)

omit

location mentioned column 3 of the item;

insert

location mentioned in column 3 of the item;

[13] Section 2.09, Table 2.09 (1)

omit

4. FL125 is not useable when the local QNH is less than 963 hPa.

insert

4. FL125 is not useable when the local QNH is less than 963 hPa.

*Note*Refer to section 11.02 for the rules relating to use of certain flight levels when QNH is less than 1013 hPa.

[14] Section 2.10, Table 2.10 (1)

omit

|  |  |  |  |
| --- | --- | --- | --- |
| FL110 | FL115 | FL120 | FL125 |

insert

|  |  |  |  |
| --- | --- | --- | --- |
| FL1101 | FL1152 | FL1203 | FL1254 |

[15] Section 2.10, Table 2.10 (1)

omit

4. FL125 is not useable when the local QNH is less than 963 hPa.

insert

4. FL125 is not useable when the local QNH is less than 963 hPa.

*Note*Refer to section 11.02 for the rules relating to use of certain flight levels when QNH is less than 1013 hPa.

[16] Section 4.01, the Note

repeal and substitute

*Note*   Other sections of this MOS include references to speeds: see section 2.02 (specified aircraft performance category), section 2.07 (VMC criteria) and section 14.09 (instrument approach operational requirements).

[17] Section 4.02, Table 4.02 (1), column 3, item 2

repeal and substitute

Either:

(a) unless paragraph (b) applies — 250 kts; or

(b) unless paragraph (c) or (d) applies, if authorised by ATC in response to the pilot in command declaring a higher speed is an operational requirement — no limiting speed; or

(c) unless paragraph (d) applies, when at or below 2 500 ft above aerodrome elevation and within 4 NM of the primary aerodrome in that airspace — 200 kts; or

(d) if authorised by ATC, when at or below 2 500 ft above aerodrome elevation and within 4 NM of the primary aerodrome in that airspace — 250 kts.

[18] Paragraph 5.02 (2) (a)

omit

mark and flight number

insert

mark or flight number

[19] Section 6.01

omit

is not be

insert

is not to be

[20] Subsection 7.02 (1)

omit

Not more than 1 hour

insert

Subject to subsection (1A),

[21] After subsection 7.02 (1)

insert

 (1A) If the information mentioned in paragraph (1) (a) is studied more than 1 hour before commencing the flight, the pilot in command must obtain, and review, an update to that information before the flight begins.

[22] After subsection 7.02 (5)

insert

 (5A) However, subsections (4) and (5) do not apply if the IFR flight is a Part 121 operation.

[23] Subsection 7.03 (2)

repeal and substitute

 (2) The pilot in command of a flight mentioned in subsection (1) (other than a flight that is a Part 121 operation) must return to the departure aerodrome if:

(a) the authorised weather forecast required for the planned destination aerodrome is not obtained within 30 minutes after take-off; and

(b) the pilot in command has not nominated a destination alternate aerodrome if required to do so by subsection 8.04 (3).

 (3) The pilot in command of a flight that is a Part 121 operation must return to the departure aerodrome if the authorised weather forecasts required to satisfy the requirements under regulation 121.170 of CASR (Flight preparation (Part 121 alternate aerodromes) requirements) are not obtained within 30 minutes after take-off.

[24] Subsection 8.04 (3)

repeal and substitute

 (3) If the forecast for the planned destination aerodrome required by subparagraph 7.02 (1) (a) (ii) is not available then the pilot in command of an aircraft must nominate a destination alternate aerodrome.

[25] Subsection 8.08 (1), Table 8.08 (1), column 2, item 2, paragraph (b)

omit

IFR

insert

Day IFR

[26] Paragraph 8.08 (3) (c), the Note

omit

special approach minima

insert

special alternate minima

[27] Section 9.01, at the foot

insert

*Note*   Different requirements in this Chapter apply either before a flight, during a flight, or after a flight.

[28] Paragraph 9.02 (2) (b)

omit

a flight over water;

insert

a flight over water that is conducted beyond a distance from land greater than that which would allow the aircraft to reach land with an engine inoperative;

[29] Subsection 9.02 (2)

omit everything after paragraph (c), including the Note, insert

(d) a flight at night proceeding beyond 120 NM from the aerodrome of departure;

 then the pilot in command must ensure that, in accordance with procedures published in authorised aeronautical information, 1 of the following has occurred:

(e) the submission of a flight plan;

(f) the nomination of a SARTIME for arrival;

(g) the leaving of a flight note with a responsible person.

*Note*   See section 9.05 for ***responsible person***.

[30] Subsection 9.03 (1)

omit everything before paragraph (a), insert

 (1) The pilot in command of an aircraft for a flight where a flight plan has been submitted must ensure that ATS is notified of changes in any of the following:

[31] Paragraph 9.03 (1) (h)

repeal and substitute

(h) the number of POB (except for a flight that is an Australian air transport operation).

[32] Subsection 9.03 (2)

omit everything before paragraph (a), insert

 (2) The pilot in command of an aircraft for a flight where a SARTIME has been nominated must ensure that ATS is notified of changes in any of the following:

[33] Section 9.04

repeal and substitute

9.04 Cancelling SARTIME

 The pilot in command of an aircraft for a flight where a SARTIME has been nominated must ensure that the SARTIME is cancelled not later than the time nominated.

[34] Paragraph 9.05 (2) (b)

omit

appropriate telephones; and

insert

appropriate means of communicating with a search and rescue service; and

*Note*   For example, 2 telephones or a telephone and a radio transmitter etc.

[35] Section 10.02, the chapeau

repeal and substitute

 The prescribed checks are the following:

[36] Subparagraph 10.02 (j) (iv)

omit

the oxygen mask is connected to the aircraft’s communication system;

insert

the oxygen mask is operative;

[37] Subsection 10.03 (3), including the Note

repeal

[38] Subsection 11.02 (3), Table 11.02 (3), after item 4

insert

|  |  |  |
| --- | --- | --- |
| 5 | Less than 963 hPa | FL 130 |

[39] RESERVED

[40] Section 11.03, heading

repeal and substitute

 11.03 Oceanic airspace

[41] After subsection 11.03 (1)

insert

 (1A) In this subsection:

***INS*** means inertial navigation system.

***IRS*** means inertial reference system.

***long range navigation system***, or ***LRNS***, means a navigation system, capable of area navigation in oceanic airspace, that comprises an INS, or an IRS, or an approved GNSS position source.

 (1B) The pilot in command of an aircraft that has been declared in a flight plan as capable of navigating to a navigation specification that is RNP 2, RNP 4 or RNP 10 must, immediately before entering oceanic airspace, ensure that a check has been completed that the aircraft has at least 2 independent and operative LRNSs capable of navigating to the required navigation specification (***capable LRNS***).

*Note*   The requirements of this subsection do not override the minimum navigation system equipment requirements required by the Part 91, Part 121, Part 133 or Part 135 Manual of Standards.

 (1C) If, as a result of the check mentioned in subsection (1B), the number of capable LRNSs is less than 2, the pilot in command of the aircraft must ensure that ATS is notified of the situation as soon as practicable.

[42] Paragraph 11.06 (a)

omit

the aeroplane; and

insert

the aircraft; and

[43] Section 11.08

repeal and substitute

11.08 Requirements for flight in the NAT-HLA

 (1) This section applies to a flight in a portion of a class of airspace that is the NAT-HLA.

 (2) The pilot in command of an Australian aircraft must not operate in the NAT-HLA unless the operator of the aircraft holds an approval under regulation 91.045 to conduct operations in the NAT-HLA.

 (3) CASA must not issue an approval mentioned in subsection (2), unless:

(a) the aircraft meets all of the requirements for operational approval and aircraft systems for flight in the NAT-HLA as specified in NAT Doc 007, *North Atlantic Operations and Airspace Manual,* as in force from time to time; and

(b) evidence of meeting the requirements mentioned in paragraph (a) is contained in 1 or more of the following documents:

 (i) the AFM;

 (ii) an original equipment manufacturer service letter;

 (iii) any other document from the entity responsible for the design approval of the equipment;

 (iv) if the operator holds an AOC, an aerial work certificate or a Part 141 certificate:

(A) the operator’s exposition, operations manual or AOC; or

(B) any other civil aviation authorisation held by the operator.

*Note*  NAT Doc 007, *North Atlantic Operations and Airspace Manual* contains requirements relating to, but not limited to, flight rules, flight plans, communications, navigation (PBN), surveillance, air traffic service provision, safety monitoring, air traffic flow management, special procedures, phraseology, SAR, meteorology and aeronautical information services.

[44] Section 11.09

repeal and substitute

11.09 Performance-based communication and surveillance requirements

 (1) This section applies to a flight of an aircraft within any class of airspace, whether it is controlled or uncontrolled, that involves:

(a) the conduct of datalink operations using FANS 1/A; and

(b) the declaration of RCP or RSP capabilities for the aircraft on the flight plan for the flight.

 (1A) In this section:

***automatic dependent surveillance – contract***, or ***ADS-C***,means a contract between ATC and an aircraft’s system:

(a) for the reporting of aircraft position and other data via a datalink; and

(b) which specifies:

 (i) under what conditions ADS-C reports are to be initiated; and

 (ii) what data is to be contained in the reports.

***communication services provider***, or ***CSP***, means any public or private entity which, under a contract or agreement, provides communication services for general air traffic which may include services provided by a satellite service provider (***SSP***) or services provided by the CSP in its own capacity as an SSP.

***controller-pilot datalink communications***, or ***CPDLC***, is the means of communication between ATC and a pilot, using datalink for ATC communications.

***datalink operations*** means aircraft operations using FANS 1/A avionics.

***FANS 1/A***, which is taken to include ***FANS 1/A+***, is a direct datalink communication between the pilot of an aircraft and ATC via FANS 1/A avionics and FANS 1/A ground end systems, based on EUROCAE ED-100A/RTCA DO-258A, or a later version, as in force from time to time.

***performance-based communication***, or ***PBC,*** means communication based on performance specifications applied to the provision of air traffic services.

***performance-based communications and surveillance***, or ***PBCS***, means the application of required communication performance (***RCP***) and required surveillance performance (***RSP***) specifications to ensure appropriate performance levels for relevant air traffic management operations.

***performance-based surveillance***, or ***PBS,*** means surveillance based on performance specifications applied to the provision of air traffic services.

***RCP 240*** is the value for the communication expiry time (namely, 240 seconds) after which the initiator of the communication is required to revert to an alternative procedure.

*Note*   In the context of RCP, the initiator is normally an air traffic controller.

***RCP allocation*** is a portion of an RCP parameter, and is a time value assigned to a specific component of the communication system used for transferring messages between aircraft and ATC.

***RCP parameters*** are performance characteristics that:

(a) provide the basis for developing an RCP specification; and

(b) include RCP transaction time, RCP continuity, RCP availability and RCP integrity.

***RCP pilot operational response time***, or ***RCP PORT***, is an RCP allocation that specifies the maximum time for a flight crew member to recognise and respond to an ATC instruction.

***required communication performance***, or ***RCP specification***, means the requirements needed to support PBC, being requirements for the following:

(a) ATC and associated ground equipment;

(b) the communication service provider;

(c) aircraft equipment;

(d) flight crew members.

***required surveillance performance (RSP) specification*** means the requirements needed to support PBS, being requirements for the following:

(a) ATC and associated ground equipment;

(b) the communication service provider;

(c) aircraft equipment.

***RSP 180*** is the value for the surveillance data delivery time (namely, 180 seconds) at which the surveillance data delivery is considered overdue.

*Note*   RSP 180 means that 99.9% of surveillance data must be delivered in less than 180 seconds.

***RSP allocation*** is a portion of an RSP parameter and is a time value assigned to a specific component of the communication system used for transferring surveillance reports from aircraft to ATC.

***RSP parameters*** are performance characteristics that:

(a) provide the basis for developing an RSP specification; and

(b) include RSP data delivery time, RSP continuity, RSP availability and RSP integrity.

***satellite service provider***, or ***SSP,*** means an entity, or group of entities, that provides the portion of the communication system that involves the operation of 1 or more satellites.

 *Flight plan declaration of capability*

 (2) Before declaring RCP 240 or RSP 180 capabilities on a flight plan, the pilot in command of the aircraft must:

(a) check with the operator of the aircraft whether the operator has received advice from Airservices Australia that the relevant aircraft has consistently not met the operational criteria of RCP 240 and RSP 180 specifications; and

(b) if such advice has been received — be reasonably satisfied that the operator of the aircraft has ensured that the aircraft consistently meets the operational criteria of the specifications.

*Note*   Airservices Australia monitors datalink communications in Australian-administered airspace and advises when operational criteria of RCP 240 and RSP 180 specifications are consistently not met.

 (3) A declaration must not be made on a flight plan, submitted to ATS for a flight, that the aircraft has RCP capability or RSP capability unless:

(a) the declaration relates solely to RCP 240 or RSP 180 capabilities; and

(b) the requirements of subsections (4) to (7) are complied with at the time of the declaration.

*Note*   It is ultimately a matter for the relevant aviation authority to be satisfied that an aircraft operator’s declaration is, in actual fact, valid for the relevant aircraft at the time of any declaration, audit or inspection. A false declaration would constitute an offence under regulation 11.255 of the *Civil Aviation Safety Regulations 1998* and could result in other legal consequences under the *Civil Aviation Act 1988*.

 *Equipment*

 (4) The aircraft must:

(a) be equipped with avionics supporting ADS-C and CPDLC applications over FANS 1/A (the ***equipment***); and

(b) the equipment must be operative for the flight.

 *Aircraft documentation*

 (5) Subject to subsection (6), 1 of the following documents:

(a) the AFM;

(b) an original equipment manufacturer service letter;

(c) any other document from the entity responsible for the design approval of the aircraft datalink communications equipment;

must include a statement of compliance (an ***SOC***) indicating that:

(d) the aircraft system is approved for datalink communications using FANS 1/A avionics: and

(e) the aircraft datalink system meets the aircraft-allocated requirements of the RCP 240 and RSP 180 specifications.

 (6) If a document mentioned in paragraph (5) (a), (b) or (c) does not include an SOC, the following may act as a temporary substitute pending the formal issue of the SOC, provided there has been no indication of non-compliance given by the State of Design — a copy of the aircraft operator’s written and dated request to the appropriate design authority for an SOC which indicates the matters mentioned in paragraphs (5) (d) and (e).

*Note*   Allocation requirements for RCP 240 and RSP 180 specifications are as defined in ICAO Doc 9869, *Performance-based Communications and Surveillance (PBCS) Manual*.

 *Communication service provider agreement*

 (7) Subject to subsection (8), the pilot in command must be reasonably satisfied that an agreement, or a relevant request under subsection (8), is in place between the aircraft operator and the CSP that includes the following terms and conditions:

(a) that there is adequate subnetwork coverage in the route flown;

(b) that there is to be notification of coverage and performance failures;

(c) that there is to be recording of datalink messages for 30 days;

(d) that datalink messages mentioned in paragraph (c) will be available on written request by:

 (i) CASA; or

 (ii) the national aviation authority responsible for the regulation of flight plans to whom the declaration of an RCP or RSP capability on the flight plan is made;

(e) that datalink messages will not be manipulated or altered;

(f) that network-allocated requirements for the RCP 240 and RSP 180 specification are met according to the definitions contained in ICAO Doc 9869, *Performance‑based Communications and Surveillance (PBCS) Manual*.

 (8) If the agreement between the operator of the aircraft and the CSP does not include the terms and conditions mentioned in subsection (7), the following may act as a temporary substitute pending the formal issue, as soon as practicable, of an agreement that does include the terms and conditions (a ***revised agreement***) — a copy of the relevant operator’s written and dated request to the appropriate CSP for a revised agreement (the ***relevant request***).

[45] Sub-subparagraph 11.10 (2) (b) (iv) (A)

omit

MSA/

[46] After section 11.10

insert

11.10A Mandatory broadcast area requirements

 (1) This section applies to the pilot in command of a flight in a mandatory broadcast area (an ***MBA***) mentioned in subsection (2).

 (2) A volume of Class G airspace within the Australian FIR is an MBA if it is so specified in the AIP, as in force from time to time.

*Note 1*   At the commencement of this instrument, the AIP specifies which broadcast areas are mandatory broadcast areas and also the lateral and vertical boundaries of each MBA.

*Note 2*   This section contains MBA requirements **other than those** for the specific radio broadcasts or reports required to be made in relation to an MBA, or the radio carriage or fitment requirements for flight within an MBA. Radio broadcast and report requirements for an MBA are contained in section 21.09. Radio carriage or fitment requirements for an MBA are contained in section 26.18.

 (3) For an MBA mentioned in an item of column 1 of Table 11.10A (3), the pilot in command must comply with the requirements mentioned in column 2 of the same item.

Table 11.10A (3) — Mandatory Broadcast area requirements

|  |  |  |
| --- | --- | --- |
|  | **Column 1** | **Column 2** |
| **Item** | **Mandatory Broadcast Area** | **Requirements** |
| 1 | Ayers Rock MBA | Nil |
| 2 | Ballina/Byron Gateway MBA | When an SFIS is active for this MBA, operations in the MBA, or immediately before entering the MBA, must be conducted in accordance with the AIP. |
| 3 | Port Hedland MBA | Nil |

[47] Section 11.11

add at the end

*Note*   Regulation 91.405 also places certain requirements on the pilot in command in relation to operations conducted at controlled aerodromes.

[48] Section 11.13, heading

repeal and substitute

11.13 Controlled aerodromes

[49] Sections 11.14 and 11.15

repeal and substitute

11.14 Controlled aerodromes — other requirements

RESERVED

*Note*   This section has been reserved to preserve the MOS structure for any future provisions that would be appropriate following consultation.

11.15 Control zones and control areas — entry into Class A, B, C, D or E airspace

 (1) Subject to subsections (2) and (3), a pilot in command of an aircraft must not enter a control zone or a control area that is Class A, B, C, D or E airspace without ATC clearance.

 (2) Despite subsection (1), a VFR flight does not require clearance to enter Class E airspace.

 (3) Subsection (1) does not apply when an ATC service is not in operation for the control zone or the control area.

[50] Section 11.17

omit

VFR climb or descent (twice occurring)

insert

VFR climb or VFR descent

[51] After subsection 11.17 (1)

*insert*

 (1A) A pilot in command of an IFR flight may only request a clearance for a VFR climb or VFR descent in a control area that is Class D or Class E airspace.

[52] After subsection 11.17 (3)

insert

 (3A) A pilot in command of an IFR flight may only request a clearance for a VFR-on-top operation in a control area that is Class E airspace.

[53] After paragraph 11.17 (4) (c)

insert

*Note*   Pilots are advised that maintaining separation from other aircraft includes wake turbulence separation.

[54] Section 11.22, the Note

omit

subregulation 91.155 (2)

insert

subregulation 91.255 (2)

[55] Section 12.03

omit

RESERVED

insert

RESERVED

*Note*   No requirements are currently prescribed. This section has been reserved to preserve the MOS structure for any future provisions that would be appropriate following consultation.

[56] Subparagraph 14.02 (1) (c) (i)

omit

paragraph (b)

insert

paragraph (a) or (b)

[57] Paragraphs 14.03 (1) (b), (c) and (d)

repeal and substitute

(b) the forecast aerodrome QNH;

(c) the forecast area QNH.

[58] After section 14.08

insert

14.09 Instrument approach operational requirements

*Note*   This section effectively prescribes the requirements for the operation of an aircraft in a specified aircraft performance category at an aerodrome: see regulation 91.320 and section 2.02.

 (1) When conducting an authorised IAP in IMC, the pilot in command of an aircraft must ensure that the aircraft is operated within the range of, or at not more than the maximum, IAS provided for in subsection (2).

 (2) For any of the following:

(a) the specified aircraft performance category for the aircraft that is mentioned in an item of column 1 of Table 14.09 (2);

(b) a higher specified aircraft performance category than the specified aircraft performance category for the aircraft;

(c) subject to subsection (3), a lower specified aircraft performance category than the specified aircraft performance category for the aircraft;

 the aircraft must be operated within the range of speeds, and at not more than the maximum speed (as the case requires), specified in columns 2, 3, 4 and 5 of the same item.

*Note*   Lower and higher aircraft performance categories are specified in section 2.02. The aircraft performance categories are, **from lowest to highest**, H, A, B, C, D and E, and in items 1, 2, 3, 4 and 5.

 (3) For paragraph (2) (c,) the aircraft must not be operated at a lower specified aircraft performance category unless the operator of the aircraft:

(a) holds an approval under regulation 91.045 for regulation 91.320 to operate in the lower specified aircraft performance category; and

(b) has complied with subregulation 91.320 (3).

*Note 1*   For example, an aircraft whose specified aircraft performance category is B, may conform to the requirements of aircraft performance category C. But an aircraft whose specified aircraft performance category is C must not attempt to conform to the requirements of aircraft performance category B without CASA approval and operator compliance with subregulation 91.320 (3).

*Note 2*   Subregulation 91.320 (3) requires an operator holding the relevant approval to give details of the approval, and the conditions (if any) imposed by CASA on the approval, to the flight crew of an aircraft conducting a flight that uses the approval.

 Table 14.09 (2) — IAP segment speeds

|  |  | **Indicated airspeed (IAS)** |
| --- | --- | --- |
|  | **Column 1** | **Column 2** | **Column 3** | **Column 4** | **Column 5** |
| **Item** | **Specified aircraft performance category** | **Range of speeds for initial and intermediate approach (kts)** | **Range of speeds for final approach (kts)** | **Max. speed for visual manoeuvring (circling) (kts)** | **Max. speed for missed approach (kts)** |
| 1 | H | 70-120 | 60-90 | None specified | 90 |
| 2 | A | 90-150 | 70-100 | 100 | 110 |
| 3 | B | 120-180 | 85-130 | 135 | 150 |
| 4 | C | 160-240 | 115-160 | 180 | 240 |
| 5 | D | 185-250 | 130-185 | 205 | 265 |
| 6 | E | 185-250 | 155-230 | 240 | 275 |

[59] Section 15.02, definition of *qualifying multi-engine aeroplane*

repeal and substitute

***qualifying multi-engine aeroplane*** means an IFR multi-engine aeroplane, whether powered by piston or turboprop engines, that is:

(a) operated by:

 (i) at least 2 pilots; or

 (ii) if fitted with operative autofeather — 1 pilot; and

(b) in the event of an engine failure — capable of maintaining terrain clearance until reaching the minimum height for IFR flight.

[60] Paragraph 15.07 (2) (a)

repeal and substitute

(a) a cloud ceiling not lower than the height at which the greater of the following can be achieved:

 (i) Vy;

 (ii) Vmin IMC; and

[61] Section 15.09

repeal and substitute

15.09 Landing minima requirements

 (1) Subject to complying with the requirements of section 15.11, a pilot in command of an aircraft must not land at an aerodrome if the meteorological conditions are below the landing minima for the aircraft that are:

(a) for a low-visibility operation — specified in an approval granted for paragraph 91.315 (1) (b); or

(b) for a landing that is not a low-visibility operation — specified in section 15.10.

 (2) For the determination of landing minima for paragraph (1) (b), the pilot in command of an aircraft must obtain the landing minima from an instrument approach chart in accordance with:

(a) the specified aircraft performance category; and

(b) the aircraft LNAV and VNAV capabilities.

[62] After subsection 15.10 (6)

insert

 (7) For an aerodrome without an authorised IAP, the minimum altitude must not be below the altitude at which the flight can comply with the requirements relating to visual approach approaches published in the authorised aeronautical information for the purposes of subparagraph 91.305 (3) (b) (i).

 (8) For an aerodrome without an authorised IAP, the minimum visibility must not be below the flight visibility specified for the type of aircraft, the class of airspace and the height in Table 2.07 (3).

*Note*   Table 2.07 (3) specifies the VMC criteria. The effect of this paragraph is that flight visibility must not be below the highest flight visibility relevant to the aircraft, if it were required to maintain VMC, during the flight to the aerodrome.

[63] After subparagraph 15.11 (2) (b) (ii)

insert

*Note*   There are certain NPAs that have a minimum flight visibility of 5 km, and where the geographical point of attaining the minimum altitude is more than 5 km from the visual references mentioned above. In these instances, noting that the minimum flight visibility is 5 km, if the requirements to conduct a visual approach procedure are met, effectively, the flight transitions from one conducting an IAP, to one conducting a visual approach at the minima.

[64] Paragraph 16.01 (2) (a)

omit

air traffic service

insert

air traffic control service

[65] Paragraphs 16.03 (4) (b) and (c), including the Note

repeal and substitute

(b) other than for an SA CAT I instrument approach operation, a MID RVR report is required if the END RVR zone is not providing valid reports;

(c) other than for an SA CAT I instrument approach operation, an END RVR report is required if the MID RVR is not providing valid reports.

*Note*   MID or END RVR reports are not required for SA CAT I instrument approach operations.

[66] Section 17.01

omit

RESERVED

insert

RESERVED

*Note*   No requirements are currently prescribed. This section has been reserved to preserve the MOS structure for any future provisions that would be appropriate following consultation.

[67] Section 18.01

repeal and substitute

18.01 Prescribed persons

 For subparagraph 91.425 (2) (a) (iii), a person operating an aeroplane for maintenance or maintenance training is prescribed as a kind of person who may start the engine of an aeroplane or cause the engine to be started.

*Note*   For this section, the aeroplane must be secured from moving: see paragraph 91.425 (2) (b).

[68] Section 19.02, Table 19.02 (2)

repeal and substitute

Table 19.02 (2) — Final reserve fuel and contingency fuel requirements

|  | Column 1 | Column 2 | Column 3 | Column 4 |
| --- | --- | --- | --- | --- |
| Item | Aircraft (by aircraft category) | Kind of flight (by flight rules) | Final reserve fuel flight time | Contingency fuel amount |
| 1 | Aeroplane with MTOW<= 5 700 kg (piston engine or turboprop) | VFR | 30 minutes | N/A |
| 2 | Aeroplane with MTOW<= 5 700 kg (piston engine or turboprop) | Night VFR  | 45 minutes | N/A |
| 3 | Aeroplane with MTOW<= 5 700 kg (piston engine or turboprop) | IFR | 45 minutes | N/A |
| 4 | Turbojet engine aeroplane, or aeroplane with MTOW> 5 700 kg (turboprop engine) | IFR or VFR | 30 minutes | 5% of trip fuel |
| 5 | Aeroplane with MTOW> 5 700 kg (piston engine) | IFR or VFR | 45 minutes | 5% of trip fuel |
| 6 | Rotorcraft | VFR | 20 minutes | N/A |
| 7 | Rotorcraft | IFR | 30 minutes | N/A |

[69] After subsection 19.04 (4)

insert

 (5) Subsection (6) applies if an aircraft for a flight:

(a) is unable to land at the planned destination aerodrome; and

(b) diverts to the planned destination alternate aerodrome that was required for the flight.

 (6) Despite subsection (3), the pilot in command must ensure that the aircraft is carrying at least the following amounts of usable fuel:

(a) destination alternate fuel from the time of commencing the diversion;

(b) holding fuel (if required);

(c) final reserve fuel.

[70] Subsection 20.01 (2)

repeal and substitute

 (2) For subsection (1), the prescribed circumstances are as follows:

(a) the flight must be a medical transport operation or a rescue operation;

(b) the person must be a:

 (i) crew member; or

 (ii) for a medical transport operation — a medical patient; or

 (iii) for a rescue operation — person who has been rescued;

(c) during the flight — the person must:

 (i) wear a safety harness and a restraint strap; or

 (ii) if the person is a medical patient, or a person who has been rescued, and for whom compliance with subparagraph (i) is not practicable — be restrained on a stretcher in accordance with the procedures in the operator’s exposition or operations manual (as applicable); or

 (iii) if the person is a medical patient who is an infant for whom subparagraph (i) is considered, by the medical or nursing authority responsible for conducting the transport, to be detrimental to the infant’s medical condition or the general situation inside the aircraft — be carried inside an incubator, humidicrib, or other neonatal transport unit in accordance with the applicable procedures in the operator’s exposition; or

 (iv) if the person is a medical patient who is an infant, or a child under the age of 6, for whom subparagraph (i) is considered by the medical or nursing authority responsible for conducting the transport to be detrimental to the infant’s or child’s medical condition or the general situation inside the aircraft — be carried in the arms, or on the lap, of an adult occupying a seat in accordance with the applicable procedures in the operator’s exposition;

 (v) if the person is a person who has been rescued and for whom compliance with subparagraph (i) or (ii) is not practicable — be restrained:

(A) in a rescue harness, or other rescue device, that is compliant with the requirements of, or approved under, Part 21 of CASR; and

(B) in accordance with the applicable procedures in the operator’s operations manual;

(d) the pilot in command must be satisfied that paragraph (c) is complied with.

 (3) In this section:

***rescue operation*** has the meaning given by subsection 1.07 (1) of the Part 138 MOS.

[71] Section 20.02

add at the end

*Note*   General guidance for infant and child restraints is contained in AC 91-18 *Restraint of infants and children*, as in force from time to time.

[72] Paragraph 20.03 (1) (c)

repeal and substitute

(c) the infant is restrained in the relevant position by an effective restraining device.

*Note*A commonly used method of restraining an infant in a person’s arms or lap is to use a supplemental loop belt, also referred to as an infant belt.

[73] After subsection 20.03 (2)

insert

 (3) Despite subsections (1) and (2), a child who is not more than 12 years old may be restrained in accordance with subsection (1) if:

(a) at the request of the pilot in command, the operator or CASA — the adult responsible for the child produces a signed and dated certificate from a registered medical practitioner stating that the child:

 (i) has a serious medical condition which prevents the child from sitting upright unaided; and

 (ii) is fit to travel; and

 (iii) weighed less than 16 kg on the date of the certificate; and

(b) the pilot in command or operator is reasonably satisfied, on the day of the flight, that the child weighs less than 16 kg.

[74] Subsection 20.04 (1), definition of *automotive child restraint system*

add at the end

*Note*   For paragraph (a), see section 1.05 for how the dating system for AS/NZS applies within this MOS.

[75] Subsection 20.04 (2)

omit everything before paragraph (b), insert

 (2) An infant or a child (the ***person***) is restrained if:

(a) the person is restrained by an approved child restraint system; and

[76] Paragraphs 20.04 (2) (b), (c), and (d)

omit

child (thrice occurring)

insert

person

[77] Subsection 20.04 (2)

add at the end

*Note*   Operators and pilots in command should note that in securing a child restraint system in accordance with the manufacturer’s instructions, particular attention must be paid to whether the system requires securing by a lap belt, or a shoulder belt, or a combination of both. Many aircraft have only lap belts fitted to the aircraft seats but some child restraint systems are required by the manufacturer to be secured by both a lap belt and shoulder belt. In such aircraft, the system may not be able to be properly secured.

[78] Paragraph 20.04 (3) (b)

omit

child (twice occurring)

insert

person

[79] Paragraph 20.06 (r)

*repeal and substitute*

(r) when a passenger is seated in a pilot seat — the requirement to ensure that controls are not manipulated or interfered with by the passenger;

(s) for a flight of a jump aircraft — the physical location(s) within, or on, the aircraft that the passenger must occupy during the flight in order to ensure the aircraft is operated within the aircraft’s weight and balance limits during the flight.

[80] Section 20.07

omit

RESERVED

insert

RESERVED

*Note*   No requirements are currently prescribed. This section has been reserved to preserve the MOS structure for any future provisions that would be appropriate following consultation.

[81] Section 21.01

repeal and substitute

21.01 Purpose

 For subparagraph 91.625 (1) (a) (iv), the following kinds of radio frequencies are prescribed:

(a) the CTAF for a non-controlled aerodrome;

(b) the frequency for an MBA.

[82] Section 21.02

omit

make

insert

ensure are made

[83] Section 21.03, including the Note

omit

ATS (wherever occurring)

insert

the air traffic service

[84] Section 21.04, heading

repeal and substitute

21.04 Non-controlled aerodromes — prescribed broadcasts

[85] Subsection 21.04 (1)

omit everything before paragraph (a), insert

 (1) The pilot in command of an aircraft must ensure that broadcasts on the CTAF are made for a non-controlled aerodrome in accordance with Table 21.04 (1) if:

[86] Paragraph 21.04 (1) (a)

omit

(a) the pilot

insert

(a) the aircraft

[87] Subsection 21.04 (1)

add at the end

*Note 4*   Additional requirements apply for a non-controlled aerodrome in a mandatory broadcast area — see section 21.09.

[88] Subsection 21.04 (2)

repeal and substitute

 (2) For Table 21.04 (1), for an item in the Table, the pilot in command in the situation mentioned for an item in column 1 must ensure the broadcast mentioned for the item in column 2 is made.

[89] Subsection 21.04 (2), Table 21.04 (1)

repeal and substitute

Table 21.04 (1) – Non-controlled aerodromes – broadcasts

|  |  |  |
| --- | --- | --- |
|  | **Column 1** | **Column 2** |
| **Item** | **Situation** | **Broadcast** |
| 1 | When the pilot in command considers it reasonably necessary to broadcast to avoid the risk of a collision with another aircraft | Broadcast |

[90] Section 21.05

repeal and substitute

21.05 Controlled aerodromes and controlled airspace — prescribed reports

 (1) The pilot in command of 1 of the following:

(a) an aircraft on the ground at a controlled aerodrome;

(b) an aircraft in Class A, B, C or D airspace;

(c) an IFR aircraft in Class E airspace;

 must:

(d) subject to subsection (1A), ensure that reports to the ATC service are made in accordance with Table 21.05 (1); and

(e) ensure that reports and broadcasts are made in accordance with the other applicable provisions of this Chapter.

 (1A) Despite paragraph (1) (d), for item 10 of Table 21.05 (1), to ensure that separation with any aircraft operating near the base of controlled airspace is not compromised, the required report is to be made to the air traffic service for the Class G airspace volume that the aircraft will descend into after leaving controlled airspace.

 (2) For Table 21.05 (1), for an item in the Table, the pilot in command in the situation mentioned for the item in column 1 must ensure that the report mentioned for the item in column 2 is made.

Table 21.05 (1) – An aircraft at a controlled aerodrome, or in Class A, B, C or D airspace, or an IFR aircraft in Class E airspace – reports

|  | Column 1 | Column 2 |
| --- | --- | --- |
| Item | Situation | Report |
| 1 | Ready to Taxi | Report the situation |
| 2 | Airborne (only at locations where an ATS surveillance service is provided) | Report the situation |
| 3 | Departure (only when item 2 does not apply) | Report the situation |
| 4 | Position report when required by the ATC service or the route reporting requirements in the authorised aeronautical information | Report the situation |
| 5 | Previously reported position estimate is more than 2 minutes in error | Corrected position estimate |
| 6 | Sustained variation of more than 10 kts or Mach 0.02 from any previously notified speed or any standard descent profile agreed between the aircraft operator and ATS | Report the situation |
| 7 | Aircraft performance degraded below:(a) the level required for the airspace in which it is operating; or(b) the capability of the aircraft reported in the aircraft’s flight notification | Report the situation |
| 8 | Leaving a level or reaching an assigned level | Report the situation |
| 9 | Unable to comply with ATC clearances or instructions | Report the situation |
| 10 | Before leaving controlled airspace on descent | Report the situation |
| 11 | Arrival | If cancelling SARWATCH — report cancellation |

*Note*   Item 7 pertains to degradation of aircraft performance as a result of failure or degradation of navigation, communications, altimetry (including RVSM airspace capability), flight control or other systems.

[91] Sections 21.06, 21.07, 21.08

repeal and substitute

21.06 IFR aircraft in Class G airspace — prescribed reports

 (1) The pilot in command of an IFR aircraft in Class G airspace must ensure that:

(a) reports are made to the air traffic service for the airspace in accordance with Table 21.06 (1); and

(b) reports and broadcasts are made in accordance with the other applicable provisions of this Chapter.

 (2) Despite subsection (1), if the pilot in command of an IFR aircraft in Class G airspace is unable to make contact with the air traffic service in relation to the report required by item 1 or item 2 of Table 21.06 (1), the aircraft may taxi and take-off but only if:

(a) broadcasts are made in place of the required reports; and

(b) contact with the air traffic service is established as soon as possible after take-off; and

(c) the following conditions are complied with:

 (i) where the operator of the flight is an AOC holder, aerial work certificate holder or Part 141 certificate holder — the pilot is assured of radio contact with the operator, or with a representative of the operator who has immediate access to a serviceable telephone, until contact is made with the air traffic service;

 (ii) except for Part 121 operations conducted using aircraft with a MOPSC greater than 19 seats — a SARTIME for departure, that is a maximum of 30 minutes after commencing to taxi, has been established with the air traffic service.

 (3) For Table 21.06 (1), for an item of the Table, the pilot in command in the situation mentioned for the item of column 1 must ensure that the report mentioned for the item in column 2 is made.

Table 21.06 (1) – IFR aircraft in Class G airspace – reports

|  | Column 1 | Column 2 |
| --- | --- | --- |
| Item | Situation | Report |
| 1 | Taxiing | Report the situation |
| 2 | Departure | Report the situation |
| 3 | Reaching cruising level | Report the situation |
| 4 | Position report when required by the ATC service or by the route reporting requirements of the authorised aeronautical information | Report the situation |
| 5 | Previously reported position estimate is more than 2 minutes in error | Report the situation  |
| 6 | Before changing level | Report the situation |
| 7 | Before changing frequency | Report the situation |
| 8 | Requiring clearance into controlled airspace | Report the situation |
| 9 | Before changing to CTAF and not monitoring ATS frequency on second COM system | Report the situation |
| 10 | After landing | If cancelling SARWATCH at this time — report the cancellation |

21.07 VFR aircraft in Class E or G airspace — prescribed reports

 (1) The pilot in command of a VFR aircraft in Class E or G airspace must ensure that:

(a) a report is made to the air traffic service for the airspace in accordance with Table 21.07 (1); and

(b) reports and broadcasts are made in accordance with the other applicable provisions of this Chapter.

 (2) For Table 21.07 (1), for an item of the Table, the pilot in command in the situation mentioned for the item in column 1 must ensure that the report mentioned for the item in column 2 is made.

Table 21.07 (1) — VFR aircraft in Classes E and G airspace

|  |  |  |
| --- | --- | --- |
|  | **Column 1** | **Column 2** |
| **Item** | **Situation** | **Report** |
| 1 | Requiring clearance into controlled airspace | Report the situation |
| 2 | Before, and on completion of, over-water stage | Report in accordance with SAR reporting schedules if arranged before the over-water stage |

21.08 Flights in RVSM airspace — prescribed reports

 The pilot in command of an aircraft conducting a flight in RVSM airspace within an Australian FIR must ensure that a report is made of all FL deviations of 300 ft or more from the aircraft’s assigned level:

(a) regardless of the cause of the deviation; and

(b) in accordance with procedures published in the authorised aeronautical information.

21.09 Flights in a mandatory broadcast area — prescribed broadcasts and reports

 (1) The pilot in command of an aircraft intending to operate in an MBA must:

(a) make broadcasts and reports in accordance with:

 (i) if an SFIS is not active for the MBA — Table 21.09 (1); and

 (ii) if an SFIS is active for the MBA — the requirements specified in the AIP, as in force from time to time for the SFIS; and

(b) ensure that, when making a broadcast or a report required by paragraph (a), the broadcast or report contains the following information, in the following order:

 (i) the name of the relevant aerodrome followed by the word TRAFFIC;

 (ii) the aircraft type and callsign;

 (iii) for an MBA where an SFIS is not active immediately before entering the MBA:

(A) the aircraft’s present altitude (where appropriate); and

(B) the situation-based information required by Table 21.09 (1);

 (iv) for an MBA where an SFIS is active immediately before to entering the MBA — the information required by the AIP for the SFIS;

 (v) the name of the relevant aerodrome; and

(c) ensure that reports and broadcasts are made in accordance with the other applicable provisions of this Chapter.

*Note*   Certain other operational requirements for MBA are contained in section 11.10A. The requirement to have a radio in an MBA is contained in section 26.18.

 (2) For Table 21.09 (1), for an item of the Table, the pilot in command in the situation mentioned in column 1 of an item must ensure that the broadcast mentioned in column 2 of the same item is made.

Table 21.09 (1) – Broadcasts – in relation to a MBA

|  |  |  |
| --- | --- | --- |
|  | **Column 1** | **Column 2** |
| **Item** | **Situation** | **Broadcast** |
| 1 | Before or immediately after entering an MBA | Broadcast the pilot’s intended use of the MBA |
| 2 | Joining a circuit | Broadcast the situation, and indicate the leg on which the aircraft will join |
| 3 | Conducting a straight-in approach | No later than 3 NM from the runway threshold — broadcast the situation |
| 4 | Passing the final approach fix of an instrument approach procedure | Broadcast the situation |
| 5 | Commencing a missed approach | Broadcast the situation |
| 6 | After landing and clear of the active runway(s) | Broadcast the situation |
| 7 | Starting to taxi | Broadcast the situation, and the following information:(a) that the flight is to be conducted under the IFR, if that is the case;(b) for any flight, either: (i) the planned destination aerodrome for the flight; or (ii) the direction in which the pilot intends to fly from the aerodrome; or (iii) the nature of operation (e.g. circuits);(c) the runway proposed to be used for take-off. |
| 8 | Immediately before entering the runway to be used for take-off | Broadcast the following:(a) a statement that the aircraft is entering the runway;(b) the runway identifier. |

[92] Paragraphs 26.01 (3) (b) and (c)

repeal and substitute

(b) any mention of feet (or ft) in the context of an altitude is taken to mean feet above mean sea level (AMSL), unless otherwise stated.

[93] Subsection 26.02 (2)

repeal and substitute

 (2) Before an Australian aircraft begins a flight, any equipment that is required to be fitted to, or carried on, the aircraft under this Chapter (other than equipment required under Division 26.16) must be compliant with the requirements of, or approved under, Part 21 of CASR.

*Note*Division 26.16 contains requirements for mandatory or optional carriage of surveillance equipment, most of which requires TSO or ETSO authorisation. However, the Division also contains a conditional alleviation. For the relevant equipment, a requirement for Part 21 approval would inappropriately negate this conditional alleviation.

[94] Subsection 26.02 (5)

repeal

[95] Subsection 26.02 (7)

add at the end

*Note*For other requirements in relation to surveillance equipment that is not required to be fitted or carried, see section 26.69.

[96] Section 26.04

repeal and substitute

26.04 Serviceability of equipment

 Any equipment required by this Chapter to be fitted to, or carried on, an aircraft for a flight must be operative unless:

(a) another section of this Chapter provides otherwise; or

*Note*   A minimum equipment list (a ***MEL***), approved under regulation 91.935, can only permit equipment required to be fitted to, or carried on, an aircraft by this Chapter, to be unserviceable within the limits of the requirements contained in this Chapter. For example, section 26.26 contains an allowable time period of 72 hours related to flights with inoperative altitude alerting equipment. An MEL would not be approved if it contained a maximum time period for altitude alerting equipment to be inoperative that was greater than the time period specified by either a master minimum equipment list (MMEL) or the legislation.

(b) the equipment:

 (i) is inoperative because of a defect that has been approved as a permissible unserviceability for the aircraft for the flight; and

 (ii) is fitted or carried in accordance with the permissible unserviceability.

[97] Subsection 26.07 (1)

repeal and substitute

 (1) An aeroplane for a VFR flight by night must be fitted with:

(a) an approved GNSS; or

(b) an ADF or VOR.

*Note 1*   See subsection 1.07 (6) for definitions.

*Note 2*   For aircraft entering oceanic airspace with RNP 2, 4 or 10 navigation specification capability, see subsections 11.03 (1B) and (1C) in relation to long range navigation systems (LRNS) operability requirements.

[98] Subsection 26.08 (1)

add at the end

*Note*   For aircraft entering oceanic airspace with RNP 2, 4 or 10 navigation specification capability, see subsections 11.03 (1B) and (1C) in relation to long range navigation systems (LRNS) operability requirements.

[99] Subsection 26.11 (1)

repeal and substitute

 (1) A rotorcraft for a VFR flight by night must be fitted with:

(a) an approved GNSS; or

(b) an ADF or VOR.

*Note 1*   See subsection 1.07 (6) for definitions.

*Note 2*   For aircraft entering oceanic airspace with RNP 2, 4 or 10 navigation specification capability, see subsections 11.03 (1B) and (1C) in relation to long range navigation systems (LRNS) operability requirements.

[100] Subsection 26.11 (4)

repeal and substitute

 (4) A single pilot may only begin a rotorcraft VFR flight by night over land or water if:

(a) the rotorcraft’s attitude during the flight can be maintained by the use of visual external surface cues provided by lights on the ground, or celestial illumination, or by lighting fitted to the aircraft; or

(b) the rotorcraft is fitted with an automatic pilot system, or an automatic stabilisation system.

*Note*   Visual external surface cues can be established by using either unaided sight, or NVIS or other enhanced vision systems where permitted.

[101] Subsection 26.12 (1)

add at the end

*Note*   For aircraft entering oceanic airspace with RNP 2, 4 or 10 navigation specification capability, see subsections 11.03 (1B) and (1C) in relation to long range navigation systems (LRNS) operability requirements.

[102] Subsection 26.18 (2)

omit

subsection (3)

insert

subsections (3) and (4)

[103] After subsection 26.18 (3)

insert

 (4) Subsection (2) does not apply if a relevant aircraft is operating within, or intending to enter, an MBA.

*Note*   Certain operational requirements for MBA are contained in section 11.10A. Radio broadcast requirements for MBA are contained in section 21.09.

[104] Paragraphs 26.19 (c) and (d)

repeal and substitute

(c) for the portions of the flight conducted in controlled airspace:

 (i) ATS is informed, before the flight begins, of the inoperative radiocommunication system; and

 (ii) clearance is obtained from ATS for the flight; and

(d) for the portions of the flight conducted in Class G airspace above 5 000 ft AMSL, or conducted in an MBA:

 (i) the flight is conducted during the day in VMC; and

 (ii) the flight is conducted in-company with another aircraft (the ***other aircraft***); and

 (iii) the other aircraft is carrying an operative radio; and

 (iv) the pilot in command of the other aircraft ensures that all the broadcasts and reports required by regulation 91.630 are made for both aircraft; and

 (v) the pilot in command of the other aircraft is:

(A) if the aircraft is an Australian aircraft — authorised under Part 61 of CASR to operate the radio; or

(B) if the aircraft is a foreign registered aircraft — authorised to operate the radio under the law of the aircraft’s State of registry.

[105] Subsection 26.22 (5) (second occurring)

omit

(5) Subsections

insert

(6) Subsections

[106] Subsection 26.24 (1)

omit

, or in poor visibility,

[107] Section 26.27

omit

RESERVED

insert

RESERVED

*Note*   No requirements are currently prescribed. This section has been reserved to preserve the MOS structure for any future provisions that would be appropriate following consultation.

[108] Section 26.28

omit

RESERVED

insert

RESERVED

*Note*   No requirements are currently prescribed. This section has been reserved to preserve the MOS structure for any future provisions that would be appropriate following consultation.

[109] Section 26.29

omit

RESERVED

insert

RESERVED

*Note*   No requirements are currently prescribed. This section has been reserved to preserve the MOS structure for any future provisions that would be appropriate following consultation.

[110] Paragraph 26.31 (a)

omit

and

insert

or

[111] Subparagraph 26.32 (a) (i)

omit

and

insert

or

[112] Section 26.39

omit

RESERVED

insert

RESERVED

*Note*   No requirements are currently prescribed. This section has been reserved to preserve the MOS structure for any future provisions that would be appropriate following consultation.

[113] Subsection 26.43 (1)

omit

at a pressure altitude above 10 000 ft

insert

above FL125

[114] Subsection 26.52 (1)

repeal

 (1) This section only applies to an aircraft:

(a) required to fit, or carry, an ELT under paragraph 26.48 (1) (a); and

(b) that is not required to carry a life raft under section 26.60.

[115] Paragraph 26.53 (3) (c)

repeal and substitute

(c) 1 that is accessible to the crew members, and that is conveniently located for use in relation to each of the following:

 (i) a class A cargo or baggage compartment;

 (ii) a class B cargo or baggage compartment;

 (iii) a class E cargo or baggage compartment;

[116] Section 26.55, heading

repeal and substitute

26.55 Sea anchors etc. and sound signals — seaplanes, amphibians and certain rotorcraft

[117] Subsection 26.55 (1)

repeal and substitute

 (1) This section applies to a flight of an aircraft if:

(a) the aircraft is a seaplane, an amphibian, or a rotorcraft designed to take off from, and land on, water or land; and

(b) the flight involves take-off from, or landing on, water.

[118] Section 26.63, Definitions, including the Note

omit

26.64 (wherever occurring)

insert

26.65

[119] Paragraph 26.65 (1) (a)

omit

Talgarno

insert

Anna Plains

[120] Section 26.65, Figure 26.65-1 Central Australia remote area

repeal and substitute

****

**Figure 26.65-1 Central Australia Remote Area**

[121] Section 26.66 and the immediately following Division heading

repeal and substitute

Division 26.16 Surveillance equipment

26.66 Exceptions to (E)TSO or NAA requirements

 (1) In this section:

***relevant aircraft*** means any of the following:

(a) a light sport aircraft for which a special certificate of airworthiness has been issued and is in force under regulation 21.186 of CASR;

(b) a light sport aircraft for which an experimental certificate has been issued and is in force under paragraph 21.191 (j) or (k) of CASR;

(c) any other aircraft for which an experimental certificate has been issued and is in force under paragraph 21.191 (g) or (h) of CASR.

 (2) A requirement in this Division that an item of equipment, or element of an item of equipment, be authorised in accordance with a particular TSO or ETSO, does not apply to a relevant aircraft in respect of any surveillance equipment if:

(a) the configuration of the surveillance equipment that is fitted or carried provides the pilot, other aircraft and ATS with the same surveillance capability as would be provided if the equipment complied with the particular TSO or ETSO; and

(b) the pilot or the operator has a statement of conformance (however described) from the equipment manufacturer stating the particular standard or standards of the TSO or ETSO with which the equipment conforms.

 (3) The requirement in subsection 26.75 (4) that an approved integrated TABS device (the ***equipment***) be authorised by the relevant NAA of the equipment manufacturer does not apply to a relevant aircraft if:

(a) the configuration of the equipment that is fitted or carried provides the pilot, other aircraft and ATS with the same surveillance capability as would be provided if the equipment had been expressly authorised by the relevant NAA; and

(b) the pilot or the operator has a statement of conformance (however described) from the equipment manufacturer stating the equipment meets the requirements of this Division for the equipment.

[122] Section 26.67, Definitions

insert

***14 CFR 91.225*** means regulation 91.225 of the United States Title 14 Code of Federal Regulations (CFR) titled *Automatic Dependent Surveillance-Broadcast (ADS-B) Out equipment and use*.

***ADS-B test flight*** means a flight to prove ADS-B transmitting equipment that is newly installed on the aircraft undertaking the flight.

***approved EC device configuration*** means an equipment configuration meeting the requirements mentioned in section 26.72C.

***approved integrated TABS configuration*** means an equipment configuration meeting the requirements mentioned in section 26.72B.

***approved Mode S transponder with Class B TABS position source device configuration*** means an equipment configuration meeting the requirements mentioned in section 26.72A.

***Class A TABS*** means TABS functionality relating to transponder function, altitude source function, and ADS-B OUT function, in accordance with (E)TSO‑C199.

***Class B TABS*** means TABS functionality relating to position source function, in accordance with (E)TSO‑C199.

***Class B TABS position source device*** means a device with a Class B TABS functionality.

***GPS*** means Global Positioning System.

***integrated TABS device*** means a device with integrated Class A TABS and Class B TABS functionality.

***SA***means Selective Availability, and is a function of the GPS that has the effect of degrading the accuracy of the computed GPS position of a GNSS equipped aircraft.

***SDA*** means System Design Assurance as specified in section 2.2.3.2.7.2.4.6 of RTCA/DO-260B.

**surveillance equipment** means equipment that broadcasts data as a means to identify an aircraft, determine its three-dimensional position or obtain other information (such as, but not limited to, velocity and selected altitude or flight level).

**TABS** means traffic awareness beacon system.

[123] Section 26.67, paragraph (b) of definition of assigned aircraft address

repeal

[124] Section 26.67, definition of EASA CS-ACNS

omit

of EASA.

insert

of EASA, or any later version.

[125] Section 26.67, definition of NACp

omit

2.4.3.2.7.2.7

insert

2.2.3.2.7.1.3.8

[126] Section 26.67, definition of NIC

repeal and substitute

***NIC*** means Navigation Integrity Category as specified in paragraph 2.2.8.1.16 of RTCA/DO-260B.

[127] Section 26.67, definition of RTCA/DO-260B

omit

dated 2 December2009.

insert

dated 2 December 2009, unless a later version as in force from time to time is expressly referred to.

[128] Section 26.67, definition of SIL

omit

2.2.3.2.7.2.9

insert

2.2.3.2.7.1.3.10

[129] Section 26.68

repeal and substitute

26.68 Required surveillance equipment

 (1) An aircraft for a flight for which surveillance equipment is required under this section must be fitted with surveillance equipment that meets the requirements relevant to the intended operation and class of airspace.

*Note*   See section 26.66 regarding certain aircraft that can be fitted with, or carry, surveillance equipment that is not in accordance with a TSO or ETSO provided certain conditions are met.

 (1A) An aircraft operating at Brisbane, Sydney, Melbourne or Perth aerodrome must be fitted with, or carry, at least 1 approved Mode S transponder with ADS-B capability.

*Note*   An approved Mode S transponder with ADS-B capability is not required to transmit ADS-B OUT for a VFR flight.

 (2) For subsection (1), an aircraft in an operation mentioned in column 1 of an item in Table 26.68 (2), in the class of airspace mentioned in column 2 of the item, must be fitted with surveillance equipment meeting the requirements mentioned in column 3 of the item.

Table 26.68 (2) – Surveillance equipment – requirements

|  | **Column 1** | **Column 2** | **Column 3** |
| --- | --- | --- | --- |
| **Item** | **Operation** | **Class of airspace** | **Requirements** |
| 1 | IFR | Any (Classes A, B, C, D, E and G) | At least 1 approved ADS-B OUT equipment configuration. |
| 2 | VFR | Any — from FL290 and above | At least 1 approved ADS-B OUT equipment configuration. |
| 3 | VFR | Class A, B or C (below FL290) | At least 1:(a) approved ADS-B OUT configuration; or(b) approved Mode S transponder with Class B TABS position source device configuration; or(c) approved transponder being:(i) for an aircraft, manufactured on or after 6 February 2014, or modified by having its transponder installation replaced on or after 6 February 2014 — an approved Mode S transponder with ADS-B capability; or(ii) for any other aircraft — approved transponder.Note   An approved Mode S transponder with ADS-B capability is not required to transmit ADS-B OUT for a VFR flight. |
| 4 | VFR | Class E (not above FL290)Class G — from 10 000 ft to not above FL290 | At least 1:(a) approved ADS-B OUT configuration; or(b) approved equipment configuration of a Mode S transponder with Class B TABS position source device; or(c) approved transponder being:(i) for an aircraft, manufactured on or after 6 February 2014, or modified by having its transponder installation replaced on or after 6 February 2014 — a Mode S transponder with ADS‑B capability; or(ii) for any other aircraft — an approved transponder; or(d) an approved integrated TABS device.*Note*   An approved Mode S transponder with ADS-B capability is not required to transmit ADS-B OUT for a VFR flight. |

 (3) Item 4 in Table 26.68 (2) does not apply to an aircraft if the aircraft does not have:

(a) an engine; or

(b) sufficient engine-driven electrical power generation capacity to power the surveillance equipment.

[130] After section 26.68

insert

26.68A Requirements for other surveillance equipment for VFR aircraft

 (1) An aircraft may be fitted with, or carry, surveillance equipment in addition to the surveillance equipment required by section 26.68, but only if the requirements of this section are met.

 (2) An aircraft may be fitted with, or carry, surveillance equipment in circumstances where surveillance equipment is not required by section 26.68, but only if the requirements of this section are met.

 (3) For subsections (1) and (2), an aircraft in an operation mentioned in column 1 of Table 26.68A (3), in the class of airspace mentioned in column 2 of the item, may be fitted with, or carry, surveillance equipment that meets the requirements mentioned in column 3 of the item.

Table 26.68A (3) – Optional surveillance equipment – requirements

| **Item** | **Operation** | **Class of airspace** | **Capability and Requirements** |
| --- | --- | --- | --- |
|  | **Column 1** | **Column 2** | **Column 3** |
| 1 | VFR | Classes A, B, C or E — below FL290Class G — from 10 000 ft but not above FL290 |  An approved EC device configuration.*Note*An EC device may be operated concurrently with a Mode A/C, or a Mode S transponder (other than one that is transmitting ADS-B — see section 26.72C. |
| 2 | VFR | Class G — below 10 000 ft | Any of the following:(a) approved ADS-B OUT configuration;(b) approved equipment configuration of a Mode S transponder with Class B TABS position source device;(c) approved transponder being:(i) for an aircraft manufactured on or after 6 February 2014, or modified by having its transponder installation replaced on or after 6 February 2014 — a Mode S transponder with ADS‑B capability; or(ii) for any other aircraft — an approved transponder;(d) an approved integrated TABS device;(e) an approved EC device configuration.Note   An approved Mode S transponder with ADS-B capability is not required to transmit ADS-B OUT for a VFR flight.*Note*An EC device may be operated concurrently with a Mode A/C, or a Mode S transponder (other than one that is transmitting ADS-B). |

[131] Section 26.69

repeal and substitute

26.69 Operation of surveillance equipment — general requirements

 (1) The requirements of this section are subject to section 26.73.

 (2) Surveillance equipment required to be fitted to, or carried on, an aircraft by section 26.68 must be continuously operated during the circumstances mentioned in section 26.68.

*Note*Continuous operation for a transponder means that the equipment must be operated in a mode that enables an SSR response to be transmitted and, where an altitude reporting capability is available, that this capability is also activated.

 (2A) Surveillance equipment (other than approved transponders) fitted to, or carried on, an aircraft under section 26.68A must be continuously operated during the circumstances mentioned in that section for the specific kind of equipment.

 (3) Subsections (2) and (2A) do not apply if ATC has issued an instruction that the surveillance equipment is not to be operated.

 (4) Unless otherwise required by ATC, an aircraft that is flying in formation with, or is in‑company with, 1 or more other aircraft, is not required to operate surveillance equipment if serviceable surveillance equipment is operated by any of the other aircraft at all times while the aircraft are flying in formation or are in-company.

 (5) If an aircraft is fitted with more than 1 approved transponder, only 1 transponder is to be operated at any time.

 (6) If an approved transponder is fitted to an aircraft for a flight, the Mode A code must be set:

(a) to the transponder code assigned by ATS for the flight; or

(b) if no transponder code is so assigned — to the relevant standard code in Table 26.69 (7).

 (7) For paragraph (6) (b), for a situation mentioned in column 1 of an item in Table 26.69 (7), the Mode A code is the number mentioned in column 2 for the item.

 (7A) Subject to subsection (7B), if an emergency situation described in an item of column 1 of Table 26.69 (7A) occurs during a flight, a pilot of the aircraft for the flight must set the Mode A code mentioned in column 2 for the item.

 (7B) Despite subsection (7A), a pilot of an aircraft for a flight does not have to set a Mode A code mentioned in column 2 of Table 26.69 (7A) if the pilot reasonably believes that maintaining an existing Mode A code would result in a safer outcome.

 (8) Pressure altitude information reported by an approved transponder or approved ADS‑B OUT equipment configuration must be determined by:

(a) a barometric encoder of a type that is authorised in accordance with (E)TSO‑C88a; or

(b) another system approved under Part 21 of CASR as having a level of performance equivalent to a system mentioned in paragraph (a).

Table 26.69 (7) – Transponders – Mode A standard codes

|  | **Column 1** | **Column 2** |
| --- | --- | --- |
| **Item** | **Situation** | **Mode A Code** |
| 1 | (a) Flights in Class A, B, C or D airspace;(b) IFR flights in Class E airspace. | 3000 |
| 2 | IFR flights in Class G airspace. | 2000 |
| 3 | VFR flights in Class E or Class G airspace. | 1200 |
| 4 | Flights in Class G over water at a distance greater than 15 NM from shore. | 4000 |
| 5 | Flights engaged in coastal surveillance. | 7615 |
| 6 | Ground testing by aircraft maintenance staff. | 2100 |

Table 26.69 (7A) – Transponders – Mode A emergency codes

|  | **Column 1** | **Column 2** |
| --- | --- | --- |
| **Item** | **Situation** | **Mode A Code** |
| 1 | Unlawful interference. | 7500 |
| 2 | Loss of radiocommunication. | 7600 |
| 3 | In-flight emergency (unless otherwise instructed by ATC). | 7700 |

[132] Section 26.70, heading

repeal and substitute

26.70 Mode S transponders, ADS-B OUT and electronic conspicuity equipment — specific requirements

[133] Paragraph 26.70 (1) (b)

omit

ATC (twice occurring)

insert

ATS

[134] Subparagraph 26.70 (1) (b) (ii)

omit

or ASAO identifier, as applicable

[135] Subsection 26.70 (2)

omit everything before paragraph (a), insert

 (2) An approved ADS-B OUT equipment configuration, approved integrated TABS configuration or approved EC device configuration, fitted to, or carried on, an aircraft for a flight, must have the following items entered into the equipment:

[136] Subparagraph 26.70 (2) (b) (ii)

omit

or ASAO identifier, as applicable

[137] Subsection 26.70 (5), Note 2

omit

ATC

insert

ATS

[138] Subsection 26.70 (7)

omit everything before paragraph (a), insert

 (7) Subject to subsection (8), an aircraft fitted with, or carrying, ADS-B OUT equipment that is not an approved ADS-B OUT equipment configuration, approved EC device configuration, approved integrated TABS configuration or approved Mode S transponder with Class B TABS position source device configuration, must not fly in Australian territory, unless the equipment is:

[139] Subparagraph 26.71 (1) (b) (i)

omit

FDE

insert

GNSS FDE

[140] Section 26.72

repeal and substitute

26.72 Alternate ADS-B OUT equipment configuration — requirements

 An alternate ADS-B OUT equipment configuration must meet the following requirements:

(a) it has been approved or accepted by:

 (i) the NAA of a recognised country as meeting the standards of EASA AMC 20-24 or EASA CS-ACNS; or

 (ii) the FAA as meeting the standards of 14 CFR 91.225 for 1090 Megahertz (MHz) Extended Squitter ADS-B; and

(b) the AFM or flight manual supplement attests to the certification; and

(c) the GNSS system meets the relevant performance requirements mentioned in section 26.71.

[141] After section 26.72

insert

26.72A Approved Mode S transponder with Class B TABS position source device equipment configuration — requirements

 (1) A Mode S transponder must be of a type that is:

(a) authorised in accordance with (E)TSO-C166B; or

(b) approved under Part 21 of CASR as having a level of performance equivalent to that of a type compliant with paragraph (a).

 (2) When required to be operated, the Mode S transponder must transmit NACp, NIC, SIL and SDA values in accordance with the authorised capability of the GNSS position source.

 (3) The geographical position transmitted by the Mode S transponder must be determined by:

(a) a Class B TABS position source device that is authorised in accordance with (E)TSO-C199; or

(b) another source approved under Part 21 of CASR as having a level of performance equivalent to that of a device compliant with paragraph (a).

 (4) If a Mode S transponder with Class B TABS position source device transmits a SIL value of less than 2, the aircraft must not enter any controlled airspace in which the aircraft must be fitted with, or carry, equipment that is of an approved ADS-B OUT equipment configuration.

26.72B Approved integrated TABS device — requirements

 (1) An approved integrated TABS device (the ***device***) must only be operated in transmitting mode if the flight is conducted:

(a) under the VFR; and

(b) below FL290; and

(c) in Class D, E or G airspace.

 (2) The device must meet the technical specifications in (E)TSO-C199 that are for a device with integrated Class A TABS and Class B TABS functionality.

 (3) The device must transmit a SIL value of 1.

 (4) The device must be authorised by the relevant NAA of the equipment manufacturer as meeting the standards mentioned in subsections (2) and (3).

*Note*Section 26.66 provides for an exception to the relevant NAA authorisation requirement for certain kinds of light sport, experimental and other aircraft.

26.72C Approved EC device — requirements

 (1) An approved EC device (an ***EC device***) must only be operated in transmitting mode if the flight is conducted:

(a) under the VFR; and

(b) below FL290.

 (2) The EC device must not be operated in transmitting mode concurrently with a Mode S transponder that is also transmitting ADS-B.

*Note*   An EC device may be operated concurrently with a Mode A/C, or a Mode S transponder (other than one that is transmitting ADS-B) but it is not a substitute for mandatory carriage of a transponder in relevant airspace.

 (3) The EC device must meet the technical specifications in UK CAP 1391, except in relation to the matters mentioned in subsections (4), (5) and (6).

 (4) The EC device must use a Class B TABS position source that complies with the performance standards specified in (E)TSO-C199.

 (5) The EC device must:

(a) be capable of transmitting a SIL value of 1, in accordance with the standards in UK CAP 1391 for an EC device that uses a Class B TABS position source; and

(b) transmit that SIL value of 1.

 (6) The EC device must:

(a) meet the requirements described in paragraph 2.2.3.2.7.2.4.6 of RTCA/DO-260B for transmitting an SDA of 1; and

(b) transmit an SDA value of 1.

 (7) The EC device must use a barometric encoder for altitude information.

 (8) The EC device must be mounted in accordance with the manufacturer’s instructions.

 (9) The EC device, when mounted in accordance with the manufacturer’s instructions, must not:

(a) interfere with aircraft controls; or

(b) otherwise affect the safe operation of the aircraft.

 (10) The following administrative standards for the EC device must be complied with:

(a) an EC device must have a statement of compliance (however described) from the EC device manufacturer certifying that the device meets the following requirements (***a declaration of capability and conformance*** or ***declaration***):

 (i) if the declaration was made before 2 December 2021 — clauses 1 to 5 of Part B of Appendix XIV of Civil Aviation Order 20.18 as in force immediately before 2 December 2021;

 (ii) otherwise — subsections (3) to (7);

(b) the pilot in command of an aircraft that uses the EC device must carry the declaration, or a copy of it, on board the aircraft;

(c) an EC device model must not be operated in a transmit mode anywhere in Australia unless it is listed on the CASA website as an EC device model for which the manufacturer has made a valid declaration;

(d) the manufacturer of an EC device model may apply in writing to CASA:

 (i) for a statement that CASA considers that the manufacturer has made a valid declaration of capability and conformance to subsections (3) to (7); and

 (ii) for inclusion of the EC device model on the CASA website;

(e) CASA may remove an EC device model from the CASA website if:

 (i) the manufacturer requests its removal in writing; or

 (ii) if CASA is satisfied that removal is required in the interests of aviation safety.

[142] Section 26.73

repeal and substitute

26.73 Aircraft flown with inoperative surveillance equipment

 Surveillance equipment required by section 26.68 may be inoperative at the beginning of a flight if:

(a) the flight begins from an aerodrome at which there is no facility for the surveillance equipment to be repaired or replaced; and

(b) the flight ends not more than 72 hours after the time the surveillance equipment was found to be inoperative; and

(c) before the flight commences, the pilot in command informs ATS about the unserviceability.

*Note*See also section 26.04 for additional requirements related to flight with inoperative equipment. For a flight with inoperative surveillance equipment, within controlled airspace or at a controlled aerodrome, Division 11.2 has requirements related to ATC clearances. Whether a clearance is issued, or when a clearance may be issued, could be affected by the flight’s inoperative equipment.

[143] After subsection 28.03 (4)

insert

 (5) For an aircraft that is subject to section 11.06, information regarding the RCP 240 and RSP 180 capabilities (as applicable) of the aircraft must be included in the MEL.