



Australian Government
Civil Aviation Safety Authority

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*.

[Signed P. Spence]

Pip Spence
Director of Aviation Safety

5 August 2022

Part 91 MOS Amendment Instrument 2022 (No. 1)

1 Name of instrument

This instrument is the *Part 91 MOS Amendment Instrument 2022 (No. 1)*.

Note MOS is short for Manual of Standards.

2 Commencement

This instrument commences on the day after it is registered.

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 Amendment

[1] Subsection 1.07 (6)

insert

ADF, when used in relation to a SOG operation: see section 20.01.

SOG: see section 20.01.

SOG member: see section 20.01.

SOG operation: see section 20.01.

[2] Section 3.08

omit

If, in an NVIS operation,

insert

Despite any other provision of this MOS, if, in an NVIS operation,

[3] Section 3.08, the Note

omit

Note

insert

Note 1

[4] Section 3.08, after Note 1

insert

Note 2 Division 26.7 contains requirements for the fitment and use of aircraft exterior lighting.

[5] Subsection 11.02 (4)

repeal and substitute

- (4) An aircraft must not cruise within the transition layer.

[6] Subsection 11.02 (5)

repeal and substitute

- (5) For an operation at or below the transition altitude, an aircraft's altimeter setting must be:
- (a) the current local QNH (either an accurate QNH as defined in section 10.06 or a forecast QNH) of a station along the route within 100 NM of the aircraft; or
 - (b) the current forecast area QNH.

Note Under section 10.03, if an aircraft is at a known elevation, and an accurate QNH is available, then, before take-off, the pilot in command of the aircraft must check the accuracy of each of the aircraft's pressure altitude systems.

[7] Subsection 11.02 (6)

repeal and substitute

- (6) For an operation above the transition altitude, an aircraft's altimeter setting must be 1 013.2 hPa.

[8] Subsection 11.02 (7)

repeal and substitute

- (7) On climb, after passing the transition altitude, but before levelling off, an aircraft's altimeter setting must be changed from QNH to 1 013.2 hPa.

[9] Subsection 11.02 (8)

repeal and substitute

- (8) On descent, just before passing the transition layer, an aircraft's altimeter setting must be changed from 1 013.2 hPa to QNH.

[10] Subsection 11.16 (3)

repeal

[11] Section 11.22

repeal and substitute

11.22 Danger areas

The pilot in command of an aircraft may fly within or across a danger area, but only if the pilot complies with any applicable requirements or conditions expressed in the following:

- (a) until the end of 14 June 2023:
 - (i) a declaration of the area as a danger area, made under regulation 6 of the *Airspace Regulations 2007* (the *AsR*), as in force from time to time; and
 - (ii) instrument *CASA 26/21 – Direction – Australian Aircraft and Foreign Registered Aircraft in Australian-administered Airspace Instrument 2021 (CASA 26/21)*, or any CASA instrument that is expressed to be a successor instrument to *CASA 26/21*, as in force from time to time; or
- (b) from 15 June 2023 — a declaration of the area as a danger area, made under regulation 6 of the *AsR*, as amended by the *Airspace Amendment (Danger Areas) Regulations 2022*.

Note 1 It is expected that a regulation amendment, to be known as the *Airspace Amendment (Danger Areas) Regulations 2022*, will make amendments to regulation 6 of the *AsR* in relation to danger areas that will affect section 11.22 on and from 15 June 2023 when the first *Designation of Prohibited, Restricted and Danger Areas – Declaration and Determination (Permanent PRDs) Instrument* for 2023 takes effect (see also *Note 2*).

Note 2 Danger area declarations are made or revised by CASA approximately every 6 months in the instrument known as *Designation of Prohibited, Restricted and Danger Areas – Declaration and Determination (Permanent PRDs) Instruments*. The declarations also appear in the *Designated Airspace Handbooks*, as each exists or is in force in the *AIP*, at the time of the flight.

Note 3 Flight in a danger area is subject to compliance with this section. The pilot in command of an aircraft should be aware of the specific activity which causes an area to be a danger area, and, while complying with this section, take appropriate precautions against any safety risks that could arise from the flight.

Note 4 It is an offence under subregulation 91.255 (2) to not comply with the section 11.22 requirements for a danger area.

[12] After paragraph 14.04 (1) (a)

insert

Note GNSS cannot be used to substitute for the VOR or NDB: see subsection 14.05 (1A).

[13] Subsection 14.05 (1), the chapeau

repeal and substitute

- (1) This section applies to a ground-based navigation aid that is 1 of the following:

[14] After subsection 14.05 (1)

insert

- (1A) However, this section does not apply to the use of a VOR or NDB for a GNSS arrival, or a DME or GNSS arrival.

Note Section 14.04 specifies requirements for the conduct of GNSS arrivals, and DME or GNSS arrivals. The relevant VOR or NDB must be used for azimuth guidance during the conduct of these arrival procedures.

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

repeal and substitute

qualifying multi-engine aeroplane means an IFR multi-engine aeroplane that is:

- (a) operated by:
 - (i) at least 2 pilots; or
 - (ii) if powered by piston engines or turboprop engines, and fitted with operative autofeather — 1 pilot; or
 - (iii) if powered by turbojet engines — 1 pilot; and
- (b) in the event of an engine failure — capable of maintaining terrain clearance until reaching the minimum height for IFR flight.

[16] Section 20.01, the heading

repeal and substitute

20.01 Medical transport operations, rescue operations and certain police operations — prescribed circumstances

[17] Paragraph 20.01 (2) (a)

repeal and substitute

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

[18] Subparagraph 20.01 (2) (b) (iii)

repeal and substitute

- (iii) for a rescue operation — person who has been rescued; or
- (iv) for a SOG operation — SOG member;

[19] Subparagraph 20.01 (2) (c) (iv)

omit

operator's exposition;

insert

operator's exposition; or

[20] Sub-subparagraph 20.01 (2) (c) (v) (B)

omit

operations manual;

insert

operations manual; or

[21] After sub-subparagraph 20.01 (2) (c) (v) (B)

insert

- (vi) if the person is a SOG member for whom subparagraph (i) is considered, by the police or ADF authority responsible for the conduct of the SOG operation, to be detrimental to the conduct of the operation — be otherwise safely restrained in accordance with the applicable procedures in the

operator's operations manual, taking into account the nature and characteristics of the operation;

[22] Subsection 20.01 (3)

insert

ADF is short for the Australian Defence Force.

SOG is short for a special operations group (however described) of a State or Territory police service or the Australian Federal Police.

SOG member means an individual, other than a crew member, who is conducting activities for a SOG operation, and who is:

- (a) a member of a State or Territory police service SOG or the Australian Federal Police SOG; or
- (b) an ADF member acting under an arrangement between a State or Territory police service or the Australian Federal Police, and the ADF.

SOG operation means a specialist police operation that satisfies paragraphs (a), (b) and (c) as follows:

- (a) it involves some or all of the following:
 - (i) winching operations;
 - (ii) rappelling operations;
 - (iii) emplaning or deplaning from a rotorcraft in flight or partially in flight (a **hover entry or exit**);
 - (iv) emplaning or deplaning from a rotorcraft on the ground, in circumstances where a rapid entry to, or exit from, the aircraft is essential to the operation;
- (b) it is 1 of the following:
 - (i) for, or related to, the law enforcement or counterterrorism functions of a State or Territory police service or the Australian Federal Police;
 - (ii) for training related to the activities and functions mentioned in paragraph (a) and subparagraph (b) (i);
- (c) it is conducted at a location where a normal landing may or may not be possible or safe.

[23] Subsection 24.04 (1)

repeal and substitute

- (1) This section applies to a rotorcraft that:
 - (a) is a Category A rotorcraft which is not being operated in accordance with its Category B supplement in the AFM (the **rotorcraft**); and
 - (b) takes off from a place in a populous area that is both of the following (the **relevant HLS**):
 - (i) a non-certified aerodrome (including an HLS);
 - (ii) an aerodrome that is not used for the regular take-off or landing of aircraft.

[24] Subsection 24.05 (1)

repeal and substitute

- (1) This section applies to a rotorcraft that:
 - (a) is a Category B rotorcraft (the **rotorcraft**); and

- (b) takes off from a place in a populous area that is both of the following (the **relevant HLS**):
 - (i) a non-certified aerodrome (including an HLS);
 - (ii) an aerodrome that is not used for the regular take-off or landing of aircraft.

[25] Subsection 25.04 (1)

repeal and substitute

- (1) This section applies to a rotorcraft that:
 - (a) is a Category A rotorcraft which is not being operated in accordance with its category B supplement in the AFM (the **rotorcraft**); and
 - (b) takes off from a place in a populous area that is both of the following (the **relevant HLS**):
 - (i) a non-certified aerodrome (including an HLS);
 - (ii) an aerodrome that is not used for the regular take-off or landing of aircraft.

[26] Subsection 25.05 (1)

repeal and substitute

- (1) This section applies to a rotorcraft that:
 - (a) is a Category B rotorcraft (the **rotorcraft**); and
 - (b) takes off from a place in a populous area that is both of the following (the **relevant HLS**):
 - (i) a non-certified aerodrome (including an HLS);
 - (ii) an aerodrome that is not used for the regular take-off or landing of aircraft.

[27] Section 26.16

repeal and substitute

26.16 Application — VFR and IFR flight requirements do not apply to certain registered aircraft

Divisions 26.3 and 26.4 do not apply to a registered aircraft if it is fitted with equipment that the type certifying authority of a recognised country determines will achieve, for the intended operation of the aircraft, a level of safety equivalent to that which would be achieved if Division 26.3 or 26.4 (as the case requires) applied.

[28] Subsection 26.22 (6)

repeal and substitute

- (6) Subsections (3), (4) and (5) do not apply to an aircraft in an operation to the extent that:
 - (a) the pilot in command reasonably believes that, in the circumstances, reflection or glare from the anti-collision light system may cause a hazard to an aircraft; or
 - (b) a specific provision of another MOS expressly provides for occasions when particular lights need not be displayed.

Note See, for example, section 12.09 of the Part 138 MOS: display of exterior lighting in an NVIS operation that is an aerial work operation. See also section 3.08 of this MOS.

[29] After subsection 26.24 (2)

insert

- (3) Subsection (2) does not apply to an aircraft in an operation to the extent that a specific provision of another MOS expressly provides for occasions when particular lights need not be displayed.

Note See, for example, section 12.09 of the Part 138 MOS: display of exterior lighting in an NVIS operation that is an aerial work operation. See also section 3.08 of this MOS.

[30] Paragraph 26.25 (2) (c)

omit

warning,

insert

or visual warning,

[31] Paragraph 26.31 (b)

repeal and substitute

- (b) is of a type first certificated in its country of manufacture on, or after, 1 July 1965.

[32] Subparagraph 26.32 (a) (ii)

repeal and substitute

- (ii) is of a type first certificated in its country of manufacture on, or after, 1 July 1965;

[33] Paragraph 26.33 (a)

omit

; and (b) was first issued with a certificate of airworthiness after 1 July 1965.

insert

; or (b) is of a type first certificated in its country of manufacture on, or after, 1 July 1965.

[34] Subparagraph 26.34 (a) (i)

omit

; and (ii) was first issued with a certificate of airworthiness after 1 July 1965.

insert

; or (ii) is of a type first certificated in its country of manufacture on, or after, 1 July 1965;

[35] Subsections 26.43 (1) and (2)

repeal and substitute

- (1) An aircraft must carry sufficient supplemental oxygen to meet the requirements set out in Table 26.43 (2).
- (2) An aircraft to which subsection (1) applies must be fitted with, or carry, supplemental oxygen equipment capable of storing and dispensing the supplemental oxygen to crew members and passengers.

[36] Paragraph 26.53 (3) (e)

omit

despite paragraph (d)

insert

despite paragraphs (a) and (d)

[37] Paragraph 26.53 (3) (f)

omit

despite paragraph (d)

insert

despite paragraphs (a) and (d)

[38] Subsection 26.70 (4)

omit

issued with a certificate of airworthiness

insert

certificated in its country of manufacture

[39] Subsection 26.70 (6), the chapeau

omit

issued with a certificate of airworthiness

insert

certificated in its country of manufacture

[40] Subsection 26.71 (1), the chapeau

omit

issued with a certificate of airworthiness

insert

certificated in its country of manufacture

[41] Subsection 26.71 (2)

omit

issued with a certificate of airworthiness

insert

certificated in its country of manufacture

[42] Subparagraph 26.79 (1) (a) (ii)

omit

it must be positioned

insert

subject to subsection (2), it must be positioned

[43] Subsection 26.79 (2)

repeal and substitute

- (2) Subparagraph (1) (a) (ii) does not take effect until 2 December 2023.
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