

ANNEX A TO CD 1903AS

Proposed Draft Manual of Standards Part 172 Amendment Instrument 2019 (No. 1)



Australian Government
Civil Aviation Safety Authority

I, SHANE PATRICK CARMODY, Director of Aviation Safety, on behalf of CASA, make this instrument under regulation 172.022 of the *Civil Aviation Safety Regulations 1998*.

Shane Carmody
Director of Aviation Safety

Date

Manual of Standards Part 172 Amendment Instrument 2019 (No. 1)

1 Name of instrument

This instrument is the *Manual of Standards Part 172 Amendment Instrument 2019 (No. 1)*.

2 Commencement

This instrument commences on the day after registration.

3 Amendment of the Manual of Standards Part 172

Schedule 1 amends the Manual of Standards Part 172 — Air Traffic Services.

Schedule 1 Amendments — Manual of Standards Part 172

[1] After subsection 10.4.8

insert

10.4.9 Repeal of certain standards for parallel runway operations

10.4.9.1 Subsections 10.4.2, 10.4.3, 10.4.4 and 10.4.7 are repealed immediately before the repeal mentioned in subsection 10.4.9.2.

10.4.9.2 Subsection 10.4.9 is repealed immediately before the start of 8 November 2019.

Note Subsections 10.4.2, 10.4.3, 10.4.4, 10.4.7 and 10.4.9 (including the Notes) will be omitted from the compilation of this MOS registered on or after 8 November 2019 for paragraph 15Q (2) (g) of the *Legislation Act 2003*.

10.4.9.3 At any time after the commencement of the *Manual of Standards Part 172 Amendment Instrument 2019 (No. 1)*, an ATS provider may tell CASA in writing that, on and from a specified date before 8 November 2019, the

provider will no longer comply with subsections 10.4.2, 10.4.3, 10.4.4 and 10.4.7.

10.4.9.4 If subsection 10.4.9.3 applies to an ATS provider, then, despite subsection 10.4.9.1:

- (a) subsections 10.4.2, 10.4.3, 10.4.4 and 10.4.7 are taken to have been repealed with respect to the ATC provider on and from the specified date; and
- (b) the provision of the *Procedures for Air Navigation Services — Air Traffic Management (PANS-ATM)*, ICAO Document 4444, as in force from time to time, mentioned in an item of column 2 of the following table is taken to apply instead of the MOS provision mentioned in column 1 of the same item.

Item	For:	the PANS-ATM provision is:
1	subsection 10.4.2, <i>Independent Parallel Approaches in IMC</i>	subsection 6.7.3.2, <i>Requirements and procedures for independent parallel approaches</i> ; and subsection 6.7.3.3, <i>Suspension of independent parallel approaches to closely-spaced parallel runways</i> ; and subsection 6.7.3.5, <i>Determination that an aircraft is established on RNP AR APCH</i> ;
2	subsection 10.4.3, <i>Dependent Parallel Approaches in IMC</i>	subsection 6.7.3.4, <i>Requirements and procedures for dependent parallel approaches</i> ;
3	subsection 10.4.4, <i>Independent Parallel Departures</i>	subsection 6.7.2.2, <i>Requirements and procedures for independent parallel departures</i> ;
4	subsection 10.4.7, <i>Segregated Parallel Operations in IMC</i>	subsection 6.7.3.6, <i>Requirements and procedures for segregated parallel operations</i> .

Note The repeal of subsections 10.4.2, 10.4.3, 10.4.4, and 10.4.7 immediately before 8 November 2019 has the effect that those standards are replaced by the relevant ICAO procedures contained in the PANS-ATM, ICAO Document 4444, as in force from time to time. Relevant MOS standards, where they exist, take priority over relevant inconsistent ICAO procedures. However, PANS-ATM procedures, incorporated by reference under regulation 172.075 of the *Civil Aviation Safety Regulations 1998*, will take effect by virtue of regulation 172.075 because the relevant MOS standards will have been repealed. The relevant PANS-ATM procedures are contained in the following provisions of ICAO Document 4444, as in force from time to time:

- subsection 6.7.2.2 *Requirements and procedures for independent parallel departures*;
- subsection 6.7.3.2 *Requirements and procedures for independent parallel approaches*;
- subsection 6.7.3.3 *Suspension of independent parallel approaches to closely-spaced parallel runways*;
- subsection 6.7.3.4 *Requirements and procedures for dependent parallel approaches*;
- subsection 6.7.3.5 *Determination that an aircraft is established on RNP AR APCH*;
- subsection 6.7.3.6 *Requirements and procedures for segregated parallel operations*.

These provisions and their procedures, as in force from time to time, are incorporated under regulation 172.075 because, consistent with ICAO document definitions in the CASR

Dictionary, ICAO documents, embodying ongoing international aviation safety standards are incorporated as in force from time to time.

These new PANS-ATM procedures, therefore, take effect by default from 8 November 2019 because, with the repeal of subsections 10.4.2, 10.4.3, 10.4.4, and 10.4.7 there are no inconsistent MOS standards. However, an ATS provider may elect to opt in to the new PANS-ATM procedures at an earlier date by complying with subsection 10.4.9.2.

[2] Subsection 10.5.5.3

substitute

10.5.5.3 Subsections 10.5.5.1 and 10.5.5.2 do not apply for independent or dependent parallel approaches to which a provision of section 6 of PANS-ATM, as in force from time to time, applies on and after 8 November 2019.

10.5.5.3A Subsections 10.5.5.1 and 10.5.5.2 do not apply for independent or dependent parallel approaches to which:

- (a) subject to paragraph (b) — subsection 10.4.2 or 10.4.3 applies until immediately before the repeal mentioned in subsection 10.4.9.2; or
- (b) a provision of PANS-ATM mentioned in column 2 of the Table in subsection 10.4.9.3 applies in accordance with subsection 10.4.9.4.

10.5.5.3B Subsections 10.5.5.3A and 10.5.5.3B are repealed immediately before the start of 8 November 2019.

Note Subsections 10.5.5.3A and 10.5.5.3B (including the Note) will be omitted from the compilation of this MOS registered on or after 8 November 2019 for paragraph 15Q (2) (g) of the *Legislation Act 2003*.
