# Proposed relocation of NVIS legislation into Parts 91, 133 and 138 Manuals of Standards - (CD 2109OS).

# Overview

CASA is seeking comment on the proposed rules for using night vision imaging systems (NVIS), that will apply from 2 December 2021.

NVIS legislation currently resides in Civil Aviation Order (CAO) 82.6 and Instrument Number 288/07 and is supported by Civil Aviation Advisory Publication 174-01. In line with the movement of flight operations related Civil Aviation Regulations and CAO’s into the Civil Aviation Safety Regulations (CASRs) and Manuals of Standards (MOSs), CASA is relocating NVIS legislation into the CASR Part 91, Part 133 and Part 138 MOS's. This transition is to be completed prior to 2 December 2021, the commencement date of the new CASR Parts. The CAO would be repealed on this date.

In the 2018 consultation of CASR Part 91, CASA proposed that the current prohibition on the use of NVIS in private operations be removed, and that NVIS be able to be used in operations other than the current limited NVIS operations permitted by CAO 82.6 for situational awareness purposes (subject to conditions). That proposal was supported but only partially enacted in Chapter 3 of the existing version of the Part 91 MOS.

The policy intent of the proposed NVIS rules is to:

* carry across the existing rules (both operational, maintenance and NVG standards) of CAO 82.6 in a simplified and condensed manner
* ensure the NVIS rules do not apply to a person wearing NVIS on a flight who is not a flight crew member and is not involved in air navigation or terrain avoidance functions
* implement the full suite of safety controls appropriate to enable the use of NVIS for situational awareness purposes in private operations, aerial work operations conducted by persons who do not hold an aerial work certificate and Part 133 passenger and cargo transport operations (previously consulted)
* move the NVIS helicopter firebombing requirements of TMI 01/2017 into the Part 138 MOS
* move the current use of exemptions for NVIS aeroplane firebombing into a Part 138 approval (note that exemptions might still be required from Part 61 as aeroplane NVIS licensing and training rules do not yet exist in Australia)
  + CASA will continue to publish TMI 05/2019 as guidance to industry and CASA staff regarding expected standards to obtain this approval
  + CASA does not anticipate including permanent aeroplane NVIS firebombing standards into the Part 138 MOS until further operational experience is obtained during multiple fire seasons.

This consultation is also proposing that if an operator had not previously held an approval under the old CAO to conduct an NVIS flight, then beginning to use NVIS would require CASA's approval. In the short term, this is proposed to be implemented via a specific direction issued to Part 119, 138, 141 and 142 operators. At the next available regulation change opportunity, this change would be included as a mandatory significant change in paragraphs 119.020(a), 138.012(a), 141.025(a) and 142.030(a) of CASR.

An operator would only need further approval to start using NVIS during additional kinds of activities not mentioned in the initial application if, as a result of an operator’s risk assessment of these new activities, the overall level of aviation safety would decrease or be likely to decrease (see the wording of CASR paragraphs 119.020(b), 138.012(c), 141.025(c) and 142.030(c)).

Two defined terms – NVIS flight and NVIS operation – are fundamental to understanding how the proposed rules will work. A detailed explanation of these definitions can be found in the SPC document accompanying this consultation. In summary, an NVIS operation is a specialised subset of the broad term NVIS flight. Certain rules and alleviations only apply to NVIS operations and do not apply, or an alleviation is not available to, an NVIS flight that is not an NVIS operation. NVIS operations include, but are not limited to, Part 141/Part 142 training, flight testing or checking, Part 133 medical transport operations and Part 138 certificate holder operations. For example, NVIS operations are permitted to descend below the IFR and NVFR minimum heights and conduct approaches to a NVIS-HLS basic, whereas an NVIS flight that is not an NVIS operation cannot do these things.

The interrelationship between CASR Parts 91, 133 and 138 does result in some duplication across the 3 MOS's. This aspect of the regulatory structure cannot be changed at this time and would need to be the subject of future dedicated industry consultation, if such change was determined to be a priority for the industry. For this consultation, it is important that affected individuals understand when the rules contained in a particular MOS apply to a particular kind of flight. These interrelationships are explained in the ‘Key Changes’ section of the SPC document accompanying this consultation.

Fact Bank: Noting the above, Given the legislative construct, the NVIS flight rules are contained within each MOS as follows:

* Part 91 MOS Chapter 2 (additional VMC criteria for NVIS operations)
* Part 91 MOS Chapter 3 (operational requirements for NVIS flights that are not Part 133 operations or aerial work certificate holder flights)
* Part 91 MOS Chapter 26 (equipment requirements for all NVIS flights except for those that are a Part 133 operation)
* Part 133 MOS Chapter 8 (operational requirements for NVIS flights that are Part 133 operations)
* Part 133 MOS Chapter 11 (equipment requirements for NVIS flights that are Part 133 operations)
* Part 138 MOS Chapter 12 (operational requirements for NVIS flights that are aerial work certificate holder aerial work operations)
* Part 138 MOS Chapter 16 (NVIS firebombing and incendiary dropping standards)
* Part 138 MOS Chapter 17 (NVIS fire mapping standards)
* Part 138 MOS Chapter 22 (equipment requirements specific to NVIS firebombing, incendiary dropping and fire mapping)

## **Impact on industry**

There should be no adverse impact on industry resulting from these changes. However, there may be a need to amend some elements of existing operations manuals, subject to the policies related to existing operations manuals outlined in AC 1-03, which relate to the broader transition to the new flight operations regulations.

These changes are intended to move existing safety policies into the new CASR Part structure, whilst providing increased scope to use NVIS for situational awareness purposes as previously consulted.

## **Previous consultations**

CASA held a Technical Working Group (TWG) on NVIS in March 2020, to focus on policy changes required prior to the transition of the NVIS legislation to the CASR's and MOS's. This TWG resulted in a significant amendment and re-issue of CAO 82.6 in October 2020. Two more NVIS TWG's were held in June and August 2021 to allow NVIS Operators to review and comment on the transitional legislation. These comments have been incorporated into the proposed rules that are the subject of this consultation.

# Why your views matter

CASA recognises the valuable contribution community and industry consultations make to the policy decision-making process and future regulatory change. We are consulting to ensure that the proposed new rules are clearly articulated and will work in practice and as they are intended. Comments are sought from every sector of the community. This includes the general public, government agencies and all sectors of the aviation industry, whether as an aviator, aviation consumer and/or provider of related products and services.

This consultation seeks feedback on CD 2109OS which summarises the proposed relocation of NVIS Policy from CAO 82.6 into Parts 91, 133 and 138 MOSs and proposed changes to the NVIS permissions and constraints.

Your feedback will make a valuable contribution to our standards development and making process and help to inform any future regulatory change.

## **Documents for review**

All documents related to this consultation are attached in the ‘related’ section at the bottom of the page. They are:

* Summary of proposed change on CD 2109OS, which provides background and additional information on the proposed standards
* Proposed draft CASR Part 91, 133 and 138 MOS changes
* Civil Aviation Safety Amendment (Part 91) Regulations 2018 (F2020C00951)
* Civil Aviation Safety Amendment (Part 133) Regulations 2018 (F2021C00516)
* Civil Aviation Safety Amendment (Part 138) Regulations 2018 (F2020C00978)
* Civil Aviation Safety Amendment (Operations Definitions) Regulations 2019 (F2020C00958)
* Part 91 (General Operating and Flight Rules) Manual of Standards 2020 (F2020L01514)
* Part 133 (Australian Air Transport Operations—Rotorcraft) Manual of Standards 2020 (F2020L01614)
* Part 138 (Aerial Work Operations) Manual of Standards 2020 (F2020L01402)
* Unofficial consolidated CASR Dictionary – (combines the official CASR Dictionary and the official amendment regulation incorporating the operations definitions)
* MS Word copy of online consultation for ease of distribution and feedback within your organisation.

*Note: The MS Word document is not to be used as an emailed submission, unless there are extenuating circumstances, and this form of submission has been agreed to by the consultation project lead.*

CASA highly recommends the use of the ‘unofficial consolidated CASR dictionary’. Some minor differences exist between this document and the ‘Operations Definitions’ regulation however these are isolated to the sport and recreation sectors and do not affect any of the content of this proposed MOS.

Comments on CD 2109OS should be submitted through the online response form.

# **What happens next**

At the end of the response period for public comment, we will review each comment and submission received. We will make all submissions publicly available on the CASA website, unless you request your submission remain confidential. We will also publish a Summary of Consultation which summarises the feedback received, outlines any intended changes and details our plans for the regulation.

All comments on CD 2109OS consultation will be considered. Relevant feedback that improves upon the proposed regulations and is consistent with the regulations and other CASA policy, will be incorporated into the final ruling.

**Post-implementation review**

CASA will monitor and review the new rules during the transition phase and on an ongoing basis.

# **Give Us Your Views** [Appears on the overview page at the bottom]

[Online Survey](https://consultation.casa.gov.au/regulatory-program/pp1816us/consultation/) [This link is on the front page of the survey and takes you to the survey questions]

**Related**[This section is at the bottom of the front page and contains all the links to other sites and documents related to this consultation]

**Related Links**

List of links attached to the consultation

* [Civil Aviation Order 82.6 (Night vision imaging system — helicopters) 2007 (legislation.gov.au)](https://www.legislation.gov.au/Details/F2021C00182)
* [Civil Aviation Safety Amendment (Part 91) Regulations 2018 (F2020C00951)](https://www.legislation.gov.au/Details/F2020C00951" \t "_blank)
* [Civil Aviation Safety Amendment (Part 133) Regulations 2018 (F2021C00516)](https://www.legislation.gov.au/Details/F2021C00516" \t "_blank)
* [Civil Aviation Safety Amendment (Part 138) Regulations 2018 (F2020C00978)](https://www.legislation.gov.au/Details/F2020C00978" \t "_blank)
* [Civil Aviation Safety Amendment (Operations Definitions) Regulations 2019 (F2020C00958)](https://www.legislation.gov.au/Details/F2020C00958" \t "_blank)
* [Part 91 (General Operating and Flight Rules) Manual of Standards 2020 (F2020L01514)](https://www.legislation.gov.au/Details/F2020L01514" \t "_blank)
* [Part 133 (Australian Air Transport Operations—Rotorcraft) Manual of Standards 2020 (F2020L01614)](https://www.legislation.gov.au/Details/F2020L01614" \t "_blank)
* [Part 138 (Aerial Work Operations) Manual of Standards 2020 (F2020L01402)](https://www.legislation.gov.au/Details/F2020L01402" \t "_blank)
* [Unofficial consolidated CASR Dictionary – (combines the official CASR Dictionary and the official amendment regulation incorporating the operations definitions)](https://www.casa.gov.au/sites/default/files/flight_operations_regulations_-_consolidated_dictionary.pdf" \t "_blank)

**Related Documents**

List of documents to attach to the consultation

* Summary of proposed change CD 2109OS
* Proposed draft CASR Part 91, 133 and 138 MOS changes
* MS Word copy - Consultation – Proposed relocation of NVIS legislation into Parts 91, 133 and 138 Manuals of Standards - (CD 2109OS)

# **Audience & Interest groups**

**Audience**

* CASA staff
* Air operators
* Airworthiness organisations
* Instructors and flight examiners
* Flight training organisations
* Engineers
* Manufacturers
* Pilots
* Air traffic controller
* Part 145 of CASR approved maintenance organisations (AMO)
* Regulation 30 of CAR maintenance organisations (CAR 30)
* Licensed aircraft maintenance engineers (LAME)
* Aerial work operator
* Part 142 operators
* Part 141 operators

**Interest**

* Safety management systems
* Flight training
* Airworthiness/maintenance (CAR 30 and CASR Part 145 maintenance orgs)
* In-house training for CASA FOIs

Page. Consultation Contents

### Proposed NVIS policies under CASR Parts 91, 133 and 138 from 2 December 2021

This consultation is seeking feedback on the proposed amended content of the Part 91, 133 and 138 Manual of Standards. It is also seeking feedback on a proposal to require CASA approval for the first use of NVIS by an Australian air transport operator (Part 119), aerial work certificate holder (Part 138), Part 141 certificate holder or Part 142 AOC holder.

This consultation is comprised of 10 pages. The first two pages contain questions that are administrative in nature, enabling us to protect your privacy and ensure we have obtained feedback from all stakeholders. The eight pages that follow request feedback on the proposed changes to Parts 91, 133 and 138 Manuals of Standards, and the proposed regulation changes. These eight pages are as identified below.

The survey has been designed to give you the option to provide feedback on the survey in its entirety or to provide feedback on the policy topics applicable to you.

When you have completed the sections on which you wish to provide feedback on each page, select next and the consultation will move you to the next page.

We will ask you for:

* **personal information**, such as your name, any organisation you represent, and your email address
* **demographic information** to help us understand your interest in the regulations
* **your consent to publish** your submission
* **your responses** to the proposed changes
* **any comments** you may want to provide.

There is an opportunity to provide additional information on the general comments page at the end of this consultation.

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| --- | --- |
| Page | Content |
| 1 | Personal Information (required) |
| 2 | Consent to publish your submission (required) |
| 3 | Remove the prescriptive list of permitted NVIS activities for aerial work certificate holders |
| 4 | Require CASA approval for first use of NVIS |
| 5 | Omit certain CAO 82.6 requirements from the proposed Part 91, 133 and 138 MOS |
| 6 | Incorporate appropriate requirements for NVIS use for situational awareness purposes |
| 7 | Carry over appropriate existing CAO 82.6 requirements into the Part 91 MOS |
| 8 | Carry over appropriate existing CAO 82.6 requirements into the Part 133 MOS |
| 9 | Carry over appropriate existing CAO 82.6 and other requirements into the Part 138 MOS |
| 10 | General comments |

# Page 1. Personal information

## First name

*(Required)*

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## Last name

*(Required)*

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## Email address

*If you enter your email address you will automatically receive an acknowledgement email when you submit your response.*

Email

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## Do your views officially represent those of an organisation?

## *(Required)*

*Please select only one item*

Yes, I am authorised to submit feedback on behalf of an organisation

No, these are my personal views.

If yes, please specify the name of your organisation.

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Which of the following best describes the group you represent?

*Please select only one item*

Air operators

Airworthiness organisation

Instructors or flight examiners

Flight training organisation

Engineer

Manufacturer

Pilot

Air traffic controller

Part 145 of CASR approved maintenance organisations (AMO)

Regulation 30 of CAR maintenance organisations (CAR 30)

Licensed aircraft maintenance engineer (LAME)

Aerial work operator

Part 142 operators

Part 141 operators

Other

Please specify “Other” if selected.

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# Page 2. Consent to publish submission

In order to provide transparency and promote debate, we intend to publish all responses to this consultation. This may include both detailed responses/submissions in full and aggregated data drawn from the responses received.

Where you consent to publication, we will include:

* **your last name**, if the submission is made by you as an individual or
* **the name of the organisation** on whose behalf the submission has been made
* **your responses** and comments

We **will not** include any other personal or demographic information in a published response.

Information about how we consult and how to make a confidential submission is available on the [**CASA website**](https://www.casa.gov.au/rules-and-regulations/changing-rules/consultation-and-project-history/consultation-industry-and-public)[*<https://www.casa.gov.au/rules-and-regulations/landing-*](http://www.casa.gov.au/rules-and-regulations/landing-) *page/consultation-process>* .

Do you give permission for your response to be published?

*(Required)*

*Please select only one item*

Yes - I give permission for my response/submission to be published.

No - I would like my response/submission to remain confidential but understand that de-identified aggregate data may be published.

I am a CASA officer.

# Page 3. Remove the prescriptive list of permitted NVIS activities for aerial work certificate holders

### Policy proposal

It is proposed that the prescriptive list of permitted kinds of NVIS operations currently in CAO 82.6 will not be carried across into the Part 138 MOS. A specified list of the kinds of activities that can be an NVIS operation will continue for the Part 91 MOS and Part 133 MOS.

### Policy aim

The aim of this policy is to provide additional flexibility for the use of NVIS by aerial work certificate holders, consistent with the broad Part 138 policy aim to provide more flexibility for operators to add new kinds of aerial work activities to their aerial work operations, without having to seek CASA approval.

CASA approval, specifically in relation to NVIS, will only be required for an aerial work certificate holder first commencing the use of NVIS, or changing the activities being performed using NVIS where the operator’s risk assessment of the change is that the change would, or would be likely to, decrease the overall level of aviation safety.

### Question – Is the policy aim appropriate and do the proposed requirements achieve the aim?

*Radio buttons*

* Agree
* Agree with changes (please specify suggested changes below)
* Disagree (please set out your reasoning and alternative suggestions below)
* Undecided / Not my area of expertise

Comments

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# Page 4. Require CASA approval for first use of NVIS

## **Policy proposal**

The concept of certain administrative and operational changes being ‘significant’ is being introduced for flight operations certificate holders as part of the commencement of Part 119 (for Australian air transport operations) and Part 138 (for the aerial work operations of aerial work certificate holders). The definition of what constitutes a significant change for Part 119 is contained in regulation 119.020 and for Part 138 the definition is contained in regulation 138.012. The significant change concept has already been introduced for Part 141 and 142 operators, with the definition of significant change for those operators contained in the respective CASR Part.

Under CAO 82.6, an approval was required from CASA to conduct named kinds of NVIS operations and that approval needed to be re-issued whenever the operator requested approval to conduct a new kind of NVIS operation.

CASA’s assessment is that it would be appropriate to require the increased level of regulatory oversight that is represented by requiring a certificate holder (whether the holder of an Australian air transport AOC, Part 142 activity AOC, aerial work certificate or Part 141 certificate), to obtain an approval prior to first conducting NVIS operations. However, once the certificate holder has received this initial approval to conduct NVIS operations, CASA does not assess it as being necessary to require any subsequent approvals, unless the certificate holder assesses that the change would, or would be likely to, decrease aviation safety (see the wording of CASR paragraphs 119.020(b), 138.012(c), 141.025(c) and 142.030(c)).

Until the definitions of significant change in Parts 119, 138, 141 and 142 can be amended, CASA proposes to issue the requirement for a certificate holder to obtain an approval prior to conducting NVIS operations for the first time via a legislative direction under CASR Part 11.

CAO 82.6 approvals held by existing NVIS operators, would be deemed via a separate legislative instrument to be these future approvals for a period of time, in a similar fashion to that contained in transitional subregulation 202.416A(4) of CASR. Existing operators would not need to make any application for this new deemed approval.

It is proposed that an approval would be required from CASA prior to an Australian air transport operator, aerial work certificate holder, Part 141 certificate holder or Part 142 AOC holder, first using NVIS in their operations.

## **Policy aim**

The aim of this policy is to provide an appropriate level of oversight for operators that are new to using NVIS in their operations.

Once an operator has commenced using NVIS in an NVIS operation, expansion of an operator’s use of NVIS into additional activities would be controlled through the existing significant change provisions relating to operator’s determining whether the risks associated with the change would, or would be likely to, decrease aviation safety.

### Question – Is the policy aim appropriate and do the proposed requirements achieve the aim?

*Radio buttons*

* Agree
* Agree with changes (please specify suggested changes below)
* Disagree (please set out your reasoning and alternative suggestions below)
* Undecided / Not my area of expertise

Comments

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# Page 5. Omit certain CAO 82.6 requirements from the proposed Part 91, 133 and 138 MOS

## **Policy proposal**

There are a significant number of CAO requirements (also variously called exemptions, directions and provisions) that are not compatible with the design of the new CASR Parts that will apply from 2 December 2021.

It is proposed that the provisions listed in the fact bank below should not be carried across into the Part 91, 133 and 138 MOS’s. The reasoning for each item not carried across is explained in the table within the fact bank.

**Fact bank:** CAO 82.6 requirements not carried across into the Part 91, 133 and 138 MOS’s

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| --- | --- | --- | --- |
| **Deletions from CAO 82.6** | | | |
|  | Reference | Heading | Description |
| 1 | Part 2 - 4 | Provision of a TCO or Part 142 operator | Requirement removed as training and checking either internal to Parts 141 and 142, or encompassed by requirements under Parts 119 and 138 |
| 2 | Part 2 - 5 | Direction operations manual | Requirement contained within CASR Part 61, 91, 133 and 138 |
| 3 | Part 2 – 7A | Exemption carriage of passengers | Carriage of passengers on NVIS flights now fits within normal carriage of passengers for the relevant Parts |
| 4 | Appendix 1 - 1 | Restricted use of NVIS | NVIS no longer restricted to certain types of operations |
| 5 | Appendix 1 - 2 | Approval to use NVIS | Separate approval for use of NVIS no longer required. Existing NVIS operators maintain compliance with operations manual whilst new operators will be assessed through significant change process |
| 6 | Appendix 1 - 6 | Aircrew member training | Relocated to NVIS Advisory Circular (AC) |
| 7 | Appendix 2 | Direction Operations Manual | Relocated to NVIS AC as guidance material |
| 8 | Appendix 3 - 7 | Carriage of persons | Carriage of passengers on NVIS flights now fits within normal carriage of passengers for the relevant Parts |
| 9 | Appendix 3 – 13 | Chief Pilot or head of operations | Requirement relocated to NVIS AC |
| 10 | Appendix 3 – 14 | Senior NVIS pilot | Requirement relocated to NVIS AC |
| 11 | Appendix 3 – 17 | Operator’s obligation | Requirement contained within Part 141/142, Part 138 training and checking and Part 119 Training and checking |
| 12 | Appendix 3 – 17 | Aircrew members and Instructors | Requirement relocated to NVIS AC |
| 13 | Appendix 3 - 18 | Proficiency check requirements – NVIS pilot | Separate Part 61 direction to be issued by CASA to maintain current CAO 82.6 additional recency requirements |
| 14 | Appendix 3 | Aircrew member training and recency requirements | Relocated to NVIS AC |

## **Policy aim**

The aim of this policy is to simplify and clarify the NVIS rules and remove rules that do not significantly contribute to the desired level of aviation safety. This policy takes into account the new change management requirements that will come into force for Australian air transport operators and aerial work certificate holders on 2 December 2021.

### Question – Is the policy aim appropriate and do the proposed requirements achieve the aim?

*Radio buttons*

* Agree
* Agree with changes (please specify suggested changes below)
* Disagree (please set out your reasoning and alternative suggestions below)
* Undecided / Not my area of expertise

Comments

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# Page 6. Incorporate appropriate requirements for NVIS use for situational awareness purposes

## **Policy proposal**

It was previously publicly consulted, and subsequently partially implemented, to allow NVIS use (still subject to all existing Part 61 licensing requirements for flight crew members) for situational awareness purposes, for flights that are not included in the defined term ***NVIS operations***.

These kinds of flights would not obtain an alleviation from the existing non-NVIS rules and would be subject to standardised safety controls relating to NVG standards, aircraft compatibility with NVIS and additional aircraft equipment requirements.

It is proposed that the Part 91 and 133 MOS chapters include the requirements not previously added to these MOS’s relating to appropriate standardised safety controls for flights using NVIS that are not NVIS operations.

## **Policy aim**

The aim of this policy is to ensure that appropriate safety controls are in place for flights using NVIS that are not NVIS operations. These controls would ensure that the use of NVIS does not have cause adverse aviation safety outcomes (for example due to aircraft internal lighting not being compatible with NVIS or the NVG not meeting minimum standards).

### Question – Is the policy aim appropriate and do the proposed requirements achieve the aim?

*Radio buttons*

* Agree
* Agree with changes (please specify suggested changes below)
* Disagree (please set out your reasoning and alternative suggestions below)
* Undecided / Not my area of expertise

Comments

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# Page 7. Carry over appropriate existing CAO 82.6 requirements into the Part 91 MOS

## **Policy proposal**

There are a significant number of CAO requirements (also variously called exemptions, directions and provisions) that are not compatible with the design of the new CASR Parts that will apply from 2 December 2021. It was proposed in Page 5 of this consultation that these requirements be omitted from the proposed Part 91, 133 and 138 MOS’s.

It is proposed that the provisions outlined in the fact bank below be included in the Part 91 MOS to appropriately carry over the CAO requirements that should be continued from 2 December 2021.

**Fact bank:** CAO 82.6 content placed in Part 91 MOS

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| **CASR Part 91 NVIS rules**  **Transfer of provisions from CAO 82.6 to Part 91 MOS** | | | |
|  | Chapter | Heading | Description |
| 1 | 2.07 | VMC criteria | VMC variation for NVIS operations |
| 2 | 3.03 | General requirements for a NVIS flight | Use of term NVIS flight versus NVIS operation |
| 3 | 3.04 | HLS NVIS standard | Modified dimensions for clarity and ease of use |
| 4 | 3.05 | HLS NVIS basic | Consistent with CAO 82.6 |
| 5 | 3.06 | NVIS formation flights | Consistent with CAO 82.6 |
| 6 | 3.07 | Alternate lighting requirements | Consistent with CAO 82.6 |
| 7 | 3.08 | Aircraft lighting | Consistent with CAO 82.6 |
| 8 | 3.09 | Minimum height | Exemptive provision for flight below LSALT |
| 9 | 3.10 | Weather requirement – cloud | Consistent with CAO 82.6 |
| Division 26.17 – Equipment for NVIS operations | | | |
| 10 | 26.76 | Aircraft and lighting standards | Consistent with CAO 82.6 |
| 11 | 26.77 | NVG performance and specifications | Consistent with CAO 82.6 |
| 12 | 26.78 | Maintenance of NVIS | Consistent with CAO 82.6 |
| 13 | 26.79 | Minimum aircraft equipment | Consistent with CAO 82.6 |

## **Policy aim**

The aim of this policy is to ensure that appropriate CAO requirements are carried across to the Part 91 MOS (for the flights, operations and requirements to which the proposed Part 133 and Part 138 MOS additions do not apply).

### Question – Is the policy aim appropriate and do the proposed requirements achieve the aim?

*Radio buttons*

* Agree
* Agree with changes (please specify suggested changes below)
* Disagree (please set out your reasoning and alternative suggestions below)
* Undecided / Not my area of expertise

Comments

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# Page 8. Carry over appropriate existing CAO 82.6 requirements into the Part 133 MOS

## **Policy proposal**

There are a significant number of CAO requirements (also variously called exemptions, directions and provisions) that are not compatible with the design of the new CASR Parts that will apply from 2 December 2021. It was proposed in Page 5 of this consultation that these requirements be omitted from the proposed Part 91, 133 and 138 MOS’s.

It is proposed that the provisions outlined in the fact bank below be included in the Part 133 MOS to appropriately carry over the CAO requirements that should be continued from 2 December 2021.

**Fact bank:** CAO 82.6 content placed in Part 133 MOS

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| --- | --- | --- | --- |
| **CASR Part 133 NVIS rules**  **Transfer of provisions from CAO 82.6 to Part 133 MOS** | | | |
|  | Chapter | Heading | Description |
| 1 | 8.02 | Definitions | Defines a NVIS operations |
| 2 | 8.03 | General requirements for a NVIS flight | Use of term NVIS flight (all Part 133 NVIS flights) versus NVIS operation (medical transport only) |
| 3 | 8.04 | HLS NVIS standard | Modified dimensions for clarity and ease of use |
| 4 | 8.05 | HLS NVIS basic | Consistent with CAO 82.6 |
| 5 | 8.06 | NVIS formation flights | Consistent with CAO 82.6 |
| 6 | 8.07 | Alternate lighting requirements | Consistent with CAO 82.6 |
| 7 | 8.08 | Helicopter lighting | Consistent with CAO 82.6 |
| 8 | 8.09 | Minimum height | Considers single NVIS pilot operations |
| 9 | 8.10 | Weather requirement – cloud | Consistent with CAO 82.6 |
| CASR Part 133 Division 14 – Equipment for NVIS flights | | | |
| 10 | 11.61 | General and lighting standards | Consistent with CAO 82.6 |
| 11 | 11.62 | NVG performance and specifications | Consistent with CAO 82.6 |
| 12 | 11.64 | Minimum equipment for NVIS flights | Consistent with CAO 82.6 |

## **Policy aim**

The aim of this policy is to ensure that appropriate CAO requirements are carried across to the Part 133 MOS for air transport operations in rotorcraft.

### Question – Is the policy aim appropriate and do the proposed requirements achieve the aim?

*Radio buttons*

* Agree
* Agree with changes (please specify suggested changes below)
* Disagree (please set out your reasoning and alternative suggestions below)
* Undecided / Not my area of expertise

Comments

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# Page 9. Carry over appropriate existing CAO 82.6 and other requirements into the Part 138 MOS

## **Policy proposal**

There are a significant number of CAO requirements (also variously called exemptions, directions and provisions) that are not compatible with the design of the new CASR Parts that will apply from 2 December 2021. It was proposed in Page 5 of this consultation that these requirements be omitted from the proposed Part 91, 133 and 138 MOS’s.

There are requirements related to NVIS helicopter firebombing that have been resident in TMI 01/2017 for multiple fire seasons. Additionally, CASA has previously issued an exemption for the conduct of NVIS aeroplane firebombing subject to strict conditions.

Regulation 138.125 of CASR, which states what kinds of aerial work operations require a training and checking system, does not currently include a requirement for the use of NVIS to require a training and checking system. Paragraph 138.125(1)(c) of CASR permits the Part 138 MOS to require additional kinds of operations to have a training and checking system. Those additional kinds of operations are specified in section 4.02 of the Part 138 MOS. Section 4.02 does not currently require an aerial work certificate holder using NVIS to have a training and checking system. The reason for this omission was that the current Part 138 MOS requires compliance with the CAO and the CAO requires an operator to have a training and checking organisation. It was intended that section 4.02 would be amended to add the use of NVIS to the section when the CAO rules were transitioned to the MOS.

It is proposed that:

* the provisions outlined in the fact bank below be included in the Part 138 MOS to appropriately carry over the CAO and TMI 01/2017 requirements that should be continued from 2 December 2021
* the Part 138 MOS include an ability to approve NVIS aeroplane firebombing operations in lieu of issuing an exemption.

**Fact bank:** CAO 82.6 content placed in Part 138 MOS NVIS Aerial Work Operations

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| **CASR Part 138 NVIS Aerial Work Operations**  **Transfer of provisions from CAO 82.6 to Part 138 MOS** | | | |
|  | Chapter | Heading | Description |
| 1 | 4.02 | Training and checking system | Consistent with CAO 82.6 |
| 2 | 12.03 | Definitions | Defines a NVIS operations |
| 3 | 12.04 | General requirements for a NVIS flight | Consistent with CAO 82.6 |
| 4 | 12.05 | HLS NVIS standard | Modified dimensions for clarity and ease of use |
| 5 | 12.06 | HLS NVIS basic | Consistent with CAO 82.6 |
| 6 | 12.07 | Aircraft lighting | Consistent with CAO 82.6 |
| 7 | 12.08 | Minimum heights | Considers single NVIS pilot operations |
| 8 | 12.09 | Weather requirement – cloud | Consistent with CAO 82.6 |
| 9 | 12.10 | NVIS Formation flight | Consistent with CAO 82.6 |
| 10 | 12.11 | Alternate lighting | Consistent with CAO 82.6 |
| CASR Part 138 Division 2 – NVIS Firebombing | | | |
| 11 | 16.05 | Crew composition, qualification and experience | Consistent with CASA TMI 01/2017 |
| 12 | 16.06 | Use of a belly tank | Consistent with CAO 82.6 |
| CASR Part 138 Division 5 – NVIS Fire mapping | | | |
| 13 | 17.12 | Crew composition, qualification and experience | Removes the requirement for an NVIS air crew member for fire mapping operations above 1000’ AGL |
| CASR Part 138 Chapter 22 – Minimum equipment for NVIS fire operations | | | |
| 14 | 22.10 | Incendiary dropping equipment | Consistent with CAO 82.6 |
|  |  | Fire mapping equipment | Consistent with CAO 82.6 |
|  |  | Firebombing helicopter requirement | Consistent with CASA TMI 01/2017 |

## **Policy aim**

The aim of this policy is to ensure that appropriate CAO and TMI 01/2017 requirements are carried across to the Part 138 MOS for aerial work operations conducted by aerial work certificate holders, and that CASA has a power to approve NVIS aeroplane firebombing operations instead of needing to issue an exemption.

### Question – Is the policy aim appropriate and do the proposed requirements achieve the aim?

*Radio buttons*

* Agree
* Agree with changes (please specify suggested changes below)
* Disagree (please set out your reasoning and alternative suggestions below)
* Undecided / Not my area of expertise

Comments

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# Page 10. General comments

Do you have any additional comments about the proposed changes?

(Please note, this should not include points you have already raised)

Please include in these comments any **impact** this change may have on you or your operation which has not already been covered in this consultation.

Comments

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