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Australian Government
Civil Aviation Safety Authority



SUMMARY OF CONSULTATION

Proposed amendments to Part 139 MOS - Incorporate amendments to Annex 14 Volume 1 (Amendment 15)

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Acknowledgement of Country

The Civil Aviation Safety Authority (CASA) respectfully acknowledges the Traditional Custodians of the lands on which our offices are located and their continuing connection to land, water and community, and pays respect to Elders past, present and emerging.

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Overview

ICAO published a series of changes in the 15th amendment to Annex 14 Volume 1, Operation of Aircraft to the Chicago Convention. Elements of those changes (i.e. Aircraft Classification Rating/Pavement Classification Rating) have been implemented and this consultation progressed the remainder of the changes.

The draft Part 139 Manual of Standards (MOS) instrument was developed to progress the amendments published in ICAO Annex 14 Volume 1, Amendment 15.

The subject matter was provided for consultation to enable the required elements of industry the opportunity to assess the proposed amendments and to provide commentary and recommendations, if they elected to.

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1 Reference material

1.1 Acronyms

The acronyms and abbreviations used in this SPC are listed in the table below.

Table 1: Acronyms

Acronym	Description
AC	advisory circular
CAR	<i>Civil Aviation Regulations 1988</i>
CASA	Civil Aviation Safety Authority
CASR	<i>Civil Aviation Safety Regulations 1998</i>
ICAO	International Civil Aviation Organization
MOS	Manual of Standards Part 139 (Aerodromes)
PAPI	Precision approach path indicator

1.2 References

Legislation

Legislation is available on the Federal Register of Legislation website <https://www.legislation.gov.au/>

Table 2: Legislation references

Document	Title
Part 139 Manual of Standards	Aerodromes

International Civil Aviation Organization documents

International Civil Aviation Organization (ICAO) documents are available for purchase from <http://store1.icao.int/>

Many ICAO documents are also available for reading, but not purchase or downloading, from the ICAO eLibrary (<https://elibrary.icao.int/home>).

Table 3: ICAO references

Document	Title
ICAO Annex 14 Volume I	Aerodrome Design and Operations

Advisory material

CASA's advisory materials are available at <https://www.casa.gov.au/publications-and-resources/guidance-materials>

Table 4: Advisory material references

Document	Title
AC 139.C-02	Aerodrome Personnel

2 Respondents

The consultation received a total of 16 responses with 10 respondents permitting their responses to be published. The following is the breakdown of respondents:

- One response pertained to several other elements within MOS Part 139 (not applicable to this consultation)
- Two were from CASA officers
- Four responses were received by email
- Twelve responses were received through the consultation hub.

Industry primarily supported the proposed changes with some concerns associated with:

- grandfathering provisions
- dimensions of clearways
- runway guard light positions
- no entry bars
- enhancing detail around the management of maintenance staff on an aerodrome.

CASA values the contributions made by all respondents. Where permission to publish has been granted by the respondent, individual consultation responses will be published on the CASA consultation hub.

2.1 Key feedback

Many respondents supported the elements of the proposed changes; however, there were some matters identified that are highlighted in the detail below.

The key feedback and CASA responses are published below in a thematic display to enable readers to easily identify the key elements of the consultation and the proposed action.

2.2 Themes

2.2.1 Theme 1 - Transitional provisions and Grandfathering of new aerodrome facility developments

Respondent

On review, it appears a straight repeal of subsection 2.04A could potentially raise confusion in the grandfathering policies as the MOS continues to evolve.

It is understood that the previous aerodrome standards may remain in force until the relevant facility is replaced, upgraded (refer definition) or the aerodrome operator opts in.

Further amendments to the existing s2.04 are recommended to further clarify this. The revised change would only apply to an 'aerodrome facility', and it is agreed that references to an aerodrome itself, and to now obsolete transitional provisions, should be repealed.

CASA response

This detail is understood, and the suggested variation to the amendments (instrument) will be further addressed within the 'Future Direction' section below.

2.2.2 Theme 2 - Amendment to the Dimensions of clearways.

The following feedback was provided by 1 respondent:

Respondent

Increasing the clearway width requirements will require significant capital works at some regional aerodromes that rely on a Code 2 instrument runway to be in service to support aircraft operations. Recommend this requirement be reviewed to introduce a transitional and/or grandfathering element to this requirement. Aligning Code 2 Instrument Runways to have a clearway of not less than the Runway Strip width as an interim control, as similarly to a non-instrument runway the clearway would now have a disproportionate lateral protection in relation to the clearway requirements for some regional instrument aerodromes with non-precision approaches.

CASA response

The provision of a clearway is a decision of the aerodrome operator (see MOS Part 139, 6.27). The revised clearway width only applies where the aerodrome operator has opted for the provision of a clearway.

2.2.3 Theme 3 - Amendment to the Distance of holding positions to runway centreline

The following feedback was provided by 1 respondent.

Respondent

Item 9 refers to subparagraph 6.56(3) and subscript (a) of Table 6.56(1) as being duplicates - they are different - the subscript (a) refers to runway codes and the paragraph refers to height differences. The subscript (a) of Table 6.56(1) should be retained.

Subparagraph 6.56(3) should be amended to include the treatment for a holding position that is higher than a precision approach runway, while maintaining the existing provisions for a holding point that is lower than the runway.

CASA response

The respondent's reply is noted, however, ICAO elected to move away from this element to prescribe requirements for when the holding position is at a greater elevation than the runway threshold.

2.2.4 Theme 4 - Amendment to the Designation characters for taxi and apron markings

The following feedback was provided by 2 respondents.

Respondent 1

It is unclear what the term "mark" is in (g)(ii) is, is it marker and marking and for publication? e.g. naming convention with no markings or markers?

Does (g)(ii) imply you can not have a TWY A then have a TWY A1 running off this? as the "A" is duplicated?

CASA response

CASA has considered the respondent's comments and determined that the definition of the word 'mark' is sufficiently understood in context of the provision.

The detail regarding the duplication of a mark ((g)(ii)) relates to the use of a single Taxiway designator e.g. A, Z, T, V etc, being used anywhere else on the aerodrome so as to avoid confusion. If there is an alphanumeric designator, this cannot be confused with another e.g. A, A1, A2 etc.

Respondent 2

I think we need to separate the naming of taxiways from the taxiway name signs - we are not naming the taxiway signs! This could be interpreted to mean that at aerodromes without MAGS there is no requirement to name taxiways.

CASA response

CASA will consider this further.

2.2.5 Theme 5 - Amendment to the Runway guard lights

The following feedback was provided by 2 respondents.

Respondent 1

Proposed Subsection 9.98 (4) implies that, where multiple runway holding positions are provided, each holding position must be provided with runway guard lights.

We recommend that, while noting the requirements in subsection 9.99, and that the proposed subsection 9.98 (4) is a direct copy of ICAO Annex 14 clause 5.3.23.4, the proposed subsection 9.98 (4) be amended to include additional description of where multiple runway guard lights are required, such as:

“Where more than one runway-holding position exists at the intersection of a runway with a taxiway, and there is an operational requirement for only one runway holding position to be the operational runway holding position, runway guard lights must be provided for each runway holding position and only the runway guard lights associated with the operational runway-holding position are to be illuminated.”

This could be better to be included in subsection 9.99.

9.98 (1) Note 2 states CASA recommends that runway guard lights be installed in conjunction with a stop bar.

We recommend that, for clarification, the following be added (possibly as Note 3):

“Configuration B runway guard lights should not be collocated with a stop bar.” (refer to ICAO Annex 14 subsection 5.3.23.3).

CASA response

The matter for the illumination of the RGL's (MOS 9.98(4)) is one for coordination and discussion at an aerodrome level between ATS and the Aerodrome operator.

The respondent's proposed words are noted. However, the wording from Annex 14, Volume 1 shall be retained.

CASA intends to add a note relating to configuration B runway light guards as suggested by the respondent.

Respondent 2

If the CAT II runway holding point is operational, protection at the CAT I runway holding point still needs to be provided.

CASA response

This comment supports the introduction of the new measures.

2.2.6 Theme 6 - Amendment to the No Entry Bars

The following feedback was provided by 2 respondents.

Respondent 1

The installation of stop bars is an additional mitigator for preventing an aircraft from entering a runway. Whilst it makes reference to No Entry Bars, stop bars can be used as the no entry bar as an option.

CASA response

The wording from Annex 14 Volume 1 does not indicate the detail provided by the respondent. It appears that the respondent is identifying that the stopbar be included as an option (within MOS Part 139) for TWY with NO ENTRY signs and markings.

MOS Part 139, 9.108 does not mandate the use of No Entry bars (except at the entry of a permanently closed taxiway at an aerodrome available for use at night where aircraft no entry signs as specified in section 8.90 are not provided).

MOS Part 139, 9.108 (2) identifies - No entry bars may be provided at the entry of a permanently closed taxiway or an exit-only taxiway.

Further consideration will be given to the inclusion of amendment to the detail After subsection 9.108 (2), Note 2 - insert - Note 3 A no-entry bar should be co-located with a no-entry sign or a no-entry marking, or both.

Respondent 2

There should be an option to use stop bars.

CASA response

Current Standards (MOS Part 139, 9.108) does not preclude the use of stopbars in an area where no entry bars are identified for use except for the entry of a permanently closed taxiway.

2.2.7 Theme 7 - Amendment to aerodrome personnel

The following feedback was provided by 1 respondent.

Respondent

The functions of the Accountable Manager are contained in the Civil Aviation Safety Regulations, Regulation 139.110(5) and, therefore, must be amended through the legislative change process.

The Part 139 MOS only defines the knowledge requirements of the Accountable Manager.

CASA response

Subregulation 139.120(1) of CASR provides for the Part 139 MOS to prescribe requirements relating to personnel carrying out the responsibilities of positions mentioned in subregulation 139.110(1), which include the accountable manager, reporting officer, works safety officer and any other position prescribed by the Part 139 MOS. The additional detail in the proposed amendments supports the requirements within Annex 14 Volume 1 (SARPS).

2.2.8 Theme 8 - Miscellaneous Updates/Amendments

Question - Do you agree with the proposed amendment to the PAPI height? The following feedback was provided:

Respondent 1

The Part 139 MOS section relating to PAPIs should be amended to include: the maximum height should only be applicable within the graded section of a runway strip. There are Code 3 non-precision approach runways with the outer PAPI boxes located within drains so that the legs are higher than the current max of 900 mm and may still be higher than the proposed 1.2 m.

CASA response

Consideration will be given to a variation to the proposed amendment and the filing of a difference with ICAO.

Question - Do you agree with the proposed amendment to aerodrome personnel? The following feedback was provided by 1 respondent:

Respondent 2

The functions of the Accountable Manager are contained in the Civil Aviation Safety Regulations, Regulation 139.110(5) and, therefore, must be amended through the legislative change process.

The Part 139 MOS only defines the knowledge requirements of the Accountable Manager.

CASA response

Subregulation 139.120(1) of CASR provides for the Part 139 MOS to prescribe requirements relating to personnel carrying out the responsibilities of positions mentioned in subregulation 139.110(1), which include the accountable manager, reporting officer, works safety officer and any other position prescribed by the Part 139 MOS. .

2.2.9 Theme 9 - General Comments/Feedback

The general comments and feedback section identifies the additional detail provided by respondents:

1. AusALPA believes it is time to reactivate Part 139 TWG to consider all the ICAO Annex14 Amendments, and other matters related to aerodrome regulations.
2. Melbourne Airport would support a wider review of inclusion of ICAO Annex 14 amendments noting that ICAO is already up to the Amendment 17 package with work on the Amendment 18 package.
3. Airservices have reviewed the proposed changes to the Part 139 MOS and have identified no impact to our operations.
4. Australian Airports Association - Feedback from the broader membership on the current approach to Part 139 MOS.

On a related matter, several major airports have expressed interest in adopting ICAO Annex 14 in its entirety and discontinuing use of the Part 139 MOS for their purposes. This would present an opportunity to revise the Part 139 MOS so that it is tailored to suit the needs of smaller, domestic-only airports.

In this regard, concerns have been raised with the AAA about the changes proposed in the current revision to the Part 139 MOS. It is understood, for example, that the changes put forward by CASA were selected exclusively by CASA from the ICAO Amendment 15 package without the benefit of initial industry consultation. It is this pre-selected subset of ICAO amendments that is currently the subject of consultation.

It is further noted that ICAO has either issued, or is about to issue, the Amendment 18 package. The current approach appears to be resulting in major Australian international airports falling behind their international counterparts. Moreover, in circumstances where the MOS does not specifically accommodate a particular operational scenario, major airports have reportedly been advised by CASA to apply the current ICAO Annex 14 provisions directly.

The AAA understands that CASA has previously considered, but elected not to proceed with, a proposal whereby major airports would adopt the latest version of ICAO Annex 14, while smaller airports would operate under a revised and simplified Part 139 MOS.

While it is appreciated that CASA aims to maintain a consistent regulatory approach across all Australian airports, it is recognised that ICAO requirements are primarily intended to ensure the safety of international air travel, and as such, are often more directly applicable to larger airports.

A challenge with the current approach is revisions to the Part 139 MOS risk being less than optimally suited to either large or smaller airports. Consequently, this places additional pressure on CASA, and may contribute to Australia falling behind in implementing ICAO's the latest amendment package

Airports would welcome the opportunity to revisit this proposal through a structured and formal CASA consultation process.

3 Future direction

CASA has received the detail associated with the consultation and has decided to make the following changes to the Draft instrument for change to the Manual of Standards Part 139 (Aerodromes).

3.1 Themes

3.1.1 Theme 1 - Transitional provisions and Grandfathering of new aerodrome facility developments

The following is the intended variation to the currently published (MOS Part 139 (C05)) detail:

2.04 Existing aerodrome facilities

- (1) Subject to subsection (3), this MOS applies to the operator of an existing aerodrome.
- (1) Subject to subsection (2), this MOS applies for an existing aerodrome facility.
- (2) The standards in this MOS version for an aerodrome facility and the obstacle limitation surfaces associated with a runway (the OLS) do not apply to a grandfathered facility of the same kind if the grandfathered facility:
 - (a) complies, and continues to comply, with the standards which applied to the aerodrome facility and the OLS immediately before the commencement of this MOS, as if they continued in force (the grandfathered rules); and
 - (b) is not:
 - (i) replaced; or
 - (ii) upgraded; and
 - (c) is maintained in accordance with the requirements of this MOS for the same kind of facility.

Note: Subsection 2.04 (2) indicates when this MOS does not apply to the facilities of an existing aerodrome with grandfathered status. Without grandfathered status, all of the requirements of this MOS apply. With grandfathered status, only the standards in this MOS for an aerodrome facility (as defined), and for the obstacle limitation surfaces associated with a runway that is, or is part of, such a facility, do not apply. Instead, the standards for the aerodrome facility and runway-associated obstacle limitation surfaces that previously applied continue to apply. Processes or systems are not aerodrome facilities (as defined) and the standards for these in this MOS apply to the operators of all existing aerodromes from the commencement of this MOS.

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

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

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

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

- (4) Subject to subsection (5), for subparagraph (3) (b) (ii), the standards in this MOS:
 - (a) apply only to the upgrading of the specific elements of the facility that are being upgraded; and

(b) do not apply to any other elements of the facility which are not being changed and which, therefore, remain grandfathered until they are either replaced or upgraded.

Note: See CASA Advisory Circular (AC) 139.A-03: Application of aerodrome standards, as existing from time to time and freely available on the CASA website, for examples of how subsection (4) operates.

(5) Without otherwise affecting subsection (4):

(a) if a runway is upgraded, the associated OLS must then also comply with the requirements of this MOS for the upgraded runway; and

(b) if the aerodrome reference code of the OLS associated with a runway that is part of a grandfathered facility is changed, the aerodrome reference code of that runway may remain the same but only as long as:

(i) the aerodrome reference code of the OLS associated with the runway is not less than the aerodrome reference code for that runway; or

(ii) the changed aerodrome reference code of the OLS associated with the runway does not result in 1 of the changes mentioned in paragraphs (a) to (g) of the definition of upgrade for that runway.

(6) Despite anything else in this section, this MOS applies to a grandfathered facility if, before the facility is replaced or upgraded, the aerodrome operator has opted-in.

Note: For the definition of opted-in, see section 2.01.

3.1.2 Theme 2 - Amendment to the Dimensions of clearways

No change from proposed amendments.

3.1.3 Theme 3 - Amendment to the Distance of holding positions to runway centreline

No change from proposed amendments.

3.1.4 Theme 4 - Amendment to the Designation characters for taxi and apron markings

No change from proposed amendments.

3.1.5 Theme 5 - Amendment to the Runway guard lights

No change to many of the proposed amendments.

Inserting new 9.98(1) Note 3:

'Configuration B runway guard lights should not be collocated with a stop bar'.

3.1.6 Theme 6 - Amendment to the No Entry Bars

Variation to proposed wording:

'If installed, a no-entry bar should be co-located with a no-entry sign or a no-entry marking, or both'.

3.1.7 Theme 7 - Amendment to aerodrome personnel

CASA accepts the detail provided by the respondent, however, intends to continue with the amendment to the MOS Part 139 (for Maintenance Staff) as this additional detail supports the requirements within Annex 14 Volume 1 (SARPS).

3.1.8 Theme 8 - Miscellaneous updates/amendments

Proposed amendment to the PAPI height

To clarify requirements, the following has been proposed:

Insert - Note 1: The restrictions on the PAPI height are only applicable to those units installed within the graded portion of the runway strip.

Proposed amendment to aerodrome personnel

CASA accepts the detail provided by the respondent, however, intends to continue with the amendment to the MOS Part 139 (for Maintenance Staff) as this additional detail supports the requirements within Annex 14 Volume 1 (SARPS)