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# Proposed changes to the general operating and flight rules - Part 91 of CASR (NPRM CD 1511OS-2)

## Overview

The proposed Part 91 of the *Civil Aviation Safety Regulations 1998* (CASR) and its associated manual of standards (MOS) will consolidate the general operating and flight rules for Australian aircraft.

Part 91 replaces more than one hundred documents—such as regulations, orders, supporting instruments and exemptions—combining them into just two documents.

Primarily, it will retain the existing rules. However, there are a small number of new rules which are designed to enhance operational flexibility, enhance safety and increase compliance with International Civil Aviation Organization standards.

Please note: The draft Part 91 and MOS incorporates the revised fuel rules which are set for introduction later in 2018. These rules were consulted in early 2016.

## Why we are consulting

As part of the development of the general operating and flight rules, we are consulting with the aviation community to ensure the rules will work in practice as they are intended.

We understand that regulations can be difficult to read, so we've made it easier for you to have your say by highlighting the key issues that have changed. CASA will continue to look at ways to make the rules easier to read and understand before they are introduced.

We have attached all the documents that relate to the consultation at the bottom of this page, but you don't have to read them in full. The consultation will ask you questions on the proposed changes to Part 91 and MOS. Each question will include the relevant section of the regulations.

Also, you can comment on as many or as few of these changes as you like, as well as provide general comments.

## Who do the proposed rules apply to?

The proposed rules are the general operating and flight rules and form the foundation for all aviation operations.

So, they will apply to you unless you are conducting an operation to which another CASR Part applies. Then, that part may add to or turn off some Part 91 requirements – either completely or partially.

For example, the requirements for carriage of documents under Part 121 will replace the Part 91 requirements in this area.

We are planning to consult soon on Parts 119, 121, 133, 135 and 138. To ensure you continue to have your say subscribe to the **flight operations mailing list**.

<https://www.casa.gov.au/standard-page/casa-mailing-lists>

## Recent industry feedback

Last year CASA established an **Aviation Safety Advisory Panel**

<https://www.casa.gov.au/rules-and-regulations/standard-page/aviation-safety-advisory-panel> (ASAP) made up of industry representatives. In February, the panel convened a technical working group (TWG) to evaluate drafts of the regulation and MOS.

The group made a number of suggestions and highlighted issues which CASA has sought to address in this consultation draft. We intend to continue to refine the draft regulations based on feedback.

One of the issues raised by the TWG related to strict liability and what it means. An information sheet on strict liability has been developed and is included in the Related Documents section below.

## What happens next

Once this consultation has closed, we will register and review each submission received through this online response form. We will make all submissions publicly available here on the Consultation Hub unless you have requested that your submission remain confidential. We will also publish a summary of consultation which will summarise the feedback received.

Part 91 forms part of the suite of six interlinked and interdependent flight operating regulations with Parts 119, 121, 133, 135 and 138. We will not be making any decisions

on future rules before all these other parts have undergone public consultation. This process is due to begin soon.

The ASAP will also consider how CASA has incorporated feedback and provide us with further advice before the rules are finalised.

## Introductory text

Part 91 of the *Civil Aviation Safety Regulations 1998 (CASR)* and manual of standards (MOS) retain many of the existing general operating and flight rules. However, there are some changes.

The first three sections are about the consultation and ask you for some information about yourself.

The next nine sections relate to the changes to the rules. The last two sections are about the changes more generally and your priorities.

Unless an answer is required or mandatory, you can answer as few or as many of the questions as you like.

When you have completed the consultation, click the 'Finish' button at the bottom right of this page.

## About this consultation

This consultation asks for your feedback on the key proposals presented in Part 91 of CASR and the associated MOS and any general comments you want to provide.

We will ask you for:

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

Our **website** <<https://www.casa.gov.au/rules-and-regulations/landing-page/consultation-process>> contains more information on making a submission and what we do with your feedback.

## Personal information

### 1 First name

(Required)

### 2 Last name

(Required)

### 3 What is your email address?

(Required)

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

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

(Required)

*Please select only one item*

Yes  No

#### 5 If yes, please specify the name of your organisation.

#### 6 Where do you live or operate from?

Postcode

### Consent to publish your submission

In order to promote debate and transparency, 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 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
- basic demographic information, that is, the area you live or from which you operate.

#### 1 Do you give permission for your response to be published? Please tick only one box.

(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.

## Carriage of documents

### 1. This proposal introduces new journey log requirements for international flights. (section 3.01 and 3.02 of the Part 91 MOS)

**The aim:** ensures that when an Australian flight operates internationally it complies with international standards for the carriage of documents.

#### **Section 3.01 and 3.02 of the Part 91 MOS**

##### **3.01 Journey log information at the beginning of an international flight**

(1) For subregulation 91.127 (2), subsection (2) prescribes the information about an international flight that must be recorded in the journey log at the beginning of the flight.

(2) The information is the following:

(a) the aircraft registration mark and flight number (if any);

(b) the date of the flight;

(c) for each FCM assigned to the flight:

(i) the FCM's name; and

(ii) the duties assigned to him or her for the flight;

(d) for the flight:

(i) the place of departure; and

(ii) the time the flight begins;

(e) the amount of fuel added to the aircraft's fuel tanks before the flight begins (if any);

(f) the amount of fuel in the aircraft's fuel tanks when the flight begins.

##### **3.02 Journey log information after an international flight ends**

(1) For subregulation 91.127 (2), subsection (2) prescribes the information about an international flight that must be recorded in the journey log as soon as practicable after the flight ends.

(2) The information is the following:

(a) the place of arrival;

(b) the time the flight ends;

(c) the duration of the flight;

(d) the amount of fuel in the aircraft's fuel tanks when the flight ends;

(e) incidents and observations (if any) that may have been relevant in any way to the safety of the flight.

Does this proposal achieve the aim?

*Please select only one item*

yes  some change/s required (please specify below)

no (please specify below)  not applicable

Comments

2. This proposal explicitly permits the carriage of documents electronically. (regulation 91.113 of CASR)

**The aim:** modernises carriage of documents requirements in line with common industry practice.

### **regulation 91.113 of CASR**

#### **91.113 Electronic documents**

To avoid doubt, if a document is required to be carried on a flight of an aircraft under this Division, that requirement is taken to be satisfied if an electronic copy of the document is carried on the flight.

Note: Electronic copies may not satisfy the requirements of the law of a foreign country for flights that begin or end at an aerodrome outside Australian territory.

Does this proposal achieve the aim?

Please select only one item

- yes    some change/s required (please specify below)  
 no (please specify below)    not applicable

Comments

## Firearms

**1** This proposal removes the need for CASA approval for someone to carry firearms on aircraft - for flights not regulated for this purpose under the Aviation Transport Security Act 2004. (regulation 91.130 of CASR)

**The aim:** removes red tape by authorising the operator or pilot in command to allow firearms on board aircraft. (Discharging a firearm from an aircraft will remain an aerial work activity and will be authorised via the proposed Part 138 of CASR).

### **regulation 91.130 of CASR**

#### **91.130 Possessing firearm on aircraft**

(1) A person contravenes this subregulation if the person:

(a) carries or otherwise possesses a firearm on an aircraft; and

(b) the aircraft is not a prescribed aircraft within the meaning of the *Aviation Transport Security Act 2004*.

(2) Subregulation (1) does not apply if the operator or pilot in command of the aircraft has consented, in writing, to the person carrying or otherwise possessing the firearm on the aircraft.

(3) Subregulation (1) also does not apply if the person is authorised (however described) under another provision of these Regulations or another law of the Commonwealth to carry or otherwise possess the firearm on the aircraft.



Note 1: For other provisions of these Regulations that deal with firearms and aircraft, see Part 138.

Note 2: For other laws of the Commonwealth which deal with firearms and aircraft see:

(a) Division 3 of Part 4 of the *Aviation Transport Security Act 2004*; and

(b) section 23 of the *Crimes (Aviation) Act 1991*.

(4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2) or (3): see subsection 13.3(3) of the *Criminal Code*. Amendments **Schedule 1** Main amendments **Part 1** *Civil Aviation Legislation Amendment (Part 91) Regulations 2018 15*

## **Section 9 of the Aviation Transport Security Act 2004 – Definitions**

***prescribed aircraft*** means an aircraft that:

(a) is being used for a prescribed air service; or

(b) is regularly used for prescribed air services.

***prescribed air service*** means an air service prescribed in the regulations for the purposes of this definition.

## **Section 1.06 of the Aviation Transport Security Regulations 2005 – Preliminary**

### **1.06 Prescribed air services**

(1) For the definition of ***prescribed air service*** in section 9 of the Act, an air service of any of the following kinds is prescribed:

(a) a regular public transport operation;

(b) an air service in which a jet is used;

(c) an air service in which an aircraft with a certificated maximum take-off weight greater than 5 700 kilograms is used.

(2) However, an air service is not taken to be a prescribed air service if the Secretary declares, by instrument in writing, that the air service is not a prescribed air service.

Does this proposal achieve the aim?

*Please select only one item*

- yes    some change/s required (please specify below)  
 no (please specify below)    not applicable

Comments

## Crew members

1 This proposal creates a broader requirement for fitness for duty and removes the prescriptive eight-hour rule for alcohol consumption. (regulation 91.215 of CASR)

**The aim:** improves safety by ensuring that the fitness of crew members is considered from all perspectives.

### **regulation 91.215 of CASR**

#### **91.215 Crew members to be fit for duty**

(1) A crew member of an aircraft for a flight contravenes this subregulation if:

(a) the crew member is, or is likely to be, unfit to perform a duty:

(i) that is a required duty for the crew member to perform during the flight; and

(ii) that is related to the safety of the aircraft or of the persons on the aircraft or cargo on the aircraft; and

(b) the crew member begins to carry out his or her duties for the flight.

(2) The operator of an aircraft for a flight contravenes this subregulation if:

(a) the operator believes on reasonable grounds that a crew member is unfit to perform a duty on the flight; and

(b) the duty relates to the safety of the aircraft or of the persons on the aircraft or cargo on the aircraft; and

(c) the operator assigns the person to duty for the flight.

(3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

(4) A person commits an offence if the person contravenes subregulation (2).

Penalty: 50 penalty units.

(5) Strict liability applies to paragraphs (2)(b) and (c).

(6) Without limiting subregulation (1) or (2), a crew member is taken to be, or is taken to be likely to be, unfit to perform a duty if the crew member is:

(a) fatigued to the extent that the crew member's ability to safely perform the duty is reduced or likely to be reduced; or

(b) under the influence of a psychoactive substance to the extent that the crew member's ability to safely perform the duty is reduced or likely to be reduced.

Does this proposal achieve the aim?

*Please select only one item*

yes  some change/s required (please specify below)

no (please specify below)  not applicable

Comments

- 2** This proposal broadens the requirement for cabin crew, to include non-air transport flights carrying 20 or more passengers.  
(regulation 91.1460 of CASR)

**The aim:** enhances safety by requiring cabin crew when more than 19 passengers are on board.

**regulation 91.1460 of CASR**

**91.1460 Cabin crew—when required**

(1) Subject to subregulations (2) and (3), a cabin crew member must be carried on a flight of an aircraft if 20 or more passengers are carried on the flight.

(2) Subregulation (1) does not apply if the flight involves a parachuting activity to which Part 105 applies.

(3) Subregulation (1) does not apply if:

(a) the flight crew for the flight includes at least 2 pilots; and

(b) no more than 22 passengers are carried on the flight; and

(c) no more than 19 of the passengers are adults or children.

Does this proposal achieve the aim?

*Please select only one item*

- yes    some change/s required (please specify below)  
 no (please specify below)    not applicable

Comments

**3 This proposal broadens the requirement for passengers to comply with cabin crew safety instructions. (regulation 91.790 of CASR)**

**The aim:** enhances safety by clarifying the authority of cabin crew on board an aircraft.

**regulation 91.790 of CASR**

**91.790 Passengers—compliance with safety instructions by cabin crew**

(1) A cabin crew member of an aircraft may, during a flight, give an instruction to a passenger:

- (a) relating to the safety of the aircraft; or
- (b) relating to the safety of a person on the aircraft.

(2) A passenger on the aircraft contravenes this subregulation if:

- (a) a cabin crew member gives a passenger an instruction under subregulation (1); and
- (b) the passenger does not comply with the instruction.

(3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Does this proposal achieve the aim?

*Please select only one item*

- yes     some change/s required (please specify below)  
 no (please specify below)     not applicable

Comments

## Portable Electronic Devices (PEDs)

- 1 This proposal removes the prescriptive list of permitted portable electronic devices (PEDs) on flights. (regulation 91.145 of CASR)

**The aim:** provides greater discretion for the pilot in command to determine which PEDs may be used by passengers, and when.

### **regulation 91.145 of CASR**

#### **91.145 Operation of portable electronic devices**

(1) The pilot in command of an aircraft for a flight contravenes this subregulation if:

- (a) the pilot in command permits a person to operate a portable electronic device during the flight; and
- (b) the pilot in command does not determine that the operation of the device during the flight will not affect the safety of the aircraft.

(2) A person on an aircraft for a flight contravenes this subregulation if:

- (a) during the flight, the person operates a portable electronic device; and
- (b) the person has been directed by the pilot in command, or instructed by a cabin crew member, not to operate the portable electronic device during the flight.

(3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Does this proposal achieve the aim?

*Please select only one item*

- yes     some change/s required (please specify below)  
 no (please specify below)     not applicable

## Comments

**2** This proposal restricts crew members from operating PEDs where that would be distracting to the performance of their duties.  
(regulation 91.150 of CASR)

**The aim:** prohibits the use of PEDs only when they distract the crew member from their duties.

**regulation 91.150 of CASR**

**91.150 Operation of portable electronic devices by crew members**

(1) A crew member for a flight of an aircraft contravenes this subregulation if:

(a) the crew member operates a portable electronic device at a time during the flight;  
and

(b) operating the device at that time is likely to distract the crew member from performing the crew member's duties for the flight.

(2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Does this proposal achieve the aim?

*Please select only one item*

yes     some change/s required (please specify below)

no (please specify below)     not applicable

Comments



## Equipment

- 1 This proposal relaxes oxygen requirements for non-air transport operations. (Division 30.9 of the Part 91 MOS)

**The aim:** enables flights at higher altitudes without the need for supplementary oxygen while still maintaining safety through an internationally recognised standard.

### **Division 30.9 of the Part 91 MOS**

#### **Division 30.9 Oxygen equipment and oxygen supplies**

##### **30.39 Supplemental oxygen**

- (1) An aircraft must carry supplemental oxygen in accordance with Table 30.39 (1).
- (2) If a circumstance arises as described in column 1 of an item in Table 30.39 (1), then, for the period mentioned for the item in column 2, supplemental oxygen must be available for each person mentioned for the item in column 3.



**Table 30.39 (1) Supplemental oxygen — amount required for a flight**

<b>Item</b>	<b>Circumstance</b> <b>Column 1</b>	<b>Period</b> <b>Column 2</b>	<b>Persons</b> <b>Column 3</b>
1	If, for a continuous period of at least 30 minutes, the aircraft's cabin pressure altitude will be at least FL 125 but less than FL 140	While the cabin pressure altitude is at least FL 125 but less than FL 140	Each flight crew member
2	If the aircraft's cabin pressure altitude is at least FL 140 but less than FL 150	While the aircraft's cabin pressure altitude is at least FL 140 but less than FL 150	Each flight crew member

3	The aircraft's cabin pressure altitude is at least FL 150	While the aircraft's cabin pressure altitude at least FL 150	Each occupant of the aircraft
4	The aircraft is pressurised and the aircraft is flown above FL 250	10 minutes, in addition to any period of time required under items 1, 2 and 3 (as applicable).	Each occupant of the aircraft

Does this proposal achieve the aim?

*Please select only one item*

- yes    some change/s required (please specify below)  
 no (please specify below)    not applicable

Comments

- 2** This proposal expands a requirement to preserve flight recordings (and recorders) after an immediately reportable matter while reducing the amount of time these need to be retained. (regulation 91.724 of CASR)

**The aim:** ensures the flight data is retained only when relevant to an ATSB investigation, while minimising the impact on industry.

**regulation 91.724 of CASR**

**91.724 Flight recorders—preserving recordings of immediately reportable matters**

(1) The operator of an aircraft for a flight contravenes this subregulation if:

(a) the aircraft is fitted with an operative flight data recorder, operative cockpit voice recorder or operative combination recorder; and

(b) an immediately reportable matter occurs in relation to the aircraft; and

(c) the requirement mentioned in subregulation (2) is not met.

(2) The requirement is that recordings from the flight data recorder, cockpit voice recorder and combination recorder related to the occurrence of the matter, and the recorders, are preserved:

(a) if the Australian Transport Safety Bureau notifies the operator, within 72 hours of the matter being reported to the Australian Transport Safety Bureau under section 18 of the *Transport Safety Investigation Act 2003*:

(i) that the operator is not required to preserve the recordings and recorders—until the time of that notification; or

(ii) that the operator is required to preserve the recordings and recorders for a certain period—until the end of that period; or

(iii) that the operator is required to preserve the recordings for a certain period but is not required to preserve the recorders—until the end of that period for the recordings, and until the time of that notification for the recorders; or

(b) in any other case—until 72 hours after the matter is reported to the Australian Transport Safety Bureau under section 18 of the *Transport Safety Investigation Act 2003*.

(3) Subregulation (1) does not apply if:

- (a) the recordings or recorders are not preserved; and
- (b) the operator took reasonable steps in the circumstances to preserve the recordings or recorders.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (3): see subsection 13.3(3) of the *Criminal Code*.

Does this proposal achieve the aim?

*Please select only one item*

- yes    some change/s required (please specify below)
- no (please specify below)    not applicable

Comments

- 3** This proposal consolidates all the rules for the Minimum Equipment List (MEL) in one place and expands who can approve the MEL. (regulation 91.1680 to 91.1705 of CASR and sections 33.01 to 33.09 of the Part 91 MOS)

**The aim:** makes it easier to comply with the MEL requirements and provides greater flexibility for MEL approvals.

**regulation 91.1680 to 91.1705 of CASR**

**Division 91.Y.1—Preliminary**

**91.1680 Definitions**

In these Regulations:

***master minimum equipment list*** or ***MMEL***, for a type of aircraft, means the document:

- (a) that includes a list of items in the aircraft that may (subject to any conditions or limitations specified in the document) be inoperative for a flight of the aircraft; and
- (b) prepared by the holder of the type certificate for the aircraft; and
- (c) approved by the national aviation authority that issued the type certificate for the aircraft.

***minimum equipment list*** or ***MEL***, for an aircraft, means a document:

- (a) that includes a list of items in the aircraft that may (subject to any conditions or limitations specified in the document) be inoperative for a flight of the aircraft; and
- (b) prepared by the operator of the aircraft; and
- (c) approved under regulation 91.1690; and
- (d) that complies with the requirements mentioned in regulation 91.1685;

and includes any variation to the document approved under regulation 91.1695.

***rectification interval***, for an item in a MEL that may become inoperative, means the period within which the item must be rectified after the discovery that the item is inoperative.

**91.1685 Part 91 Manual of Standards may prescribe requirements**

- (1) The Part 91 Manual of Standards may prescribe requirements relating to MELs for

aircraft.

(2) Without limiting subregulation (1), the Part 91 Manual of Standards may prescribe requirements relating to the following:

- (a) the contents of MELs;
- (b) the calculation and specification of rectification intervals for items in a MEL;
- (c) conditions and limitations that may or must be included in a MEL.

### **Division 91.Y.2—Approval of minimum equipment lists**

#### **91.1690 Approval of minimum equipment lists**

(1) The operator of an aircraft may apply, in writing, for the approval of a MEL for the aircraft.

(2) The application may be made to:

- (a) CASA; or
- (b) a continuing airworthiness management organisation that is permitted, in accordance with Part 42, to approve the MEL; or
- (c) if the aircraft is not operated for either Part 121 operations or operations to which Part 133 or 135 applies—an authorised person.

(3) The application must include the proposed MEL.

(4) If an application for the approval of a MEL is made under subregulation (1), CASA, the continuing airworthiness management organisation or the authorised person (as the case may be) may approve the MEL if satisfied that the MEL:

- (a) complies with the requirements mentioned in regulation 91.1685; and
- (b) will enable the operator to operate the aircraft safely.

Note: Not all aircraft are required to have a MEL. Other provisions of these Regulations require certain aircraft to have a MEL. This regulation sets out how a MEL for an aircraft must be approved.

### **Division 91.Y.3—Variations of minimum equipment lists**

#### **91.1695 Approval of variations**

(1) The operator of an aircraft may apply, in writing, for an approval of a variation of a MEL for the aircraft.

(2) The application may be made to:

(a) CASA; or

(b) a continuing airworthiness management organisation that is permitted, in accordance with Part 42, to approve a variation of the MEL; or

(c) if the aircraft is not operated for either Part 121 operations or operations to which Part 133 or 135 applies—an authorised person.

(3) The application must include the proposed variation of the MEL.

(4) If an application for the approval of a variation of a MEL is made under subregulation (1), CASA, the continuing airworthiness management organisation or the authorised person (as the case may be) may approve the variation if satisfied that the MEL as proposed to be varied:

(a) complies with the requirements mentioned in regulation 91.1685; and

(b) will enable the operator to operate the aircraft safely.

#### **Division 91.Y.4—Extensions of rectification intervals**

##### **91.1700 Approval of extensions of rectification intervals**

###### *Approval of extension on application*

(1) The operator of an aircraft may apply, in writing, for the approval of an extension of the rectification interval for an item specified in a MEL for the aircraft.

(2) An application under subregulation (1) may be made to:

(a) if the operator is not a continuing airworthiness management organisation, and there is a continuing airworthiness management organisation for the aircraft that is permitted, in accordance with Part 42, to approve the extension—the continuing airworthiness management organisation; or

(b) in any case—CASA.

(3) If an application for the approval of an extension of a rectification interval is made under subregulation (1), CASA or the continuing airworthiness management organisation (as the case may be) may, subject to subregulation (5), approve the extension.

*Approval of extension without application—continuing airworthiness management organisation is the operator*

(4) A continuing airworthiness management organisation for an aircraft may, subject to subregulation (5), approve an extension of the rectification interval for an item specified in a MEL for the aircraft, if:

(a) the continuing airworthiness management organisation is the operator of the aircraft; and

(b) the continuing airworthiness management organisation is permitted, in accordance with Part 42, to approve the extension.

*Requirements for approval of extension*

(5) An extension of the rectification interval (the **original rectification interval**) for an item specified in a MEL for an aircraft must not be approved under subregulation (3) or (4) unless:

(a) the item is inoperative; and

(b) the original rectification interval is a rectification interval of a kind prescribed by the Part 91 Manual of Standards for the purposes of this paragraph; and

(c) the operator is unable to rectify the item before the end of the original rectification interval because of circumstances beyond the operator's control; and

(d) the original rectification interval has not previously been extended in accordance with this regulation during the same continuous period throughout which the item has been inoperative; and

(e) the MMEL for the aircraft type does not prohibit an extension of the rectification interval for the item; and

(f) if a provision of these Regulations (other than this Subpart) permits the aircraft to operate with the item inoperative for a maximum period—the extended rectification interval for the item will not exceed that period; and

(g) the extended rectification interval will not exceed the period prescribed by the Part 91 Manual of Standards for the purposes of this paragraph.

*Matters to be set out in approval*



(6) An approval of an extension under subregulation (3) or (4) must:

(a) be in writing; and

(b) set out the following:

(i) details of the inoperative item;

(ii) a statement to the effect that the operation of the aircraft with the inoperative item is permitted in accordance with this regulation;

(iii) the day on which the extended rectification interval starts (being a day not earlier than the day the notice is given);

(iv) the day on which the extended rectification interval ends; and

(c) for an approval by a continuing airworthiness management organisation—also include the following:

(i) the name and approval certificate reference number of the continuing airworthiness management organisation;

(ii) the name and signature of the individual who approved the extension on behalf of the continuing airworthiness management organisation.

### **91.1702 Effect of approval**

(1) If an extension of the rectification interval for an item specified in a MEL for an aircraft is approved under subregulation 91.1700(3) or (4), the operation of the aircraft with the inoperative item during the extended rectification interval is taken, for the purposes of these Regulations, to be permitted by the MEL.

(2) If Part 42 does not apply to the aircraft, subregulation (1) applies to the operation of the aircraft only if a copy of the approval of the extension is kept with the maintenance release for the aircraft throughout the period of the extension.

### **91.1704 CASA to be notified of extensions approved by a continuing airworthiness management organisation**

(1) This regulation applies if an extension of the rectification interval for an item specified in a MEL for an aircraft is approved under subregulation 91.1700(3) or (4) by a continuing airworthiness management organisation.

(2) The operator of the aircraft must notify CASA, in writing, of the following within 10 days of the start of the extended rectification interval:

- (a) the aircraft's registration mark;
- (b) details of the inoperative item;
- (c) the original rectification interval (as referred to in subregulation 91.1700(5)) for the item;
- (d) the extended rectification interval;
- (e) the day the extended rectification interval took effect;
- (f) the reason why the item could not be rectified before the end of the original rectification interval.

(3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 20 penalty units.

#### **Division 91.Y.5—Other**

#### **91.1705 Operation of aircraft with multiple inoperative items not permitted in certain circumstances**

(1) This regulation applies if:

- (a) an aircraft begins a flight with more than one inoperative item, in accordance with a MEL for the aircraft; and
- (b) the number and kinds of inoperative items for the flight, or the relationship between the items:
  - (i) reduces the level of safety of the operation of the aircraft; or
  - (ii) increases the flight crew's workload;

to the extent that it is unsafe for the flight to be conducted.

(2) For the purposes of these Regulations, the operation of the aircraft for the flight with the inoperative items is not permitted by the MEL for the aircraft.

## sections 33.01 to 33.09 of the Part 91 MOS

### Part 33 Minimum equipment list

#### 33.01 Contents of minimum equipment list

For subregulation 91.1685(1) this Part prescribes the requirements relating to a minimum equipment list for an aircraft.

#### 33.02 Definitions

(1) In this Part:

**category A rectification interval** means a rectification interval other than 3 days, 10 days or 120 days.

**category B rectification interval** means a rectification interval that is 3 days.

**category C rectification interval** means a rectification interval that is 10 consecutive days.

**category D rectification interval** means a rectification interval that is 120 consecutive days.

**day** in relation to a rectification interval for an inoperative item of equipment means the calendar day starting after 12 midnight on the day of discovery of the inoperative item.

**day of discovery** in relation to an inoperative item of equipment for an aircraft, means the day that information about the inoperative state of the item is recorded in the flight technical log for the aircraft.

**equipment** means instruments, indicators, items of equipment and systems.

**extendable rectification interval** means:

- (a) a category B rectification interval; or
- (b) a category C rectification interval.

**item** means an item of equipment as defined in this section.

**MEL** is short for minimum equipment list.

**MMEL** is short for master MEL.

**UTC** means Coordinated Universal Time as determined by the International Bureau of Weights and Measures.

*Note* The Coordinated Universal Time is located at <http://www.bipm.org>.

(2) A reference in this Part to days (plural) means consecutive days.

### **33.03 Contents of a MEL**

(1) A MEL for an aircraft must include the following:

(a) the name of the operator of the aircraft, including any operating or trading name;

(b) the aircraft type, model, registration mark and serial number;

(c) a list of the items in the aircraft, one or more of which may be inoperative for a flight of the aircraft;

(d) identification of the MMEL on which the MEL is based;

(e) definitions of any unique terms used in the minimum equipment list;

(f) guidance for the use and application of the minimum equipment list;

(g) a statement of whether rectification intervals will be calculated according to the local legal time or UTC.

(2) If the operator intends to extend the rectification interval of an inoperative item in accordance with regulation 91.1700, the procedures the operator will use to extend the rectification interval must be set out in the MEL.

(3) For subsection (2), the procedures must include the following:

(a) who, on behalf of the operator, may extend the rectification interval;

(b) how the operator ensures compliance with the requirements of subregulation 91.1700 (1).

(4) For each item referred to in paragraph 33.03 (1) (c), the MEL must do the following:

(a) describe the item;

- (b) specify whether the rectification interval for the item is a category A, B, C or D rectification interval;
- (c) set out the conditions or limitations (if any) that must be complied with if the aircraft is to conduct a flight with the item inoperative;
- (d) if the aircraft is required to comply with an operational procedure for the conduct a flight with the item inoperative:
  - (i) set out the operational procedure; or
  - (ii) if the procedure is in another document — include a reference to the procedures and the document;
- (e) if the aircraft requires maintenance to conduct a flight with the item inoperative:
  - (i) set out the maintenance data; or
  - (ii) if the maintenance data is in another document — include a reference to the data and the document.

### **33.04 Compliance with the MMEL**

- (1) A MEL for an aircraft must be based on the MMEL for the aircraft type.
- (2) Subject to subsection 33.05 (2), the MEL for a flight with an inoperative item must not be less operationally restrictive than the MMEL in the same circumstances.

#### *Examples:*

- 1. If the MMEL for an aircraft specifies a rectification interval for an inoperative item, a MEL for the aircraft must not specify a rectification interval for the item that is less restrictive than the interval specified in the MMEL.*
- 2. If the MMEL for an aircraft specifies conditions or limitations that must be complied with if the aircraft is to conduct a flight with an inoperative item, the MEL for the aircraft must include conditions or limitations for the item that are at least as restrictive as the conditions or limitations in the MMEL.*

### **33.05 Compliance with the Regulations**

- (1) A MEL must not permit the operation of an aircraft for a flight with an inoperative item if the flight would be in contravention of the Regulations.

(2) If the Regulations permit operation of an aircraft with an inoperative item, the MEL may permit the operation with the inoperative item in accordance with the Regulations even if the MEL is less restrictive than the MMEL.

*Examples:*

*1. If a provision of the Regulations permits an aircraft to operate for a period with an inoperative item and the period is less restrictive than the rectification interval for the item specified in the MMEL for the aircraft — the rectification interval for the item in the MEL may be based on the period mentioned in the provision.*

*2. If a provision of the Regulations permits an aircraft to operate for a flight with an inoperative item subject to conditions or limitations and the conditions or limitations in the provision are less restrictive than the conditions or limitations in the MMEL for the aircraft — the conditions or limitations specified in the MEL for the item must be at least as restrictive as the conditions or limitations specified in the provision.*

### **33.06 Compliance with the AFM**

A MEL for an aircraft must not permit the operation of the aircraft for a flight, with an inoperative item in contravention of any of the conditions, limitations or emergency procedures specified in the AFM.

### **33.07 If the MMEL does not specify rectification intervals**

If the MMEL for an aircraft type does not specify a rectification interval for an inoperative item, the rectification interval for the item in a MEL for an aircraft of the type must clearly reflect the significance of the item for the safe operation of the aircraft.

### **33.08 Effects of repairs or modifications made to the aircraft**

If:

- (a) a repair or modification is made to an aircraft; and
- (b) the approval for the repair or modification places a new condition or limitation on the operation of the aircraft for flight with an inoperative item;

then, the conditions or limitations specified in the MEL for the inoperative item must be at least as restrictive as the conditions or limitations specified in the approval for the repair or modification.

### 33.09 Extension of rectification interval

(1) An extendable rectification interval prescribed by this Part is prescribed for the purposes of paragraph 91.1700 (1) (b).

(2) For subregulation 91.1700 (2), this section prescribes the period by which an original extendable rectification interval may be extended.

*Note* Category B and Category C rectification intervals are the extendable rectification intervals.

(3) An original Category B rectification interval may be extended up to a maximum of 3 days.

(4) An original Category C rectification interval may be extended up to a maximum of 10 days.

(5) A reference in this section to an original rectification interval (however expressed) is a reference to the relevant rectification interval before any extension of it under this section.

*Note* The intended effect of subregulation 33.09 (5) is that a rectification interval that has been extended once may not be further extended.

Does this proposal achieve the aim?

*Please select only one item*

yes    some change/s required (please specify below)

no (please specify below)    not applicable

Comments

## Take-off and landing

- 1 This proposal introduces an approach ban for Instrument Flight Rules (IFR) flights under certain circumstances. (section 17.07 of the Part 91 MOS)

**The aim:** improves safety by restricting instrument approaches in weather conditions consistently below landing minima.

### **section 17.07 of the Part 91 MOS**

#### **17.07 Approach ban**

(1) This section applies to an aerodrome:

(a) that has ATC services in operation; and

(b) for which RVR reports are available for approach operations to a runway.

(2) Where the touchdown zone RVR is reported by ATC as continually less than the specified minima for the landing, the PIC must not fly below 1 000 ft above the aerodrome elevation.

(3) If, after passing 1 000 ft above the aerodrome elevation, the touchdown zone RVR is reported by ATC as falling below the specified minimum, an approach may be continued to the minima.

Does this proposal achieve the aim?

*Please select only one item*

- yes    some change/s required (please specify below)  
 no (please specify below)    not applicable

Comments



## 2 This proposal changes the existing low visibility take off and approach exemptions to an approval. (regulation 91.425 of CASR)

**The aim:** reduces red tape, for example, rather than applying for an exemption, the approval can be part of an exposition.

### regulation 91.425 of CASR

#### **91.425 Taking off and landing in low visibility**

(1) The pilot in command of an aircraft for a flight contravenes this subregulation if:

(a) the aircraft conducts either of the following at an aerodrome:

(i) a low-visibility take-off;

(ii) a low-visibility approach; and

(b) the requirement mentioned in subregulation (2) is not met.

(2) The requirement is that one of the following apply:

(a) the pilot in command holds an approval under regulation 91.045 for the aircraft to conduct the low visibility take-off or the low-visibility approach;

(b) the operator of the aircraft holds an approval under another provision of these Regulations to conduct the low visibility take-off or the low-visibility approach.

(3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Does this proposal achieve the aim?

*Please select only one item*

yes  some change/s required (please specify below)

no (please specify below)  not applicable

Comments

## Flight requirements

- 1 This proposal extends the ability for pilots not operating under an AOC or other certificate to use night vision imaging systems (NVIS) under certain conditions. (section 5.02 of the Part 91 MOS )

**The aim:** allows qualified pilots with approved equipment to use NVIS to enhance their situational awareness at night.

### **section 5.02 of the Part 91 MOS**

#### **5.02 NVIS flight requirements**

(1) The pilot of an aircraft must not use NVIS unless he or she is qualified to use NVIS and has meet all recency requirements, in accordance with Part 61 of CASR.

*Note To **use NVIS*** means to use NVIS as the primary means of terrain avoidance for safe air navigation by means of visual surface reference external to the aircraft. See section 1.05.

(2) The pilot may only use NVIS in accordance with:

(a) the NVFR; or

(b) the IFR but only in VMC.

(3) The pilot may only use NVIS in an aircraft that is certified to operate:

(a) under the NVFR or IFR; and

(b) using NVIS.

*Note* These certifications appear on the type certificate or may be obtained through a special type certificate (STC) process with a flight manual supplement.

(4) The pilot may only use NVIS if the NVG and NVD equipment constituting the NVIS complies with all applicable requirements of Part 21 of CASR.

(5) The pilot of an aircraft must not use NVIS unless:

(a) the minimum crew, in accordance with the AFM, are on board the aircraft; and

(b) each crew member is qualified for the operation and has met all recency

requirements, in accordance with Part 61 of CASR.

Does this proposal achieve the aim?

*Please select only one item*

- yes
- some change/s required (please specify below)
- no (please specify below)
- not applicable

Comments

## 2 This proposal introduces the ability for night Visual Flight Rules (VFR) flights to use IFR lowest safe altitudes. (regulation 91.395 of CASR)

**The aim:** provides additional flexibility for night VFR operations.

### **regulation 91.395 of CASR**

#### **91.395 Minimum heights—VFR flights at night**

(1) The pilot in command of an aircraft for a VFR flight at night contravenes this subregulation if, during the flight:

(a) the aircraft is flown along a route or route segment at a height lower than the minimum height mentioned in subregulation (2); and

(b) none of the circumstances mentioned in subregulation (3) applies.

(2) The minimum height is the lowest height of the following for the route or route segment:

(a) the published lowest safe altitude for the route or route segment (if any);

(b) the minimum sector altitude published in the authorised aeronautical information for the flight (if any);

(c) the lowest safe altitude for the route or route segment;

(d) 1,000 ft above the highest obstacle on the ground or water within 10 nautical miles ahead of, and to either side of, the aircraft at that point on the route or route segment;

(e) the lowest altitude for the route or route segment calculated in accordance with a method prescribed by the Part 91 Manual of Standards for the purposes of this paragraph.

(3) The circumstances are the following:

(a) the aircraft is taking off or landing;

(b) the aircraft is within 3 nautical miles of the aerodrome from which the aircraft has taken off, or at which the aircraft will land;

(c) the aircraft is being flown in accordance with an air traffic control clearance.

(4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Does this proposal achieve the aim?

*Please select only one item*

- yes     some change/s required (please specify below)  
 no (please specify below)     not applicable

Comments

**3** This proposal introduces a requirement to comply with Air Defence Identification Zones (ADIZ) procedures. (regulation 91.362 of CASR)

**The aim:** clarifies the requirement to comply with ADIZ procedures, as currently outlined in the Aeronautical Information Publication (AIP).

**regulation 91.362 of CASR**

**91.362 ADIZ flights**

(1) The pilot in command of an aircraft for a flight contravenes this subregulation if:

(a) during the flight the aircraft enters an air defence identification zone published in the authorised aeronautical information for the flight; and

(b) a procedure published in the authorised aeronautical information for the flight for that zone is not complied with for the flight.

(2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Does this proposal achieve the aim?

*Please select only one item*

yes  some change/s required (please specify below)

no (please specify below)  not applicable

Comments

#### 4 This proposal creates a requirement to comply with aircraft interception procedures. (section 20.05 of the Part 91 MOS)

**The aim:** clarifies the requirement to comply with aircraft interception procedures, as currently outlined in the AIP.

##### **section 20.05 of the Part 91 MOS**

##### **20.05 Interception of aircraft**

(1) For paragraph 91.722 (1) (b), this Part prescribes the requirements that must be complied with by the PIC of an aircraft that is intercepted by another aircraft during flight.

(2) The PIC must comply with the applicable procedures for the PIC of an intercepted aircraft as set out in:

(a) ICAO Annex 2 – Appendix 1 – Signals - Section 2 - Signals for use in the event of interception; and

(b) ICAO Annex 2 – Appendix 2 - Interception of Civil Aircraft, Attachment A - Interception of Civil Aircraft.

*Note* For ICAO documents, see section 1.04.

Does this proposal achieve the aim?

*Please select only one item*

yes     some change/s required (please specify below)

no (please specify below)     not applicable

Comments

**5** This proposal reduces the altitude above which a VFR aircraft must (where practicable) use VFR cruising levels from 5000 ft to 3000 ft AMSL (above mean sea level). (section 13.04 of the Part 91 MOS)

**The aim:** Enhances safety by decreasing the number of VFR aircraft potentially conflicting with IFR aircraft. This is consistent with the ICAO Standards and Recommended Practices.

### **section 13.04 of the Part 91 MOS**

#### **13.04 Specified VFR cruising level**

(1) The cruising level is as follows:

(a) if the aircraft is at a height above 3 000 ft AMSL— a cruising level for the aircraft's magnetic track selected for the location in accordance with:

(i) Table 13.05 (1) (a)-1 (**Table A**) for north of 80 South, including the effect of any asterisked matter; and

(ii) Table 13.05 (1) (a)-2 (**Table B**) for south of 80 South, including the effect of any asterisked matter.

(b) if the aircraft is at or below 3 000 ft AMSL— as far as practicable, a cruising level for the aircraft's magnetic track selected for the location in accordance with:

(i) Table A for north of 80 South; and

(ii) Table B for south of 80 South;

including the effect of any asterisked matter.

(2) For Tables A and B, for area QNH barometric pressure mentioned in row 1 of column 1 of the Table, the cruising level:

(a) from 000o through East to 179 of the compass — is any of the altitude levels mentioned in column 2 of the same row, measured in feet (subject to subsection (1)); and

(b) from 180o through West to 359 of the compass — is any of the altitude levels mentioned in column 3 of the same row, measured in feet (subject to subsection (1)).

(3) For Tables A and B, for a barometric pressure at or above 1013 hPa mentioned in row 2 of column 1 of the Table, the cruising level:



(a) from 000o through East to 179 of the compass — is any of the altitude levels mentioned in column 2 of the same row, measured in flight levels (subject to subsection (1)); and

(b) from 180o through West to 359 of the compass — is any of the altitude levels mentioned in column 3 of the same row, measured in flight levels (subject to subsection (1)).

Table A (Table 13.05 (1) (a)-1)

VFR for use by an aircraft north of 80o South

Altitude or level (barometric pressure in hPa)	Cruising level for magnetic tracks (in ft – row 1) or flight level (FL, row 2))	
	From 000o through East to 179o	From 180o through West to 359o
Cruising altitudes (ft) (area QNH)	1 500	2 500
	3 500	4 500
	5 500	6 500
	7 500	8 500
	9 500	
Cruising flight levels (at or above 1 013 hPa)	115*	125*
	135	145
	155	165
	175	185
	195	205
	215	225
	235	245
	255	265
	275	285

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\* FL 115 is not available for level flight when the area QNH is less than 997 hPa.

\*\* FL 125 is not available for level flight when the area QNH is less than 963 hPa.

Note Pilots should be aware that VFR aircraft outside controlled airspace may be operating at random levels at or below 5 000 ft AMSL — see subsection 13.05 (1).

Table B (Table 13.05 (1) (a)-2)

VFR for use by an aircraft south of 80o South

Altitude or level (barometric pressure in hPa)	Cruising level for true tracks (in ft – row 1) or flight level (FL, row 2))	
	From 000o through East to 179o	From 180o through West to 359o
Cruising altitudes (ft) (area QNH)	1 500	2 500
	3 500	4 500
	5 500	6 500
	7 500	8 500
	9 500	
Cruising flight levels (at or above 1 013 hPa)	115*	125**
	135	145
	155	165
	175	185
	195	205
	215	225

	235	245
	255	265
	275	285
	300	320
	340	360
	380	400
	420	440
		480

\* FL 115 is not available for level flight when the area QNH is less than 997 hPa.

\*\* FL 125 is not available for level flight when the area QNH is less than 963 hPa.

Does this proposal achieve the aim?

*Please select only one item*

yes  some change/s required (please specify below)

no (please specify below)  not applicable

Comments

## Animals

### 1 This proposal significantly simplifies the rules for the carriage of animals in the aircraft cabin. (regulation 91.200 of CASR)

**The aim:** removes the need for CASA permission for certain assistance animals and provides greater discretion when applying the rules.

#### **regulation 91.200 of CASR**

#### **91.200 Carriage of animals**

(1) A person contravenes this subregulation if:

(a) the person brings an animal onto an aircraft for a flight; and

(b) the person does not have permission from the pilot in command of the aircraft to do so.

(2) The pilot in command of an aircraft for a flight contravenes this subregulation if:

(a) the pilot in command of the aircraft gives permission for a person to bring an animal onto the aircraft for the flight; and

(b) the pilot in command does not take reasonable steps to ensure that carriage of the animal does not have an adverse effect on the safety of air navigation.

(3) The operator or the pilot in command of an aircraft for a flight may refuse to carry an assistance animal (within the meaning of the *Disability Discrimination Act 1992*) in the aircraft for the flight if the operator or pilot in command reasonably believes that the carriage of the animal for the flight may have an adverse effect on the safety of air navigation.

(4) Subregulation (3) has effect despite anything in the *Disability Discrimination Act 1992*.

(5) The Part 91 Manual of Standards may prescribe requirements relating to the carriage of animals on an aircraft for a flight.

(6) The pilot in command of an aircraft for a flight contravenes this subregulation if:

(a) the pilot in command is subject to a requirement mentioned in subregulation (5); and

(b) the requirement is not met for the flight.

(7) The operator of an aircraft for a flight contravenes this subregulation if:

- (a) the operator is subject to a requirement mentioned in subregulation (5); and
  - (b) the requirement is not met for the flight.
- (8) A person commits an offence of strict liability if the person contravenes subregulation (1), (2), (6) or (7).

Penalty: 50 penalty units.

Does this proposal achieve the aim?

*Please select only one item*

- yes    some change/s required (please specify below)  
 no (please specify below)    not applicable

Comments

## Emergency simulation restrictions

**1** This proposal restricts the simulation of certain emergencies, predominantly, in Instrument Meteorological Conditions (IMC) or at night. (regulation 91.570 to 91.610 of CASR)

**The aim:** improves safety by reducing the number of training accidents. There have been a number of serious accidents in Australia where simulated emergencies have been a contributing factor.

**regulation 91.570 to 91.610 of CASR**

**91.570 IFR flights and VFR flights at night—engine not to be shut down**

(1) The pilot in command of an aeroplane for a flight contravenes this subregulation if:

(a) the flight is:

- (i) an IFR flight; or
- (ii) a VFR flight at night; and
- (b) an engine is shut down.

(2) A person commits an offence if the person contravenes subregulation (1).

Penalty: 50 penalty units.

### **91.575 Single-engine aeroplane—VFR flights by day—engine not to be shut down**

(1) The pilot in command of a single-engine aeroplane for a flight contravenes this subregulation if:

- (a) the flight is a VFR flight by day; and
- (b) the engine is shut down; and
- (c) a requirement mentioned in subregulation (2) is not met.

(2) The requirements are the following:

- (a) the flight must be conducted for the purpose of pilot training, checking or testing;
- (b) only flight crew members are carried on the flight;
- (c) the pilot in command must hold a flight instructor rating, flight examiner rating or other authorisation under these Regulations that authorises the activity of shutting down an engine;
- (d) while the engine is shut down, the aeroplane must remain within gliding distance of a safe forced landing area.

(3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

### **91.580 Single-engine aeroplane—simulating engine failure**

(1) The pilot in command of a single-engine aeroplane for a flight contravenes this subregulation if:

- (a) the flight is:
  - (i) in IMC; or

(ii) at night; and

(b) an engine failure is simulated; and

(c) a requirement mentioned in subregulation (2) is not met.

(2) The requirements are the following:

(a) the flight must be conducted for the purpose of pilot training, checking or testing;

(b) only flight crew members are carried on the flight;

(c) the pilot in command must hold a flight instructor rating, flight examiner rating or other authorisation under these Regulations that authorises the activity of simulating an engine failure;

(d) for a simulation at night:

(i) the simulation must commence above 1,000 ft AGL; and

(ii) a lighted runway must be available for landing;

(e) for a simulation in IMC:

(i) the simulation must commence above the lowest safe altitude for the route or route segment of the flight; and

(ii) VMC conditions must exist below that altitude.

(3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

### **91.585 Multi-engine aeroplane—simulating engine failure**

(1) The pilot in command of a multi-engine aeroplane for a flight contravenes this subregulation if:

(a) the flight is:

(i) in IMC; or

(ii) at night; and

(b) an engine failure is simulated; and

(c) a requirement mentioned in subregulation (2) is not met.

(2) The requirements are the following:

(a) the pilot in command must hold a flight instructor rating, flight examiner rating or other authorisation under these Regulations that authorises the activity of simulating an engine failure;

(b) the flight must be conducted for the purpose of pilot training, checking or testing;

(c) only flight crew members are carried on the flight;

(d) the pilot in command must brief the pilot under instruction before the simulation and must supervise the simulation;

(e) for an aeroplane flown in IMC that is not conducting an approach to land mentioned in paragraph (f)—the aeroplane must be at or above the minimum height mentioned in subregulation 91.390(2);

(f) for an aeroplane conducting an asymmetric instrument approach and missed approach:

(i) the simulation must be initiated above the initial approach altitude; and

(ii) the flight must be conducted with visual reference to the terrain when below a height of 1,000 ft above the relevant minima according to the aeronautical chart in use for the approach;

(g) for an aeroplane flown at night in VMC—the aeroplane must be flown:

(i) if the aeroplane is not conducting an approach to land or within the circling area of an aerodrome—above the minimum height mentioned in subregulation 91.390(2) or 91.395(2) (as the case requires); or

(ii) if the aeroplane is conducting an approach to land and is not within the circling area of an aerodrome—in accordance with an authorised instrument approach procedure; or

(iii) within the circling area of an aerodrome (as determined in accordance with the method specified in the authorised aeronautical information for the flight for determining the circling area for the aerodrome);

(h) for an aeroplane flown at night in VMC—the simulation must be initiated at or above circuit height and not below 1,000 ft AGL;

(i) the simulation must be carried out in accordance with procedures specified in:

(i) the aircraft flight manual instructions for the aeroplane (if any); or



(ii) if procedures are not specified in the aircraft flight manual instructions for the aeroplane, and the operator of the aeroplane is required to have an exposition by these Regulations—the exposition; or

(iii) if procedures are not specified in the aircraft flight manual instructions for the aeroplane, and the operator of the aeroplane is not required to have an exposition by these Regulations—the operator's operation's manual.

(3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

### **Subdivision 91.D.7.3—Causing or simulating engine failure etc. for rotorcraft**

#### **91.590 Single-engine rotorcraft—engine not to be shut down**

(1) The pilot in command of a single-engine rotorcraft for a flight contravenes this subregulation if, during the flight, the engine is shut down.

(2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

#### **91.595 Single-engine rotorcraft—engine failure not to be simulated and autorotation of main rotor system not to be initiated in IMC**

(1) The pilot in command of a single-engine rotorcraft for a flight in IMC contravenes this subregulation if:

(a) an engine failure is simulated; or

(b) an autorotation of the rotorcraft's main rotor system is initiated.

(2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

#### **91.600 Single-engine rotorcraft—simulating engine failure or initiating autorotation of main rotor system at night**

(1) The pilot in command of a single-engine rotorcraft for a flight contravenes this subregulation if:

- (a) the flight is at night; and
- (b) an engine failure is simulated or an autorotation of the main rotor system is initiated; and
- (c) the rotorcraft is not:
  - (i) taxiing or hovering below the hover height for the surface specified in the rotorcraft's flight manual; or
  - (ii) at a height at or above 1,000 ft AGL; and
- (d) a requirement mentioned in subregulation (2) is not met.

(2) The requirements are the following:

- (a) the pilot in command must hold a flight instructor rating, flight examiner rating or other authorisation under these Regulations that authorises the activity of simulating an engine failure or initiating an autorotation of the main rotor system (as the case requires);
- (b) the flight must be carried out for the purpose of pilot training, checking or testing;
- (c) only flight crew members are carried on the flight;
- (d) the pilot in command must brief the pilot under instruction before the simulation or autorotation and must supervise the simulation or autorotation;
- (e) the simulation or autorotation must be carried out in VMC; and
- (f) power termination of the autorotation must be initiated so that full power is available before the rotorcraft goes below 100 ft AGL;
- (g) the autorotation must be terminated using a power recovery termination or a bailed approach and climb out;
- (h) the simulation or autorotation must be conducted at an aerodrome with omnidirectional runway lighting.

(3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

### **91.605 Multi-engine rotorcraft—engine not to be shut down at certain altitudes**

(1) The pilot in command of a multi-engine rotorcraft for a flight contravenes this subregulation if:

(a) the flight is:

(i) in IMC; or

(ii) at night; and

(b) an engine is shut down; and

(c) the rotorcraft is not at or above the lowest safe altitude for a route or route segment for the flight.

(2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

### **91.610 Multi-engine rotorcraft—simulating engine failure**

(1) The pilot in command of a multi-engine rotorcraft for a flight contravenes this subregulation if:

(a) the flight is:

(i) in IMC; or

(ii) at night in VMC; and

(b) an engine failure is simulated; and

(c) a requirement mentioned in subregulation (2) is not met.

(2) The requirements are the following:

(a) the pilot in command must hold a flight instructor rating, flight examiner rating or other authorisation under these Regulations that authorises the activity of simulating an engine failure;

(b) the flight must be for the purpose of pilot training, checking or testing;

(c) only flight crew members are carried on the flight;

(d) the pilot in command must brief the pilot under instruction before the simulation and must supervise the simulation;

(e) for a rotorcraft flown in IMC—the rotorcraft must be established at or above the lowest safe altitude for a route or route segment for the flight;

(f) for a rotorcraft flown at night in VMC:

(i) the rotorcraft must be flown within the circling area of an aerodrome (as determined in accordance with the method specified in the authorised aeronautical information for the flight determining the circling area for the aerodrome); and

(ii) in the climb during take-off, the simulation must be initiated before the take-off decision point, or above 500 ft AGL; and

(iii) after the climb during take-off, the simulation must be initiated at or above 1,000 ft AGL;

(g) the simulation must be carried out in accordance with:

(i) procedures specified in the aircraft flight manual instructions for the rotorcraft (if any); or

(ii) if procedures are not specified in the aircraft flight manual instructions for the rotorcraft, and the operator of the rotorcraft is required by these Regulations to have an exposition—the exposition; or

(iii) if procedures are not specified in the aircraft flight manual instructions for the rotorcraft, and the operator of the rotorcraft is not required by these Regulations to have an exposition—the operator's operations manual.

(3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Does this proposal achieve the aim?

*Please select only one item*

yes  some change/s required (please specify below)

no (please specify below)  not applicable

Comments

## General response

- 1 Are the proposed changes to the general operating flight rules appropriate and can they be complied with by industry without undue burden?

*Please select only one item*

- yes    some change/s required (please specify below)  
 no (please specify below)    not applicable

Comments

**2** One of the aims was to primarily consolidate the current rules and carry over existing regulatory requirements. If you exclude the changes listed in the Summary of Proposed Changes, has this been achieved?

**Summary of proposed change**

*Please select only one item*

- yes    some change/s required (please specify below)  
 no (please specify below)    not applicable

Comments

**3** Are there any significant aviation safety risks which have not been addressed in the Part 91 of CASR draft regulations and MOS?

*Please select only one item*

- yes (please specify below)    some change/s required (please specify below)  
 no    not applicable

Comments

## Your priorities

1 When you reflect on the feedback you have provided throughout this consultation, what are the three matters you consider most important?

Priority 1

Priority 2

Priority 3