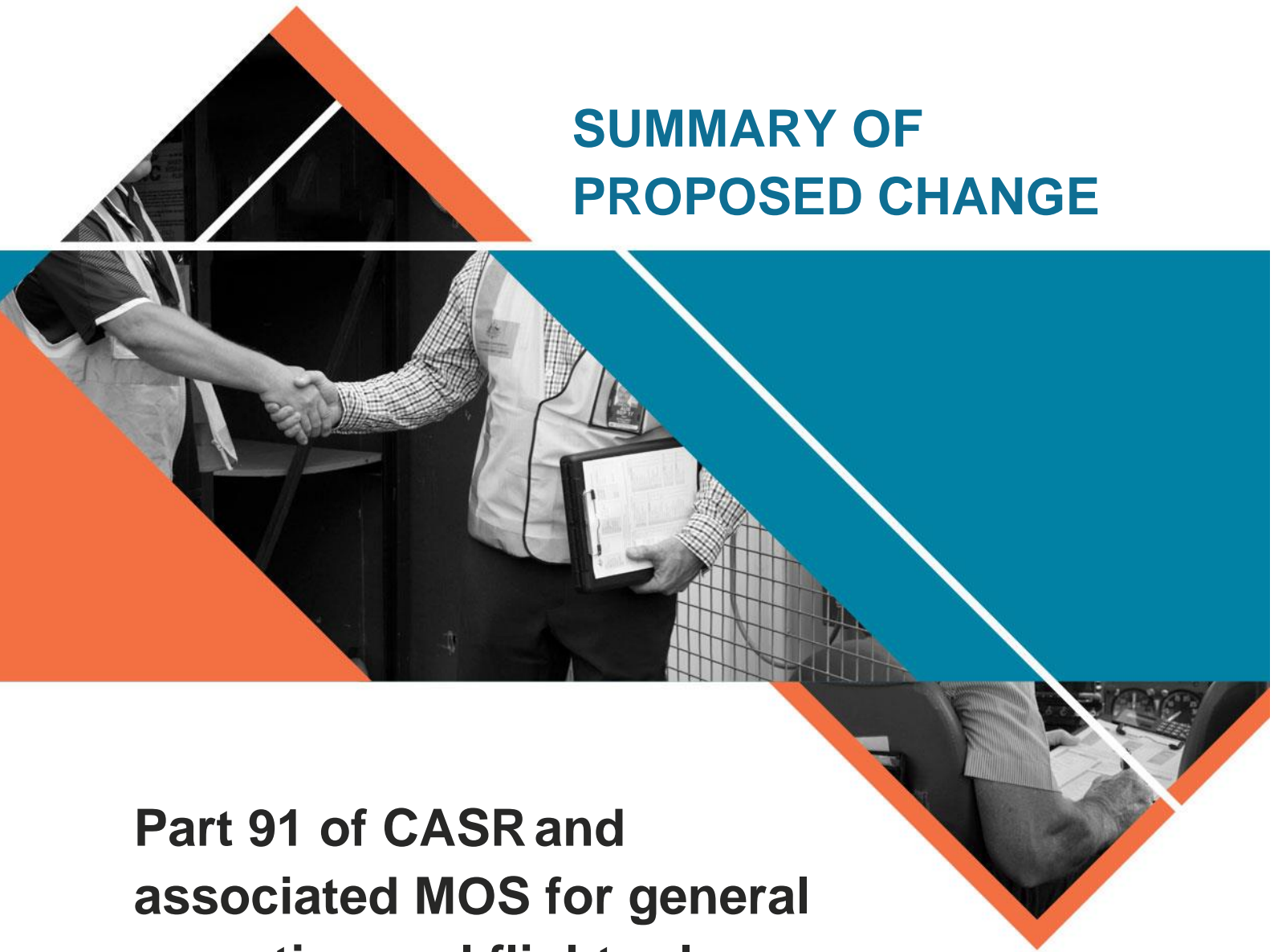




SUMMARY OF PROPOSED CHANGE



Part 91 of CASR and associated MOS for general operating and flight rules

Consultation Drafts for Civil Aviation Legislation Amendment (Part 91) Regulations 2018 and
Part 91 Manual of Standards Instrument 2018

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Introduction

CASA has been progressively transitioning the Civil Aviation Regulations 1988 (CAR) to the Civil Aviation Safety Regulations 1998 (CASR). The CASA Director of Aviation Safety has stated the number one organisational priority for 2018 is to finalise the remaining CASR Parts which encompass the flight operations regulations (proposed CASR Parts 91, 119, 121, 133, 135 and 138) and the proposed CASR Parts 103, 105 and 131.

The consolidated general operating and flight rules—made up of some new and current regulatory provisions contained in the *Civil Aviation Regulations 1988 (CAR)* and Civil Aviation Orders—will now all be contained in Part 91 of the *Civil Aviation Safety Regulations 1998 (CASR)* and the associated Part 91 Manual of Standards (MOS). Once in force they will form the foundation for all civil aviation flight operations and will apply to:

- all pilots
- aircraft owners and operators
- people who fuel and handle aircraft
- loading personnel
- air display organisers.

Part 91 of CASR primarily consolidates and retains the existing rules. However, a number of rules have introduced enhanced operational flexibility and a small number of new rules have introduced additional requirements to enhance aviation safety and increase ICAO compliance.

CASA has engaged widely on the changes. Significant consultations were conducted in 2011 and 2015. Last year CASA established an 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 multiple issues, the majority of which CASA has sought to address in this consultation draft. A small number of recommendations are still under active consideration by CASA. We intend to continue to refine the draft regulations based on feedback.

The draft regulations and MOS are provided on the consultation hub for your review. 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.

Directed questions address those significantly revised aspects of the rules. Excerpts from the regulations and MOS are embedded within each question to make it easier for you to review the material provided. Additionally, the consultation hub provides you with the ability to make general comments.

CASA intends to seek industry feedback on a detailed implementation plan, including a proposed commencement date and appropriate transition arrangements, as part of the TWGs associated with the proposed CASR Parts 119/121/133/135/138 which will be held prior to public consultation activities associated with those rules.

To ensure the aviation industry is well informed and ready for the introduction of the new flight operations rules, CASA will also be providing comprehensive guidance material well in advance of the new rules commencement date.

Purpose and scope of the proposed amendments

Part 91 of CASR and its associated MOS consolidate into one package all the general operating and flight rules. The part applies in relation to the operation of Australian aircraft in Australian territory and the operation of Australian aircraft in a foreign country. Part 91 of CASR does not regulate aircraft operated under:

- Part 101 of CASR - Unmanned aircraft and rockets
- future Part 103 of CASR - Aircraft administered by recreational aviation administration organisations
- future Part 131 of CASR - Manned free balloon operations.

The Part 91 of CASR general operating and flight rules include such matters as:

- the authority and responsibilities of the pilot-in-command
- avoiding collisions in the air
- avoiding collisions at or in the vicinity of aerodromes
- cruising levels
- minimum heights
- basic equipment requirements, including:
 - flight instruments to be carried for visual flight rules (VFR) and instrument flight rules (IFR) flights
 - emergency equipment
 - radio and navigation equipment to be compliant with different airspace classifications.

For pilots and operators that may be operating under another CASR Part in the future, it is important to note that Part 91 of CASR must be read in conjunction with all other CASR parts. This includes any MOS attached to the parts and any regulations from the CAR that may remain after the implementation of Part 91 of CASR and the Part 91 MOS.

Australia is a signatory to the International Convention on Civil Aviation (the Chicago Convention) and is obliged to either implement in its legislation those standards prescribed in Annexes 2 and 6 relating to aircraft operations, or to file a difference with the International Civil Aviation Organization (ICAO).

Many of the requirements in the proposed Part 91 of CASR and the Part 91 MOS cover the same regulatory areas as the respective requirements in the current CAR and Civil Aviation Orders (CAOs). When Part 91 of CASR and the Part 91 MOS become effective, the superseded CARs and CAOs will be withdrawn.

Similarly, as previously advised, changes to the administration of Performance Based Navigation (PBN) has resulted in operational approvals now only required for RNP-AR and RNP.3. Therefore, Subpart 91.U has become redundant and has been omitted from this draft. CAO 20.91 provides all the updated requirements for a flight using PBN and these requirements have been incorporated into the draft Part 91 MOS.

Impact on industry

Most requirements in the proposed Part 91 of CASR and Part 91 MOS are similar to those contained in today's existing regulations. There are a small number of new requirements which

are the subject of directed questions in the consultation and for which CASA is seeking industry feedback. CASA will submit an assessment to the Office of Best Practice Regulation (OBPR) for their consideration before Part 91 of CASR is made.

Regulation impact statement

A draft Regulation Impact Statement (RIS) was submitted to the Office of Best Practice Regulation (OBPR) and CASA has revised the RIS based on comments from the OBPR. Following the conclusion of this consultation period CASA will further refine the RIS and submit the final RIS to OBPR for formal assessment.

Closing date for comment

CASA will consider all comments received as part of this consultation process and incorporate changes as appropriate. Comments on the draft Part 91 of CASR and draft Part 91 MOS should be submitted through the consultation hub by close of business 29 April 2018.