



# Australian Government

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## Civil Aviation Safety Authority

Instrument number CASA EX104/22

I, PHILIPPA JILLIAN SPENCE, Director of Aviation Safety, on behalf of CASA, make this instrument under regulations 11.160 and 11.205 of the *Civil Aviation Safety Regulations 1998*.

**[Signed P. Spence]**

Pip Spence  
Director of Aviation Safety

19 December 2022

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### **CASA EX104/22 — ATS Lateral Separation (Tracking Tolerances for Parachuting) (Airservices Australia) Exemption (No. 2) 2022**

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#### **1 Name**

This instrument is *CASA EX104/22 — ATS Lateral Separation (Tracking Tolerances for Parachuting) (Airservices Australia) Exemption (No. 2) 2022*.

#### **2 Repeal of instrument CASA EX40/22**

*CASA EX40/22 — ATS Lateral Separation (Tracking Tolerances for Parachuting) (Airservices Australia) Exemption 2022* is repealed.

#### **3 Definitions**

*Note* In this instrument, certain terms and expressions have the same meaning as they have in the *Civil Aviation Act 1988* and the regulations. These include: ***AIP***, ***ATC licence***, ***controlled aerodrome*** and ***parachute operator***.

In this instrument:

***aerodrome controller***, in relation to an aerodrome, means a person who holds an ATC licence with an aerodrome control rating and an endorsement for the aerodrome control functions to be performed from a control tower at the aerodrome.

**aerodrome control rating** has the same meaning as in paragraph 65.075 (2) (a) of CASR.

**air traffic service** has the meaning given by regulation 172.010 of CASR.

**ATS provider** has the meaning given by regulation 172.015 of CASR.

**drop area** means the airspace through which a parachutist will descend after leaving a PJE aircraft.

**final approach fix** has the meaning given in the AIP.

**local instructions** means the ATS provider's site-specific instructions for the provision of air traffic services.

*Note* The site-specific instructions form part of the ATS provider's operations manual: see paragraph 2.1.2.1 (r) of the Manual of Standards.

**Manual of Standards** has the meaning given by regulation 172.010 of CASR.

**PJE** is short for parachute jumping exercise.

**PJE aircraft** means an aircraft that is facilitating a parachute descent.

**provider's operations manual** has the meaning given by regulation 172.010 of CASR.

#### **4 Application**

This instrument applies to Airservices Australia, ARN 202210, in its capacity as an ATS provider under Part 172 of CASR.

#### **5 Exemption — lateral separation for aircraft and parachuting operations**

##### Exemption

- (1) Airservices Australia (AA) is exempt from compliance with subregulation 172.065 (1) of CASR, in the circumstances mentioned in subsection (2), to the extent that subregulation 172.065 (1) requires AA to comply with the following provisions of the Manual of Standards (the **MOS**):
  - (a) subject to subsection (3), paragraph 10.8.3.3;
  - (b) paragraph 10.8.3.8, as it relates to localiser equivalence;
  - (c) paragraph 10.8.3.10.

##### Circumstances in which exemptions apply

- (2) For subsection (1), the circumstances are:
  - (a) an aerodrome controller at a controlled aerodrome is applying lateral separation between an aircraft visually observed by the aerodrome controller and a drop area being used by a person, or persons, undertaking a parachute descent; and
  - (b) the aerodrome controller is unable to visually observe the parachute descent or descents; and
  - (c) a safety assessment that complies with subsection 6 (1) has been prepared for the drop area; and
  - (d) procedures and requirements established on the basis of the safety assessment are approved under subsection 6 (2); and
  - (e) AA has published, in the local instructions for the aerodrome:
    - (i) the procedures and requirements; and

- (ii) the navigational tolerances mentioned in paragraph 6 (1) (d) for the drop area.

#### Missed approaches

- (3) If the aircraft is conducting a missed approach, the exemption in subsection (1) as it relates to paragraph 10.8.3.3 of the MOS, applies only if:
  - (a) the aerodrome controller is visually observing the aircraft overflying the runway; and
  - (b) a minimum tracking tolerance of  $\pm 9^\circ$  is applied from the departure threshold.

#### Condition — aircraft conducting RNP AR APCH or RNP APCH

- (4) For the purposes of regulation 11.205 of CASR, the exemption in subsection (1), as it relates to paragraph 10.8.3.8 of the MOS, is subject to the condition that AA must ensure the following:
  - (a) if an aircraft is conducting a Required Navigation Performance Authorisation Required Approach (RNP AR APCH) — that a minimum tracking tolerance of  $\pm 0.3$  nautical miles is applied for the entirety of the approach; or
  - (b) if an aircraft is conducting a Required Navigation Performance Approach (RNP APCH) — that a minimum tracking tolerance of  $\pm 0.3$  nautical miles is applied after the aircraft has passed the final approach fix.

## **6 Approved procedures for reduced lateral separation**

#### Detailed safety assessment to be prepared

- (1) For paragraph 5 (2) (c), a safety assessment must:
  - (a) be detailed; and
  - (b) be prepared in accordance with the procedures and requirements of AA's safety management system for how a safety assessment is to be undertaken; and
  - (c) specify the drop area to which the assessment applies, by reference to its boundaries and dimensions; and
  - (d) include detail about the navigational tolerances mentioned in section 10.8 of the MOS, or subsection 5 (3) or (4) of this instrument, applicable to an aircraft to which it is proposed, in the circumstances mentioned in paragraphs 5 (2) (a) and (b), that the minimum tracking tolerance of  $\pm 1$  nautical mile required under section 10.8 of the MOS would not apply; and
  - (e) provide, in accordance with the safety management system, for procedures and any requirements that would be necessary to ensure that lateral separation between the aircraft and the drop area, without the minimum tracking tolerance of  $\pm 1$  nautical mile, remains acceptable for the safety of air navigation.

#### Approval of procedures and requirements

- (2) A member of AA's personnel who holds, or is acting in, the position mentioned in section 7 may, on the basis of the safety assessment:
  - (a) approve the drop area to be used for the application of reduced lateral separation mentioned in paragraph (1) (e); and

- (b) approve procedures and requirements, for the purposes of paragraph (1) (e), that must be complied with when applying the reduced lateral separation in relation to the drop area.

*Note 1* For paragraph (1) (c), the boundaries and dimensions of a drop area, and requirements for its use, are generally established in a Letter of Agreement between a parachute training organisation or other parachute operator or parachuting club and the ATS provider.

*Note 2* The mandatory content of a provider's operations manual is set out in subsection 2.1.2 of the MOS, for which paragraph 2.1.2.1 (r) mentions Chapter 10 of the MOS and any site-specific instructions (the *local instructions*).

*Note 3* Regulation 172.080 of CASR requires an ATS provider to ensure that any air traffic service it provides is provided in accordance with its provider's operations manual.

*Note 4* Any changes to the provider's operations manual must be notified to CASA: see regulation 172.060 of CASR.

## **7 Person authorised to approve drop area and determine procedures etc.**

For subsection 6 (2), the position (however named) must be held by an individual appointed by AA who is responsible for:

- (a) reviewing and amending the operational standards and procedures of AA, on behalf of AA's organisation, to ensure compliance with regulatory standards and organisational objectives; and
- (b) ensuring (whether or not jointly with another office holder) that the organisation complies with the requirements of Parts 65, 171 and 172 of CASR; and
- (c) ensuring that the organisation complies with the requirements of its safety policy and safety management system.

## **8 Repeal of this instrument**

This instrument is repealed at the end of 30 November 2025.

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