



**NIGHT VISION IMAGING SYSTEM (NVIS)
ASAP TECHNICAL WORKING GROUP (TWG)
TASKING INSTRUCTIONS and SECOND REPORT**

15 NOVEMBER 2021

The NVIS Technical Working Group (TWG) is established and operates in accordance with the Terms of Reference of the Aviation Safety Advisory Panel (ASAP) dated September 2017 (or as amended).

BACKGROUND

Civil Aviation Order (CAO) 82.6 was originally drafted to facilitate a trial legislative framework for defined NVIS helicopter operations. These operations include Search and Rescue (SAR), law enforcement, aerial firefighting and firefighting support, emergency medical services (EMS), marine pilot transfer, training, demonstration flights and positioning flights for any of these activities.

The CAO also provided the initial and recurrent training and checking framework for pilots and aircrew members, the equipment requirements and the operational standards.

In 2013, CASA approved Project OS13/19 to transition the NVIS rule set from CAO 82.6 into the Civil Aviation Safety Regulations (CASRs) and Manual of Standards (MOS). In 2014 the initial pilot NVIS qualification was relocated to CASR Part 61.

Since implementation CAO 82.6 has undergone several administrative changes. In addition, over the period 2014 – 2018 CASA held two NVIS working groups and established an online forum for NVIS operations. To date recommendations and discussion points from the working groups and the online forums have not been included in CAO 82.6.

PURPOSE

The Technical Working Group will:

- Provide industry sector insight and understanding of current needs and challenges
- Provide current, relevant technical expertise for the development, analysis and review of legislative and non-legislative solutions to identified issues
- Assist with the development of draft regulations, guidance materials and other supporting materials
- Provide endorsement and/or conditional endorsement of draft regulations, guidance materials and other supporting materials for consideration by the ASAP and CASA

SPECIFIC OBJECTIVES

1. Review and provide advice regarding CASA's proposed regulatory locations for the different aspects of the future NVIS requirements.
2. Review and provide advice regarding CASA's proposed modifications of existing NVIS requirements.

KEY POLICY PROPOSALS

Policy Proposal 1 (CAO) – Expand the current exemption against CAR 174B (1) NVFR minimum height and include an exemption against CAR 178 (1) and (2) to allow NVIS flight under the IFR below LSALT.

Policy Proposal 2 (CAO) – Replace the requirement for a NVIS proficiency check before using NVIS for the first time in a type of helicopter and replace with an Operator competency check

Policy Proposal 3 (CAO) – Remove the prescriptive requirements for a Special Fire Endorsement and replace with requirements that an appropriate course of training be conducted.

Policy proposal 4 (CAO) – Replace the Australian unique NVG standards with an internationally accepted TSO and provide for an appropriate transition period for existing NVGs.

Policy Proposal 5 (VMC instrument) – Amend VMC criteria to include “NVIS VMC” with an inflight visibility requirement of 5000m and permit “clear of cloud” in all airspace.

Policy Proposal 6 (Part 61) – Remove Grade 1 and Grade 2 endorsement from a NVIS rating and replace with a NVIS (H) and a NVIS (A) endorsement.

Policy Proposal 7 (Part 61) – Remove the requirement to hold a NVFR rating prior to the issue of a NVIS rating and replace with a NVFR rating or an Instrument Rating (H).

Policy Proposal 8 (CAO) – Amend AIP to allow NVIS operations to a destination with no lighting and not require an alternate with suitable lighting.

Policy Proposal 9 - Amend CAO 82.6 definitions – NVIS Operations to include “other like NVIS operations” as approved by CASA to allow CASA to approve NVIS operations not mentioned in the definitions.

MEETING DATES

The NVIS TWG met on the following occasions:

- 10 March 2021 – First TWG report provided to the ASAP
- 18 June 2021
- 18 August 2021
- 15 November 2021 – Second TWG report provided to the ASAP

ROLES AND RESPONSIBILITIES

CASA	TWG Members
<ul style="list-style-type: none">• Organise meetings and workshops, and produce agendas, papers and supporting materials• Facilitate meetings and workshops• Record insights and findings• Communicate openly and consistently with TWG members about project status and issues• Respect the time of all TWG members by minimising work required to achieve outcomes	<ul style="list-style-type: none">• Commit to supporting the project objectives and timeline• Engage and collaborate constructively at all times• Prepare for working group activities by reviewing agendas, papers and supporting materials• Provide timely and considered advice in meetings, and between meetings as required• Respond to requests for feedback on draft materials within agreed timeframes

CONSENSUS

A key aim of the TWG is that a consensus be reached, wherever possible, in the finalisation and preparation of advice for the Aviation Safety Advisory Panel and CASA.

The TWG will be guided by the ASAP Terms of Reference (Section 6) with respect to determining and documenting consensus.

MEMBERSHIP

Members of the TWG have been appointed by the ASAP Chair, following ASAP processes.

The NVIS TWG consists of the following members:

- Stephen Potters
- Steven Ballantyne
- Stanley Spoor
- Richard Butterworth
- Roger Puehl
- Peter McKenzie
- Greg Ohlsson
- Nic Trimmer
- Paul Forcier
- Grahame Svensen
- Trevor Wilson
- Ronald van Heerden
- Scott Summers
- Peter Emslie
- Brett Schipp
- Mike Becker
- Ross Birch
- Elaine Cadzow
- Andy Baker

The TWG CASA Lead, Matthew Wallace, was supported by CASA SMEs as required during the meetings.

The ASAP Secretariat was represented by Matthew Di Toro.

PROCESS FOR ACHIEVING CONSENSUS

As required by the ASAP (& TWG) Terms of reference, there must be agreement by all participants on the method used for obtaining consensus. To obtain consensus, the TWG will come to an agreement on whether consensus (or otherwise) has been met on the outcomes discussed at the TWG meeting (or out of session).

The CASA Lead has also provided commentary of the effectiveness of the TWG and whether it's believed that the recorded outcomes are a fair representation of the TWG from a CASA perspective.

SUMMARY OF OUTCOMES – SECOND REPORT, 15 NOVEMBER 2021

This meeting of the TWG worked towards achieving the overall TWG objectives as described in the ASAP TWG Tasking Instructions.

The summary of outcomes below seeks to ascertain the views of the TWG at this time, so their advice can be provided to the ASAP.

A. Does the TWG recommend that the ASAP endorses the proposed Part 91, Part 133 and Part 138 Manuals of Standards (MOSs) NVIS amendments instrument?

CONSENSUS / GENERAL CONSENSUS / DISSENT

Comments:

The TWG is in **full agreement** and recommends that the ASAP endorses the proposed instrument to be made.

The TWG look forward to continuing their engagement with CASA in early-2022 to discuss further policy matters relating to NVIS and for any opportunity to fine tune the legislation.

CASA Lead Summary

MATTHEW WALLACE

Comment:

I thank the TWG members for the continued engagement in the process, we appreciate the members' time and efforts. I look forward to continuing working with the TWG to fine tune elements of the rules where appropriate and to work through further policy matters.

Appendix

1. Extract from ASAP Terms of Reference

(extract) From ASAP and TWG Terms of Reference regarding Consensus

- 6.1** A key aim of the ASAP is that a consensus be reached, wherever possible, in the finalisation and preparation of advice to the CEO/DAS.
- 6.2** For present purposes, ‘consensus’ is understood to mean agreement by all parties that a specific course of action is acceptable.
- 6.3** Achieving consensus may require debate and deliberation between divergent segments of the aviation community and individual members of the ASAP or its Technical Working Groups.
- 6.4** Consensus does not mean that the ‘majority rules’. Consensus can be unanimous or near unanimous. Consensual outcomes include:
 - 6.4.1 Full consensus**, where all members agree fully in context and principle and fully support the specific course of action.
 - 6.4.2 General consensus**, where there may well be disagreement, but the group has heard, recognised, acknowledged and reconciled the concerns or objections to the general acceptance of the group. Although not every member may fully agree in context and principle, all members support the overall position and agree not to object to the proposed recommendation.
 - 6.4.3 Dissent**, where differing in opinions about the specific course of action are maintained. There may be times when one, some, or all members do not agree with the recommendation or cannot reach agreement on a recommendation.

Determining and Documenting Consensus

- 6.5** The ASAP (and Technical Working Groups) should establish a process by which it determines if consensus has been reached. The way in which the level of consensus is to be measured should be determined before substantive matters are considered. This may be by way of voting or by polling members. Consensus is desirable, but where it is not possible, it is important that information and analysis that supports differing perspectives is presented.
- 6.6** Where there is full consensus, the report, recommendation or advice should expressly state that every member of the ASAP (or Technical Working Group) was in full agreement with the advice.
- 6.7** Where there is general consensus, the nature and reasons for any concern by members that do not fully agree with the majority recommendation should be included with the advice.
- 6.8** Where there is dissent, the advice should explain the issues and concerns and why an agreement was not reached. If a member does not concur with one or more of the recommendations, that person’s dissenting position should be clearly reflected.
- 6.9** If there is an opportunity to do so, the ASAP (or Technical Working Group) should re-consider the report or advice, along with any dissenting views, to see if there might be scope for further reconciliation, on which basis some, if not all, disagreements may be resolved by compromise.