



**ASAP TECHNICAL WORKING GROUP (TWG)
TASKING INSTRUCTIONS**

The Part 91 Technical Working Group is established and operates in accordance with the Terms of Reference of the Aviation Safety Advisory Panel (ASAP) dated September 2017 (or as amended).

PART 91 PROPOSED POLICY OUTCOMES

Part 91 has been designed to replace more than 130 regulations and orders and numerous supporting Instruments and exemptions and combine them into one document. Part 91 will primarily consolidate and retain 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.

These changes encompass the following topic areas (not a complete list):

- Operational flexibility – carriage and discharging of firearms.
- Operational flexibility – use of portable electronic devices (PEDs).
- Operational flexibility – carriage of animals.
- Operational flexibility – use of Night Vision Imaging Systems (NVIS) above Lowest. Safe Altitude (LSALT) / minimum height for Visual Flight Rules (VFR) by night.
- Operational flexibility – use of Instrument Flight Rules (IFR) Lowest Safe Altitude (LSALT) by appropriately trained pilots conducting flight under the VFR by night.
- Operational flexibility – simplified requirements for determining suitable places for take-off and landing.
- Operational flexibility – simplifies requirements for operating aircraft on ground.
- Operational flexibility – relaxation of oxygen usage requirements.
- New rule – introduction of an approach ban where weather is below minima and air traffic services are operating.
- New rule – fuel planning and carriage requirements as per the planned update to CAR 234.
- New rule – restrictions on the simulation of certain emergencies in Instrument. Meteorological Conditions (IMC) or at night.
- New rule – compliance with cabin crew instructions by passengers.
- New rule – requirement for private operations to carry cabin crew under certain conditions.

TWG OUTCOMES (to be determined at this meeting)

1. The TWG is to provide advice to the ASAP whether, in considering the documents mentioned in the TWG methodology section below, the draft CASR Part 91 and draft Part 91 Manual of Standards will:
 - a. achieve the identified policy intent, and
 - b. be implementable by the Australian aviation industry.
2. Provide a recommendation to the ASAP

TWG METHODOLOGY

In conducting this activity, the TWG will:

- review CASA’s response to issues that were identified previously
- review the Part 91 Summary of Consultation that outlines public feedback and CASA’s intent on CASR Part 91 and Part 91 MOS
- review the CASR Part 91 and Part 91 MOS Regulatory Impact Statement
- Report to the ASAP on the TWG Outcomes

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 ASAP.

The TWG will be guided by the ASAP Terms of Reference (Section 6) with respect to determining and documenting consensus. See extract at Appendix 1.

MEMBERSHIP

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

The Part 91 TWG consist of the following persons:

Andrew Eldridge	Perry McNeil	David Chitty
Howard James	Lachlan Gray	Dick MacKerras
John McGhie	*David Lamb	*Timothy Holland
*Andrew Warland-Browne	*Felicity Brown	*Fergus Ponder

* Were unable to attend the ‘Virtual’ TWG meeting on 17 July 2018.

This activity was conducted by Video Conference and Teleconference.

The CASA Part 91 Lead that facilitated the ‘Virtual’ TWG meeting was Scott Watson.

The ASAP Secretariat was represented by Matthew Bouttell.

ASAP TECHNICAL WORKING GROUP (TWG) – REPORT ON MEETING 17 July 18

1. 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.

Each TWG member was provided with the necessary pre-reading material two weeks in advance of the 'Virtual' meeting. It was incumbent upon members to prepare for the 'Virtual' TWG meeting so that the TWG can report to the ASAP on the Outcomes.

To obtain consensus, the TWG will discuss their views on the provided material during the 'Virtual' TWG meeting then address the three below Outcomes.

2. SUMMARY OF ACHIEVED TWG OUTCOMES

This 'Virtual' meeting of the TWG will report to the ASAP on the TWG outcomes achieved as described in the ASAP TWG Tasking Instructions.

The intention is that the TWG will not provide their advice on the final drafted CASR Part 91 or Part 91 MOS, rather they will provide advice related to the policy intent of CASA based upon the Summary of Consultation, RIS and previously identified TWG issues list. It remains CASA's responsibility to ensure the intent of the final drafted CASR and MOS remain in alignment with the endorsed policy intent as outlined to the TWG and ASAP.

A. Does the Part 91 TWG agree that CASR Part 91 and Part 91 MOS achieve the policy intent?

** Based upon the documents provided to the TWG members at the Virtual TWG meeting on 17 July 2018 (see appendices).*

FULL CONSENSUS / GENERAL CONSENSUS / DISSENT

Comments:

All seven TWG members present at the TWG virtual meeting achieved full consensus that the documents provided to the TWG, at this point in time, demonstrate that the CASR Part 91 and Part 91 MOS will achieve its policy intent.

B. Does the Part 91 TWG agree that CASR Part 91 and Part 91 MOS is implementable by the Australian aviation industry?

** Based upon the documents provided to the TWG members at the Virtual TWG meeting on 17 July 2018 (see appendices).*

FULL CONSENSUS / GENERAL CONSENSUS / DISSENT

Comments:

All seven TWG members present at the TWG virtual meeting achieved full consensus that the documents provided to the TWG, at this point in time, demonstrate that the CASR Part 91 and Part 91 MOS are implementable by the Australian aviation industry.

C. Does the Part 91 TWG recommend either:

- a. That the ASAP endorse the policy intent as described by CASA and as expressed in the draft CASR Part 91 and the draft Part 91 MOS.

** Based upon the documents provided to the TWG members at the Virtual TWG meeting on 17 July 2018 (see appendices).*

OR

- b. That the ASAP endorse the policy intent as described by CASA and as expressed in the draft CASR Part 91 and the draft Part 91 MOS noting that further discussions are required in relation to certain provisions

OR

- c. That the ASAP not endorse the policy intent as described by CASA and as expressed in the draft CASR Part 91 and the draft Part 91 MOS.

FULL CONSENSUS / GENERAL CONSENSUS / DISSENT

Comments:

Full consensus was achieved to recommend that the ASAP endorse CASR Part 91 and Part 91 MOS policy intent, by the seven participants in attendance at the Virtual TWG meeting.

Five additional comments from TWG members regarding the Regulatory Impact Statement (RIS) were captured in the TWG Issues list with CASA providing suitable responses during the meeting. These have been recorded along with CASA's commitment to make the necessary amendments in the Part 91 Issues list (items 75-79).

The TWG members expressed thanks to the ASAP and CASA for the opportunity to be engaged in this TWG. TWG members were also complementary towards the ASAP and TWG process in that it demonstrates a high degree of transparency and integrity in the regulatory development process.

CASA Lead Summary

Scott Watson

Comment:

The Part 91 TWG members made significant suggestions throughout both TWG meetings that significantly improved the regulations and MOS for industry. The Part 91 TWG members have successfully proven the value of the TWG construct to both CASA and industry.

Along with the five small amendments required for the RIS (items 75-79) CASA will also provide answers to all consultation questions in the SOC (item 80), even if there is nil comment, to alleviate any confusion.

On behalf of CASA, I would like to sincerely thank each of the Part 91 TWG members for the considerable time and effort they have spent reviewing Part 91 and all associated documentation.

Appendices

1. Extract from ASAP Terms of Reference
2. Virtual TWG meeting Agenda – 17 July 2018
3. CASR Part 91 17 July 2018 TWG Issues - CASA disposition

APPENDIX 1 TO PART 91 TECHNICAL WORKING GROUP

(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.

Aviation Safety Advisory Panel - Technical Working Group

CASR Part 91 – General Operating and Flight Rules

Date: Tuesday, 17 July 2018

Time: 1.00pm - 4.00pm (Canberra, Sydney, Melbourne, Brisbane and Tamworth)
12.30pm - 3.30pm (Adelaide)
11.00am - 2.00pm (Perth)

On-site Locations:

CASA Canberra Office 16 Furzer Street, Phillip Meeting Room: Level 1, Meeting Room 4 Contact: Matt Di Toro – (02) 6217 1457	CASA Brisbane Office 12-14 The Circuit, Eagle Farm Meeting Room: Kennard Room, Level 3 Contact: Denise Morman – 0401 680 515
CASA Adelaide Office 4 Kel Barclay Avenue, Adelaide Airport Meeting Room: VC Meeting Room Contact: Taryn Burke – (08) 8422 2906	CASA Tamworth Office Cnr Rentell St and Basil Brown Drive, Tamworth Airport Meeting Room: Conference Room Contact: Kristie Pitt – (02) 6755 2245
CASA Sydney Office Level 2 Centennial Plaza (Tower A) 260 Elizabeth Street Meeting Room: Lawrence Wackett Room, Level 2 Contact: Christine Panayotou – (02) 8651 3102	CASA Melbourne Office Level 13, 720 Bourke Street, Docklands Meeting Room: Conference Room 1 – 13.15 Contact: Maria De Villa – (03) 9518 2718
CASA Perth Office Building 2, 130 Fauntleroy Ave Perth Airport Meeting Room: Bonney Room Contact: Trudy Holmes – (08) 9366 2801	

Virtual Participation: Please refer to the attached Dial In Procedures

Purpose: The purpose of this workshop is for Technical Working Group (TWG) members to review the CASR Part 91 Summary of Consultation (SOC) document, following Public Consultation on the Regulation and Manual of Standards from 27 March to 6 May 2018. TWG members will also be requested to review the CASR Part 91 Regulatory Impact Statement (RIS).

Attachments:

1. CASR Part 91 Summary of Consultation
2. CASR Part 91 Regulatory Impact Statement
3. Dial In Procedures to participate in this workshop

Proposed Agenda:

1.00pm - 1.15pm	Welcome and confirmation of participants	CASA
1.15pm - 1.30pm	Workshop objectives	CASA
1.30pm – 3.00pm	Feedback from Public Consultation and Review of Summary Consultation	ALL
3.00pm – 3.30pm	Review of Regulatory Impact Statement	ALL
3.30pm – 4.00pm	Wrap Up and Next Steps: TWG recommendations to ASAP Proposed 'make date' for Part 91 Status of interlinked Flight Operations Regs	ALL

CASR PART 91 CONSULTATION TWG 6-7 February 2018						
Issue No	ISSUE TOPIC	ISSUE SPECIFICS	REG/MOS REFERENCE	RESOLUTION OPTIONS	RESOLUTION DECISION	COMMENTS
1	Carriage of documents	<ul style="list-style-type: none"> Carriage of documents (FM etc) could be problematic for certain flights (aerobatics etc) 	<ul style="list-style-type: none"> 91.120 		<ul style="list-style-type: none"> Agree. The regulation now includes an alleviation for the carriage of documents on aerobatic flights. 	
2	Carriage of documents	<ul style="list-style-type: none"> Necessity for license carriage given CASA database and other forms of ID such as ASIC. 	<ul style="list-style-type: none"> 91.120 		<ul style="list-style-type: none"> Addressed by another means. To provide for an easier method of carriage, CASA has requested the OPC draft a provision permitting all flight related documents to be carried in electronic form (provided the electronic format permits the proper usage of the document). 	Further internal discussions necessary.
3	Carriage of documents	<ul style="list-style-type: none"> Terminology issue – tech log vs maintenance release 	<ul style="list-style-type: none"> 91.120 		<ul style="list-style-type: none"> Agree. The term “maintenance release” has been added to 91.120. 	
6	Personal Electronic Devices	<ul style="list-style-type: none"> List of items is prescriptive vice outcome Use of PED during abnormal/emergency FAR 91.1315 simply discussed reckless operation Reckless endangerment under Act 	<ul style="list-style-type: none"> 91.145 		<ul style="list-style-type: none"> Agree. The prescriptive list of exemptions has been deleted and the regulation has been made more outcome based. The standard defence of an emergency or other unavoidable cause still applies. 	
7	Use of EFB by pilots	<ul style="list-style-type: none"> Consideration of PIC using PED as EFB during ops Difficulties of defining take-off and landing 	<ul style="list-style-type: none"> 91.150 	Place ahead of 91.145	<ul style="list-style-type: none"> Agree. 91.150 has been extended to all crew members. The wording of the regulation permits the use of PEDs where necessary for the performance of crew member duties. The reference to take-off and landing phases has been deleted. 	
8	Low-risk electronic device	<ul style="list-style-type: none"> Definition needs to be inserted as it was accidentally removed. 	<ul style="list-style-type: none"> 91.645 		<ul style="list-style-type: none"> Agree. This definition has been fixed in the latest draft of the additional CASR definitions regulations. 	
9	Crew member fitness	<ul style="list-style-type: none"> Wording to be reviewed 	<ul style="list-style-type: none"> 91.215 		<ul style="list-style-type: none"> Agree. OPC has re-drafted to clarify intent. 	
12	Cruising levels	<ul style="list-style-type: none"> MOS cruising table refers to 5000ft vice 3000ft in reg. 	<ul style="list-style-type: none"> MOS 13.02 MOS 13.04 		<ul style="list-style-type: none"> Agree. Editorial correction made in MOS. 	
13	Cruising levels	<ul style="list-style-type: none"> Cruising level required versus “on track” – what about departure manoeuvring? 	<ul style="list-style-type: none"> 91.370 91.365 	Wording re track from FAR 91.159.	<ul style="list-style-type: none"> Addressed by another means. Amendment made to the wording of the regulation to create logical consistency between the requirement for when IFR and VFR cruising levels must be maintained in uncontrolled airspace. 	
14	Other minimum heights	<ul style="list-style-type: none"> Omission of Go-around. Missed approach is specifically mentioned in 91.400. 	<ul style="list-style-type: none"> 91.390 		<ul style="list-style-type: none"> Addressed through provision of answer. CASA consider the go-around/missed approach to be part of the arrival/departure procedures. The mention of missed approach in 91.400 and 91.405 needs to be considered in the context of these rules being those which codify “low flying” – as opposed to the rules specifying minimum heights for IFR and night VFR operations. 	Consistency of wording important
15	Other minimum heights	<ul style="list-style-type: none"> (2)(c) inclusion of word ‘calculated’ 	<ul style="list-style-type: none"> 91.390 		<ul style="list-style-type: none"> Addressed through provision of answer. The CASR dictionary definition specifies that “lowest safe altitude” is a calculation. 	
16	Other minimum heights	<ul style="list-style-type: none"> (3)(c) suggestion to delete words “by day” 	<ul style="list-style-type: none"> 91.390 		<ul style="list-style-type: none"> Addressed through provision of answer. Current wording matches existing requirement (CAR 178(4)). Deletion of the words “by day” would create an 	

CASR PART 91 CONSULTATION TWG 6-7 February 2018						
Issue No	ISSUE TOPIC	ISSUE SPECIFICS	REG/MOS REFERENCE	RESOLUTION OPTIONS	RESOLUTION DECISION	COMMENTS
					ability for all IFR aircraft in VMC to be below LSALT at night at any time.	
18	Minimum heights	<ul style="list-style-type: none"> Stress of weather wording removed 	<ul style="list-style-type: none"> Subdivision 91.D.4.2 	Education of industry with regards to broader options allowed by regulations where necessary in the interests of safety	<ul style="list-style-type: none"> Agree. Consistency of the wording across Part 91 is necessary. 91.570(2) has been deleted to ensure consistency across Part 91 whereby there are no direct references to emergency authority. CASA will publish a document explaining the defences contained in the CAA, CC and common law, for strict liability offences. 	<p>Refer to 91.570 (2) which has the same effect –</p> <p>(2) Subregulation (1) does not apply if it is necessary, in the <i>interests of safety</i>, to shut down the engine.</p>
19	Unrequired regulations	<ul style="list-style-type: none"> (2) might not be necessary due to overarching regs 	<ul style="list-style-type: none"> 91.570 	Education of industry with regards to broader options allowed by regulations where necessary in the interests of safety	<ul style="list-style-type: none"> Agree. Subregulation 91.570(2) has been deleted. 	To be consistent, check 'minimum heights' above. If subregulation appears in one regulation, why not others?
20	Clarity of definitions	<ul style="list-style-type: none"> Populous area / public gathering 	<ul style="list-style-type: none"> 91.400 		<ul style="list-style-type: none"> Addressed through provision of answer. Populous area is not currently defined in the CAR 1988 and this absence has not created an impediment. Therefore, CASA considers that to do so in Part 91 would inappropriately constrain an outcome based regulation. Public gathering is in the CASR 1998 definitions already but was not in the "new" definitions drafted provided to the TWG. Where possible, general CASA intent is to maintain definitions in the main dictionary as opposed to individual regulations. 	Discussion of definition being included in regulation rather than CASR dictionary
21	Wording of take-off and landing requirements	<ul style="list-style-type: none"> General use of the wording 'taxiing away from the runway' 	<ul style="list-style-type: none"> 91.480 	Delete words	<ul style="list-style-type: none"> Agree. These words have been deleted from the subregulation 91.480(3)(b). 	Discussion that safety can be assured when an aircraft is clear of a runway
22	Communicating at non-controlled aerodromes	<ul style="list-style-type: none"> Conduct of non-radio flights 	<ul style="list-style-type: none"> 91.520 		<ul style="list-style-type: none"> Addressed through the provision of an answer. This provision is accurately drafted and reflects the current CAR 1988 requirements. 	Concern regarding cost of operating multiple aircraft
23	Examiners in aircraft	<ul style="list-style-type: none"> (2)(c) intent of requirements. 	<ul style="list-style-type: none"> 91.555 		<ul style="list-style-type: none"> Agree. Regulations has been re-drafted to clarify intent and not preclude examiner being carried in a jump seat. 	Currently allowed by instrument
24	Qualification of safety pilot	<ul style="list-style-type: none"> Title: 'Simulating IMC flight' would be more suitable than 'Simulating Flying in IMC' (1)(a) can 'conditions other than IMC' be replaced by 'VMC' Move (1)(a) into (2) 	<ul style="list-style-type: none"> 91.565 		<ul style="list-style-type: none"> Agree. Title of the regulation has been revised. Addressed by other means. Para (1)(a) removed to avoid confusion. Para is unnecessary. 	
25	Training flight limitations	<ul style="list-style-type: none"> Definition of permitted person is last subreg which makes regulation difficult to understand 	<ul style="list-style-type: none"> 91.567 	Move (5) to beginning of regulation	<ul style="list-style-type: none"> Agree. This definition has been moved to front of this regulation for clarity. 	
26	Safety of shutting down single engine	<ul style="list-style-type: none"> Single engine shutdown Since pilot training include, mention of instructor needed 	<ul style="list-style-type: none"> 91.575 		<ul style="list-style-type: none"> Agree. Draft amended to require PIC to hold an instructor or examiner rating. 	Practical experience for instructors important, vs simulating engine shutdown.

CASR PART 91 CONSULTATION TWG 6-7 February 2018						
Issue No	ISSUE TOPIC	ISSUE SPECIFICS	REG/MOS REFERENCE	RESOLUTION OPTIONS	RESOLUTION DECISION	COMMENTS
						Definition of pilot training with respect to solo flying (training or private). Shutdown – should technique include movement of throttles or mixture levers? Minimum height for restart is not included. Suggestion that regulation shouldn't be there. Engine shutdown is not permitted by other national authorities
27	Multi-engine aeroplane—simulating engine failure	<ul style="list-style-type: none"> Length of regulation and distinction between IMC/NVMC Sim engine failure not allowed en-route by night (currently suggests in circling area only) Requirement to consider operations of independent flight examiner and the requirements for them to have 'operations manual' Regulation required to stop the average pilot conducting. 	<ul style="list-style-type: none"> 91.585 	Apply rules to one group – IMC and NVMC. Suggestion to leave instructional restrictions to Part 141/142.	<ul style="list-style-type: none"> Noted. Edits have been made to clarify matters. Agree. Edits have been requested from OPC to clarify matters. The regulation does not require an independent flight examiner to have an operations manual, only that if the operator of the aircraft was required to have one then the activity would need to be conducted IAW that manual. Noted. Re the suggestion to place instructional restrictions generally in Part 141 and 142, due to the presence of independent instructors for certain flight activities and flight examiners generally, these provision will remain in Part 91, at least for now, on the basis that Parts 141/142 do not apply to all training activities. 	
28	Single-engine rotorcraft—simulating engine failure or initiating autorotation of main rotor system at night	<ul style="list-style-type: none"> Meaning of 'Hover Height' vs 'In Ground Effect' Understanding of baulked approach 	<ul style="list-style-type: none"> 91.600 		<ul style="list-style-type: none"> Addressed by other means. The meaning of these terms is more appropriate to contain within Guidance Material as opposed to defining the terms in law. 	Use of Go Around can be used instead of baulked approach if Part 61, Part 141 or Part 142 define it.
29	Referral to flight manuals/expositions/ops manual	<ul style="list-style-type: none"> Additional requirements for rotorcraft 	<ul style="list-style-type: none"> 91.610 91.585 		<ul style="list-style-type: none"> Agree. A provision has been added to 91.585 to require compliance with an aeroplane flight manual similar to the provision already drafted in 91.610 for rotorcraft. 	91.610 (2)(g)(i) the simulation must be carried out in accordance with: (i) procedures specified in the aircraft flight manual instructions for the rotorcraft (if any)... Not included in 91.585
30	Fire Hazards	<ul style="list-style-type: none"> Definition of 'fire hazard' – eg long grass around drums? Fuelling tanker/bowser location of extinguisher 	<ul style="list-style-type: none"> 91.625 91.630 	Inclusion of provision to permit extinguisher on vehicle or bowser (which might be	<ul style="list-style-type: none"> Addressed through provision of an answer. CASA prefers to not define the term "fire hazard" and leave this regulation as outcome based. Agree. 	General discussions surrounding meaning of the word 'hazard'.

CASR PART 91 CONSULTATION TWG 6-7 February 2018						
Issue No	ISSUE TOPIC	ISSUE SPECIFICS	REG/MOS REFERENCE	RESOLUTION OPTIONS	RESOLUTION DECISION	COMMENTS
				greater than 15m from fuelling point)	<ul style="list-style-type: none"> Part 91 draft has been amended to match the current policy regarding the acceptability of positioning the extinguisher on the refuelling tanker. 	
31	Hazard to air navigation	<ul style="list-style-type: none"> Definition of hazard 	<ul style="list-style-type: none"> 91.170 91.705 		<ul style="list-style-type: none"> Addressed through provision of answer. Assessed as unnecessary due to a preference to maintain an outcome based regulation. Pilots are expected to exercise their judgement and common sense regarding what to report and what doesn't warrant reporting. 	General discussions surround meaning of the word 'hazard'.
33	Cabin crew knowledge of emergency procedures	<ul style="list-style-type: none"> 'and' between (2)(a) and (b) 	<ul style="list-style-type: none"> 91.1470 		<ul style="list-style-type: none"> Agree. Draft revised to address this comment. 	
34	MEL	<ul style="list-style-type: none"> Extended MEL rectification intervals Responsibility of operator to report / responsibility of PIC 	<ul style="list-style-type: none"> 91.1700 		<ul style="list-style-type: none"> Addressed through provision of answer. Part 91 as drafted does not allow contiguous extensions. Part 91 as drafted also prohibits unsafe operation related to inoperative items. 	Discussion surrounding operators extending MEL when pilot considers unsafe. Monitoring and collation of FOI collected data.
35	Take-off weight Landing weight	<ul style="list-style-type: none"> Use of words 'calculated' and 'determined' where FAR required 'consideration of' Important to allow performance of aircraft to be taken from data provider such as APG, etc. 	<ul style="list-style-type: none"> 91.1035 91.1040 MOS 27.02 (2)(b) 		<ul style="list-style-type: none"> Agree. The Part 91 draft and the Part 91 MOS drafts have been amended to reflect the use of "determined" as opposed to "calculated". Agree. MOS amended to incorporate additional documents that may be used to determine performance. 	Consistency of wording important - 'calculated' and 'determined' used in many sections. 'Intent' of rules important in developing. Discussed definition of 'flight manual'.
36	Fire extinguishers	<ul style="list-style-type: none"> Suggestion to locate Air Transport and Aerial Work rules within respective Parts 	<ul style="list-style-type: none"> MOS Part 29, Div 11 		<ul style="list-style-type: none"> Agree in part. The Air Transport CASR Parts will have a self-contained equipment section. The approach for CASR Part 138 (Aerial Work) is likely to be "in addition to" Part 91 due to the high level of commonality between Part 91 and 138. 	Drafting has been refined, however note that Part 91 needs to prescribe certain rules for fire extinguishers as some large transport category aircraft (e.g. FAR 25, FAR 29), to which these rules apply, are able to be operated under this Part.
37	Landing weight for rotorcraft	<ul style="list-style-type: none"> Wording of time spent in avoid area of HF curve 	<ul style="list-style-type: none"> MOS 27.05 		<ul style="list-style-type: none"> Agree. MOS wording has been amended to reflect HV curve wording 'to the extent practicable'. 	
38	Landing weight for rotorcraft	<ul style="list-style-type: none"> Definition of populous area within rotorcraft ops 			<ul style="list-style-type: none"> Populous area has not been defined however the wording of this section in the MOS has been amended to clarify this matter. 	
39	Flying in formation	<ul style="list-style-type: none"> (2) separation of night or IMC into separate sub subregs 	<ul style="list-style-type: none"> 91.165 		<ul style="list-style-type: none"> Agree. The Part 91 draft has been amended to clarify the intent. 	
40	Accurate QNH	<ul style="list-style-type: none"> (3)(a) published by AA too limiting and doesn't consider international operations 	<ul style="list-style-type: none"> MOS 7.05 	Replace with 'published by NAA'	<ul style="list-style-type: none"> Agree. Part 91 MOS draft has been amended to include provision of aerodrome survey data by other NAAs. 	
41	Editorial	<ul style="list-style-type: none"> Incorrect Referencing (refers to itself) 	<ul style="list-style-type: none"> MOS 29.72 (3) 		<ul style="list-style-type: none"> Agree. Part 91 MOS draft fixed to correctly refer to the preceding paragraph. 	
42		<ul style="list-style-type: none"> Incorrect spelling 'Experiemntal' 	<ul style="list-style-type: none"> MOS 30.01 		<ul style="list-style-type: none"> Agree. Part 91 MOS draft fixed. 	

CASR PART 91 CONSULTATION TWG 6-7 February 2018						
Issue No	ISSUE TOPIC	ISSUE SPECIFICS	REG/MOS REFERENCE	RESOLUTION OPTIONS	RESOLUTION DECISION	COMMENTS
43		<ul style="list-style-type: none"> Incorrect spelling (QHN vice QNH) 	<ul style="list-style-type: none"> MOS 7.02 (2)(l) MOS 13.02 (2) MOS 13.04 (2) 		<ul style="list-style-type: none"> Agree. Part 91 MOS draft fixed. 	
44		<ul style="list-style-type: none"> Text placeholders – XXX 	<ul style="list-style-type: none"> MOS 29.66 (1) + more 	Review	<ul style="list-style-type: none"> Agree. Part 91 MOS draft fixed. 	
45		<ul style="list-style-type: none"> Division reference (should be 14 not 15) 	<ul style="list-style-type: none"> MOS 29.58 (1)(b) 		<ul style="list-style-type: none"> Agree. Part 91 MOS draft fixed. 	
46		<ul style="list-style-type: none"> Not in MOS Table of Contents 	<ul style="list-style-type: none"> MOS 17.02 MOS 10.15 		<ul style="list-style-type: none"> Agree. TOC will be re-generated for the public consultation draft. 	
49		<ul style="list-style-type: none"> Doesn't correctly reflect current policy 	<ul style="list-style-type: none"> MOS 10.13 para 6 		<ul style="list-style-type: none"> Agree. Part 91 MOS draft has been amended to remove the incorrect requirements. 	
50		<ul style="list-style-type: none"> 'the' any 	<ul style="list-style-type: none"> MOS 11.04 (3) 		<ul style="list-style-type: none"> Agree. Part 91 MOS draft fixed. 	
51		<ul style="list-style-type: none"> 'or' instead of 'and' 	<ul style="list-style-type: none"> 91.755 (2)(c) 		<ul style="list-style-type: none"> Agree. 91.755(2)(c) has been revised to clarify the intent. 	
52		<ul style="list-style-type: none"> Insert reference to 13.02 in front of 'tables A and B' 	<ul style="list-style-type: none"> MOS 12.07 (7) 		<ul style="list-style-type: none"> Agree. Part 91 MOS draft fixed. 	
54		<ul style="list-style-type: none"> 'it's the' grammar 	<ul style="list-style-type: none"> MOS 29.34(1)(b) 		<ul style="list-style-type: none"> Agree. Part 91 MOS draft fixed. 	
55		<ul style="list-style-type: none"> VHR vice VFR 	<ul style="list-style-type: none"> Table 29.75(1) item 4, col 1 		<ul style="list-style-type: none"> Agree. Part 91 MOS draft fixed. 	
56		<ul style="list-style-type: none"> Incorrect referencing 	<ul style="list-style-type: none"> 91.335 		<ul style="list-style-type: none"> Agree. Part 91 MOS draft fixed. 	<p>MOS part 11 states head of power 91.335. 91.335 is 'matters to be checked before take-off' MOS part 11 should have 91.325 as head of power</p>
57		<ul style="list-style-type: none"> Incorrect Referencing contained in note 	<ul style="list-style-type: none"> 91.420 		<ul style="list-style-type: none"> Agree. Note in regulation deleted. 	
58		<ul style="list-style-type: none"> Wording to match part 61 (endorsed / rated) 	<ul style="list-style-type: none"> MOS 17.02 (1)(b) 		<ul style="list-style-type: none"> Agree. Part 91 MOS draft fixed. 	
59		<ul style="list-style-type: none"> Para (8) Reference also applies to para (2) 	<ul style="list-style-type: none"> 91.200 		<ul style="list-style-type: none"> Agree. Part 91 draft fixed. 	
60		<ul style="list-style-type: none"> Check para (1) matches current AIP 	<ul style="list-style-type: none"> MOS 12.03 		<ul style="list-style-type: none"> One error compared to AIP identified. Part 91 MOS fixed. 	
61	Uncertainty of wording	<ul style="list-style-type: none"> Check (1) is worded correctly, in particular 'not inconsistent' 	<ul style="list-style-type: none"> 91.455 		<ul style="list-style-type: none"> Addressed through provision of answer. This wording is accurate and correctly reflects the requirement. 	
62	Hot re-fuelling	<ul style="list-style-type: none"> Application to aircraft fuelled with avgas currently refers to turbine engine aircraft 	<ul style="list-style-type: none"> 91.650 		<ul style="list-style-type: none"> Addressed through provision of answer. 	<p>Ensure allowed under Part 133, Part 135 and Part 138.</p>

CASR PART 91 CONSULTATION TWG 6-7 February 2018						
Issue No	ISSUE TOPIC	ISSUE SPECIFICS	REG/MOS REFERENCE	RESOLUTION OPTIONS	RESOLUTION DECISION	COMMENTS
					<ul style="list-style-type: none"> This provision is accurate for rotorcraft as the current CAOs only permit AVGAS hot refuelling for a rotorcraft under the auspices of an operator and operations manual. This will be addressed in other CASR Parts. This provision is accurate for aeroplanes as the current CAOs do not permit AVGAS hot refuelling of aeroplanes under what would be a Part 91 activity. 	
63	VMC Criteria	<ul style="list-style-type: none"> Wording of table and missing info 	<ul style="list-style-type: none"> MOS 2.03 table 2.03 		<ul style="list-style-type: none"> Addressed through the provision of answer. The table accurately reflects the VMC criteria as per current AIP. Special VFR is not a VMC criteria per se and therefore is not in the table. Special VFR discussed by MOS 2.01. 	
64	Forecast for flight planning	<ul style="list-style-type: none"> Ability to obtain forecast in remote areas Reference (3) should refer to 9.03(2) 	<ul style="list-style-type: none"> MOS 9.02 		<ul style="list-style-type: none"> Addressed through the provision of an answer. The ability to obtain a forecast in a remote area is addressed through MOS 9.03 (flights unable to obtain forecast before departure). The reference in 9.03(3) correctly refers to 9.02(2) – it should not be amended to refer to 9.03(2). 	Discussion of the requirement to study an authorised weather forecast and the inclusion in list of documents to be carried (CASR 91.120)
65	Flight note requirements	<ul style="list-style-type: none"> Inclusion of pilot telephone number Difference between (2) and current AIP 	<ul style="list-style-type: none"> MOS 11.08 MOS 11.10 	No action	<ul style="list-style-type: none"> Agree. MOS 11.08 has been amended to include the telephone number of PIC as flight note requirement. Addressed through the provision of an answer. The purpose of the responsible person is to alert CENSAR if the flight for which they hold the Flight Note is overdue. The equivalent responsible person in the AIP is the person responsible for reporting an IRM or RRM to the ATSB. This provision – for the purposes of this Flight Note reporting only – considerably relaxes the ATSB reporting equivalent responsible person to what CASA considers to be an appropriate level. 	Additional information required of RPT or Charter pilots include proposed route, type of ELT and details of survival equipment (AIP ENR 1.10 3.6.2)
66	IFR report requirements	<ul style="list-style-type: none"> Check whether (6) matches current AIP requirements 	<ul style="list-style-type: none"> MOS 25.09 (6) 		<ul style="list-style-type: none"> Agree. This subsection was incorrectly worded and has been amended to match the current AIP. 	Subsection (6) requires periodical reporting that PIC maintaining assigned level.
67	Requirement for autopilot to be fitted to rotorcraft	<ul style="list-style-type: none"> Doesn't match CAO 20.18 requirements 	<ul style="list-style-type: none"> MOS 29.10 (m) 	No action	<ul style="list-style-type: none"> No amendment made. The requirement for autopilot / SAS, or a second pilot, maintains the existing policy specified in CAO 20.18 3.2A (c). 	The requirement is not listed in CAO 20.18 Appendix VIII alongside other requirements, so this may be the cause of the confusion on this point. There has been no policy change.
70	Alternate and holding fuel requirements	<ul style="list-style-type: none"> Thunderstorm probability now includes 10% and 20% which creates new implications for operators 	<ul style="list-style-type: none"> MOS 10.06 		<ul style="list-style-type: none"> Addressed by another means. MOS 10.03 and 10.06 have been amended to specify only probabilities of 30% or more need to be considered. Investigation with the BoM revealed that probabilities below 30% should not be issued on the GAF. 	Investigate new reports Include 30% as lower limit for alternate requirements.

CASR PART 91 CONSULTATION TWG 6-7 February 2018						
Issue No	ISSUE TOPIC	ISSUE SPECIFICS	REG/MOS REFERENCE	RESOLUTION OPTIONS	RESOLUTION DECISION	COMMENTS
72	Manipulation of flight controls	<ul style="list-style-type: none"> Re-examine reason and wording 	<ul style="list-style-type: none"> 91.220(2) 		<ul style="list-style-type: none"> Agree. OPC has been requested to re-draft the regulation to refer to a pilot permitting the manipulation. 	<p>Wording that requires the pilot in command to “remain in control of the aircraft” may assist the re-drafting of this provision.</p> <p>Note also that FAA in comparison restricts non-pilot manipulation to Part 121 operations, rather than Part 91.</p>
73	Ops in vicinity of non-controlled aerodrome	<ul style="list-style-type: none"> Purpose of regulation for noise control queried 	<ul style="list-style-type: none"> 91.505 (2)(b) 		<ul style="list-style-type: none"> Addressed through provision of answer. Protection of the environment is a (secondary) function of CASA under s.9A of the Act and therefore this provision is appropriate. 	
76	General	<ul style="list-style-type: none"> Blanket approach to penalty – 50 units 	<ul style="list-style-type: none"> All regulations 		<ul style="list-style-type: none"> Re penalty units – initial assessment conducted and penalty units reduced in some provisions. 	

Items that were still under consideration prior to public consultation – final disposition

CASR PART 91 CONSULTATION TWG 6-7 February 2018						
Issue No	ISSUE TOPIC	ISSUE SPECIFICS	REG/MOS REFERENCE	RESOLUTION OPTIONS	RESOLUTION DECISION (PRE PUBLIC CONSULTATION)	COMMENTS POST PUBLIC CONSULTATION
4	Carriage of firearms	<ul style="list-style-type: none"> Why is consent required in writing? 	<ul style="list-style-type: none"> 91.130 		<ul style="list-style-type: none"> No amendment made. The need to consent in writing ensures PIC adequately considers and clearly consents to the risks/possible consequences. 	CASA will amend this requirement following similar public consultation comments.
10	Reference to CASR in MOS	<ul style="list-style-type: none"> Challenges with locating relevant MOS entry 	<ul style="list-style-type: none"> MOS generally 		<ul style="list-style-type: none"> Further discussions to be had post public consultation with CASA Legal re more transparent linking between regulation and related MOS provision. 	CASA accepts that this needs further work. The exact method of achieving this will be determined post the public consultation of CASR Part 133 and 135 as the MOS format for these MOS's has been modified from Part 91.
17	LSALT	<ul style="list-style-type: none"> Clarity of aircraft equipped and pilot trained to use a published LSALT (based on RNP 2) 	<ul style="list-style-type: none"> 91.395 		<ul style="list-style-type: none"> Agree in concept. Still deciding how to implement – words being considered to add in para (2)(c) to address this comment. 	CASA believes the regulatory requirements for the aircraft to be equipped and the pilot to be trained are adequately regulated by other CASR Parts. Additionally, CASA will provide plain English guidance in the Part 91 guidance material.
32	Reporting contraventions relating to emergencies	<ul style="list-style-type: none"> How does CASA receive correspondence? When does 2 business days start? 	<ul style="list-style-type: none"> 91.720 		<ul style="list-style-type: none"> CASA will promulgate in guidance material developed prior to commencement of the regulations the methods through which notification may be made to CASA. Regarding the interpretation of business days – this is defined by the Commonwealth Acts Interpretation Act. Link - https://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/aia1901230/s36.html. 	CASA will include the guidance provided in the answer in the document in the Part 91 guidance material.

CASR PART 91 CONSULTATION TWG 6-7 February 2018						
Issue No	ISSUE TOPIC	ISSUE SPECIFICS	REG/MOS REFERENCE	RESOLUTION OPTIONS	RESOLUTION DECISION (PRE PUBLIC CONSULTATION)	COMMENTS POST PUBLIC CONSULTATION
					<ul style="list-style-type: none"> The 2 business days would start on the next working day for the CASA local office either relevant to the pilot or the operator or the location where the contravention occurred. 	
47	Editorial	<ul style="list-style-type: none"> Discuss format with drafter 	<ul style="list-style-type: none"> MOS 11.03 MOS 29.28 	Review	<ul style="list-style-type: none"> Noted. Format remaining the same for public consultation draft and will be reviewed later. 	CASA will review this as the MOS is refined prior to making this legislative instrument.
48	Editorial	<ul style="list-style-type: none"> Refers to GNSS as a substitute when current ops it is a primary 	<ul style="list-style-type: none"> MOS 29.62 		<ul style="list-style-type: none"> Noted. Format remaining the same for public consultation draft and will be reviewed later. 	CASA will review this as the MOS is refined prior to making this legislative instrument.
53	Editorial	<ul style="list-style-type: none"> Check grammar 	<ul style="list-style-type: none"> MOS 29.31 (d) and (e) 		<ul style="list-style-type: none"> Noted. Format remaining the same for public consultation draft and will be reviewed later. 	CASA will review this as the MOS is refined prior to making this legislative instrument.
68	First aid oxygen	<ul style="list-style-type: none"> Suggest defining of 'first aid oxygen' Consider definitions for therapeutic oxygen of other authorities 	<ul style="list-style-type: none"> MOS 29.41 	Review	<ul style="list-style-type: none"> Still under consideration. 	CASA will review this as the MOS is refined prior to making this legislative instrument.
74	Hot fuelling of aircraft	<ul style="list-style-type: none"> Check accurately reflects current rules in relation to aeroplanes 	<ul style="list-style-type: none"> 91.655 		<ul style="list-style-type: none"> Addressed through provision of answer. The only provision which is new in this regulation is that open system hot refuelling is no longer permitted as a regular procedure under Part 91. This activity may be permitted either via exemption or via another CASR Part. 	ICAO Annex 6 – Operation of aircraft recommends additional precautions when aircraft are fuelled using an open system. 91.655 introduces precautions by ensuring aeroplanes are not hot fuelled by use of an open system. Hot fuelling of rotorcraft will be regulated by CASR Parts 133 and 138.
75	General	<ul style="list-style-type: none"> Requirement for strict liability 	<ul style="list-style-type: none"> All regulations 		<ul style="list-style-type: none"> The Part 91 project team considers this to be a wider issue for CASA generally to address if deemed appropriate. Part 91 project actions – a fact sheet explaining the defences against strict liability that are embedded within Commonwealth law will be provided during public consultation. 	This is part of a wider issue – to be examined by a separate CASA project.
77	General	<ul style="list-style-type: none"> Publication of an Aeronautical Information Manual 	<ul style="list-style-type: none"> All regulations 		<ul style="list-style-type: none"> CASA agrees in principle that the issue of an AIM would be advantageous and is examining how this may be accomplished. A final decision will be made as part of the decisions regarding the structure of Part 91 Guidance Material. 	CASA has committed to the publishing of an AIM (or similar document) as a combined VFR and IFR guide well in advance of the commencement of the regulation.

Items not proceeding with at this time

CASR PART 91 CONSULTATION TWG 6-7 February 2018						
Issue No	ISSUE TOPIC	ISSUE SPECIFICS	REG/MOS REFERENCE	RESOLUTION OPTIONS	RESOLUTION DECISION	COMMENTS
5	Carriage of firearms	<ul style="list-style-type: none"> Carriage of weapons other than firearms 	<ul style="list-style-type: none"> 91.130 		<ul style="list-style-type: none"> No amendment made. No extension to other kinds of weapons due to the ability for many items to be classified as a weapon. The Aviation Transport Security Act is potentially a more appropriate vehicle for addressing this issue if it is necessary. 	
11	Fuel requirements	<ul style="list-style-type: none"> Non-Part 91 issue – no current requirement for a NOTAM to be issued specifying when fuel is not available at a particular aerodrome. 	<ul style="list-style-type: none"> 91.320 		<ul style="list-style-type: none"> No amendment made. This is not a direct aviation safety matter and is beyond the purview of CASA's safety regulations. 	
69	Circuit operations	<ul style="list-style-type: none"> Concern regarding safety of circuit operations and suitability of regulations 	<ul style="list-style-type: none"> Reg / MOS reference needed 	Suggest discussing with the CASA ASAs.	<ul style="list-style-type: none"> No amendment made. This issue is more appropriately addressed in Guidance Material (GM). As an uncontrolled aerodrome effectively does not have an independent authority to determine circuit sequence, such a requirement as suggested would be extremely difficult to implement. 	Discussion regarding circuit operations at aerodromes with a high traffic density (e.g. where training takes place). Concern raised about traffic sequence and safety implications of overtaking traffic. Suggestions of word 'must' in place of 'should'.
71	Carriage of documents	<ul style="list-style-type: none"> Requires signpost to MOS 	<ul style="list-style-type: none"> 91.120(4) 		<ul style="list-style-type: none"> No amendment made. Although the regulations may contain "Notes", these cannot directly reference a particular section of the MOS as it cannot be guaranteed that these MOS references would remain static over time. 	

Post Public Consultation TWG Comments – held 17 July 2018 – subject of this update

CASR PART 91 TWG 17 July 2018						
Issue No	Document	ISSUE SPECIFICS	REG/MOS REFERENCE	RESOLUTION OPTIONS	RESOLUTION DECISION	COMMENTS
75	RIS	<ul style="list-style-type: none"> Change the description of the journey log requirement to make it clear that the ICAO requirement originates from the Convention not a SARP. 			<ul style="list-style-type: none"> Agreed. The Part 91 Regulation Impact Statement will be amended to reflect this. Additionally, the Part 91 Summary of Consultation has been amended to clarify that the journey log requirement originates from the Chicago Convention and is further explained in applicable ICAO Annexes. 	
76	RIS	<ul style="list-style-type: none"> Provide an explanation as to why the requirements for the retention of the FDR and CVR following an Immediately Reportable Matter is in Part 91 and why it is not sufficient to rely on the TSI Act. Provide further detail as to how private operators could be impacted by the requirement to retain a recorder after an immediately 			<ul style="list-style-type: none"> Agreed. The Part 91 RIS will explain these matters. See item 82 for further information. 	

CASR PART 91 TWG 17 July 2018						
Issue No	Document	ISSUE SPECIFICS	REG/MOS REFERENCE	RESOLUTION OPTIONS	RESOLUTION DECISION	COMMENTS
		reportable matter that covers a broad range of incidents, such as bird strikes.				
77	RIS	<ul style="list-style-type: none"> Include an explanation of Questions 12 and 13 from the Summary of Consultation in the RIS. 			<ul style="list-style-type: none"> Agreed. The Part 91 Regulation Impact Statement will be amended to explain these matters. 	
78	RIS	<ul style="list-style-type: none"> Rewrite the two paragraphs describing strict liability in the consultation section to remove the inference that CASA has created the MOS solely in response to consultation feedback about strict liability and the fact that the strict liability provisions are mandated by the Criminal Code. 			<ul style="list-style-type: none"> Agreed. The draft Part 91 Regulation Impact Statement was incorrect its description of these matters and will be amended. The Part 91 MOS was not created to address strict liability concerns and the Criminal Code does not mandate strict liability provisions. 	
79	RIS	<ul style="list-style-type: none"> Rewrite the section on the simulation of emergencies to clarify the requirements, including to make a clear distinction between actual engine shutdowns and engine to idle or reduced thrust simulations. Also make it clear what simulations will be permitted under Part 91 with an instructor and without an instructor. 			<ul style="list-style-type: none"> Agreed. The Part 91 Regulation Impact Statement will be amended to clarify this matter however the RIS is not the guidance material for Part 91. The Part 91 dedicated guidance material will explain these matters. 	
80	SOC	<ul style="list-style-type: none"> CASA comment required for every question. 			<ul style="list-style-type: none"> Agreed. The Part 91 Summary of Consultation has been amended to explicitly respond to every question. 	
81	Cosmic radiation requirement document location	<ul style="list-style-type: none"> Cosmic radiation is contained in the regulations in CASR Parts 121/133/135 but it is not the Part 91 MOS. Question raised as to why this is different. 	<ul style="list-style-type: none"> Draft Part 91 MOS section 30.09 		<ul style="list-style-type: none"> Addressed through the provision of an answer. The requirement for aircraft operating above FL490 to fit equipment that can measure and display the amount of cosmic radiation received in the cabin is contained within section 30.09 of the draft Part 91 MOS. CASR Parts 121/133/135 contain two different types of requirements relating to cosmic radiation: exposition content requirements and equipment fitment requirements. It is CASA's intent to move all equipment fitment requirements to the appropriate MOS however this is a locational issue and not a policy issue so this move is not occurring until after public consultation of the applicable CASR parts. Exposition requirements will remain in appropriate regulations where necessary – CASR Part 91 does not contain any exposition requirements. 	
82	Preservation of flight recorders or recordings	<ul style="list-style-type: none"> Discussion regarding the regulatory requirement for the preservation of flight recorders or recordings following the occurrence of an immediately reportable matter. Discussion that the definition of IRM is very broad. 	<ul style="list-style-type: none"> 91.724 		<ul style="list-style-type: none"> Addressed through provision of an answer. CASA discussed with the TWG members that it was CASA's understanding that the ATSB was currently reviewing the list of immediately reportable matters. Noting that Part 91 (and other associated flight operations regulations) are not planned to commence until early 2021 (this is the date of the requirement for industry to comply), there is a 	

CASR PART 91 TWG 17 July 2018

Issue No	Document	ISSUE SPECIFICS	REG/MOS REFERENCE	RESOLUTION OPTIONS	RESOLUTION DECISION	COMMENTS
					<p>considerable amount of time available to further review this rule once the ATSB review of the immediately reportable matter list was completed.</p> <ul style="list-style-type: none"> The Part 91 rule is an appropriate expansion of the existing rule in CAO 82.5 that only applied to high capacity RPT. Australia received negative comment from ICAO in relation to this ICAO Annex 13 requirement at the recent ICAO ICVM in October 2017. The current requirement inappropriately disregards the retention of recordings for all other operations. Whilst the current CAO 82.5 rule does not explicitly require the preservation of the recorder, it is implicit that if there is no other way to preserve the recordings other than preserving the recorder then the recorder itself must be preserved. The wording used in the Part 91 regulation just makes this requirement explicit for the sake of clarity. This regulation significantly limits the exposure of operators to any delays in ATSB advice. ATSB advice to CASA was that advice regarding the necessity or otherwise to retain the recorders / recordings in the event of an incident would be rapidly forthcoming normally well within the 72 hours. 	
83	Wording of the fitness for duty regulation	<ul style="list-style-type: none"> Discussion occurred surrounding the fitness for duty rule. 	<ul style="list-style-type: none"> 91.215 		<ul style="list-style-type: none"> TWG members were comfortable with CASA's proposed changes as expressed in the draft Summary of Consultation. A TWG member raised a possible problem with the wording of the regulation whereby to contravene the regulation would require a person to be "under the influence". Concern was expressed that the use of this term could be taken to mean that alcohol would still be required to be in the person's system as opposed to the current wording of CAR 256 which states that a person is not to act as a member of crew where their ability to act is impaired by reason of the consumption of alcohol. The intent of using "under the influence" was not to preclude impairment due to consumption – rather the intent was to include this in the meaning of the regulation as drafted. CASA will consider modifying the regulation to utilise language similar to CAR 256. If the regulation is not amended, the explanatory statement will explain that the regulation is intended to capture impairment due to psychoactive substances still in the person's system as well as impairment that exists beyond physical presence of the psychoactive substance. 	