



Civil Aviation Safety Amendment Regulations 2011 (No.)¹

Select Legislative Instrument 2011 No.

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Civil Aviation Act 1988*.

Dated 2011

Governor-General

By Her Excellency's Command

ANTHONY ALBANESE
Minister for Infrastructure and Transport

CONSULTATION DRAFT

1 Name of Regulations

These Regulations are the *Civil Aviation Safety Amendment Regulations 2011 (No.)*.

2 Commencement

These Regulations commence as follows:

- (a) on the day after they are registered — regulations 1 to 3 and Schedule 1;
- (b) on 1 April 2012 — Schedule 2.

3 Amendment of *Civil Aviation Safety Regulations 1998*

Schedules 1 and 2 amend the *Civil Aviation Safety Regulations 1998*.

Schedule 1 Amendments commencing on day after registration

(regulation 3)

[1] Table 101.155-2, note

omit

office

insert

Office

[2] Subregulation 101.155 (5), note 2

omit

office

insert

Office

[3] After Division 139.B.3

insert

Division 139.B.4 Aerodromes to which A-SMGCS applies**139.252 Designation of aerodromes to which A-SMGCS applies**

- (1) CASA may designate a certified aerodrome as an aerodrome to which A-SMGCS applies.
- (2) However, CASA may designate the aerodrome as an aerodrome to which A-SMGCS applies only if:
 - (a) an ATS provider for the aerodrome:
 - (i) asks CASA to designate the aerodrome as an aerodrome to which A-SMGCS applies; and
 - (ii) gives CASA a safety assessment demonstrating that the use of A-SMGCS is necessary to ensure the safe control of aircraft and vehicles operating on the aerodrome's manoeuvring area; and
 - (b) CASA is satisfied, on the basis of the safety assessment, that the use of A-SMGCS is necessary to ensure the safe control of aircraft and vehicles operating on the aerodrome's manoeuvring area.
- (3) The designation must:
 - (a) be in writing; and
 - (b) set out the date it takes effect, which must be not less than 6 months after the day it is made.
- (4) CASA must give a copy of the designation to:
 - (a) the operator of the aerodrome; and
 - (b) the ATS provider who made the request under paragraph (2) (a).
- (5) If CASA:
 - (a) receives a request and safety assessment under paragraph (2) (a) for a certified aerodrome from an ATS provider for the aerodrome; and

- (b) decides not to designate the aerodrome as an aerodrome to which A-SMGCS applies;

CASA must tell the ATS provider, in writing, as soon as practicable, of the decision and the reasons for it.

- (6) In this regulation:

A-SMGCS means Advanced Surface Movement Guidance and Control System, as defined in ICAO Document 9830 (Advanced Surface Movement Guidance and Control Systems (A-SMGCS) Manual) approved and published by decision of the Council of the International Civil Aviation Organization, as in force from time to time.

Note See regulation 201.004 for administrative review of decisions under this regulation.

139.254 Vehicles at aerodromes to which A-SMGCS applies

- (1) This regulation applies to an aerodrome that is designated as an aerodrome to which A-SMGCS applies.
- (2) The operator of the aerodrome commits an offence if the operator does not, before the designation takes effect:
- (a) establish the procedures mentioned in subregulations (3) and (4); and
 - (b) publish the procedures in its aerodrome manual.
- Penalty: 25 penalty units.
- (3) The procedures must require any vehicle that enters, or moves on, the aerodrome's manoeuvring area:
- (a) to be fitted with:
 - (i) serviceable electronic surveillance equipment that meets the technical standards for the equipment published in the Manual of Standards; and
 - (ii) serviceable radiocommunications equipment capable of maintaining two-way radio communication with air traffic control; or
 - (b) to be accompanied by another vehicle that meets the requirements mentioned in paragraph (a).

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- (4) The procedures must require the driver of a vehicle that is fitted with the equipment mentioned in paragraph (3) (a):
- (a) to monitor the air traffic control radio frequency for surface traffic at all times that the vehicle is on the aerodrome's manoeuvring area; and
 - (b) to communicate with air traffic control as necessary to ensure the safety of persons, vehicles and aircraft on the manoeuvring area.
- (5) The operator commits an offence if, after the designation takes effect:
- (a) the operator does not comply with the procedures mentioned in subregulations (3) and (4); or
 - (b) the operator does not ensure that a person who operates a vehicle on the aerodrome's manoeuvring area complies with the procedures; or
 - (c) the operator does not ensure that a driver of a vehicle on the aerodrome's manoeuvring area complies with the procedures.
- Penalty: 25 penalty units.
- (6) An offence against subregulation (1) or (5) is an offence of strict liability.

[4] Subregulation 171.010 (1), definition of AIS

omit

[5] Regulation 172.180

omit each occurrence of

Aeronautical Information Service

insert

AIS

[6] Regulation 173.010, definitions of AIS, off-shore installation, specialised helicopter operations and terminal instrument flight procedure

omit

[7] Regulation 173.010, note

substitute

Note The following terms are defined in the Dictionary:

- AIS
- instrument approach procedure
- instrument departure procedure
- instrument flight procedures
- lowest safe altitude
- off-shore installation
- specialised helicopter operation
- terminal instrument flight procedure.

[8] Regulation 173.035

substitute

173.035 Design, review or amendment of terminal instrument flight procedures — requirement for procedure design certificate etc

- (1) A person commits an offence if:
- (a) the person carries on design work (other than work mentioned in subregulation (2) or (3)) on a terminal instrument flight procedure for use by Australian aircraft operating under the IFR, or by foreign aircraft operating under the IFR in Australian territory; and
 - (b) the person is not permitted to do so under subregulation (2).

Penalty: 50 penalty units.

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- (2) For paragraph (1) (b), the following persons may carry on the work:
- (a) CASA;
 - (b) a certified designer whose procedure design certificate authorises the designer to carry on design work on the procedure;
 - (c) an employee of a certified designer mentioned in paragraph (b) who carries on the design work in the course of the employee's duties.
- (3) A person commits an offence if:
- (a) the person reviews or amends a terminal instrument flight procedure for use by Australian aircraft operating under the IFR at, or in the vicinity of, an aerodrome in a foreign country; and
 - (b) the person is not permitted to do so under subregulation (4).
- Penalty: 50 penalty units.
- (4) For paragraph (3) (b), the following persons may review or amend the procedure:
- (a) CASA;
 - (b) a certified designer whose procedure design certificate authorises the designer to carry on design work on the procedure;
 - (c) an employee of a certified designer mentioned in paragraph (b) who reviews or amends the procedure in the course of the employee's duties;
 - (d) an authorised designer whose procedure design authorisation authorises the designer to review or amend the procedure;
 - (e) an employee of an authorised designer mentioned in paragraph (d) who reviews or amends the procedure in the course of the employee's duties.

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- (5) A person commits an offence if:
- (a) the person carries on design work on a terminal instrument flight procedure for use by Australian aircraft operating under the IFR at, or in the vicinity of, an off-shore installation; and
 - (b) the person is not permitted to do so under subregulation (6).

Penalty: 50 penalty units.

- (6) For paragraph (5) (b), the following persons may carry on the work:
- (a) CASA;
 - (b) a certified designer whose procedure design certificate authorises the designer to carry on design work on the procedure;
 - (c) an employee of a certified designer mentioned in paragraph (b) who carries on the design work in the course of the employee's duties;
 - (d) an authorised designer whose procedure design authorisation authorises the designer to carry on design work on the procedure;
 - (e) an employee of an authorised designer mentioned in paragraph (d) who carries on the design work in the course of the employee's duties.
- (7) An offence against subregulation (1), (3) or (5) is an offence of strict liability.

[9] Regulation 173.195

omit

terminal flight instrument procedure

insert

terminal instrument flight procedure

[10] Subregulation 173.290 (1)

after

disposing

insert

of

[11] Paragraph 173.400 (1) (b)

after

under

insert

the

[12] Paragraph 173.400 (1) (f)

omit

authorised designer

insert

authorised inspector

[13] After paragraph 201.004 (p)

insert

(pa) a decision under regulation 139.252 to designate, or not to designate, an aerodrome as an aerodrome to which A-SMGCS applies; or

[14] Dictionary, Part 1, definition of AIP-ERSA

omit

AIS,

insert

AA,

[15] Dictionary, Part 1, definition of AIS

substitute

AIS has the meaning given in Annex 15 to the Chicago Convention.

[16] Dictionary, Part 1, definitions of *instrument approach procedure* and *instrument departure procedure*

substitute

instrument approach procedure means a series of predetermined manoeuvres by reference to flight instruments with specified protection from obstacles from the initial approach fix or, where applicable, from the beginning of a defined arrival route to a point from which a landing can be completed and thereafter, if a landing is not completed, to a position at which holding or en-route obstacle clearance criteria apply.

instrument departure procedure, for an aircraft, means a series of predetermined manoeuvres by reference to flight instruments with specified protection from obstacles from take-off until the aircraft reaches:

- (a) the en-route lowest safe altitude; or
- (b) the minimum altitude at which the aircraft, on a minimum climb gradient of 3%, can intercept the planned flight route; or
- (c) in a case where the aircraft has taken off from an aerodrome for which there is a radar control service in operation — the minimum radar vector altitude.

[17] Dictionary, Part 1, definition of *NOTAM office*

omit

[18] Dictionary, Part 1, definition of *NOTAM Office*

omit

AIS

insert

AA

[19] Dictionary, Part 1, after definition of *obstacle limitation surface*

insert

off-shore installation means an installation that is erected on, or floating in the sea above, the continental shelf for the purpose of extracting, or exploring for, petroleum or natural gas.

[20] Dictionary, Part 1, after definition of *special flight permit*

insert

specialised helicopter operation means a helicopter operation that involves the carriage of persons or cargo:

- (a) between the coast of Australia and an off-shore installation; or
- (b) between off-shore installations; or
- (c) to or from the helipad of:
 - (i) a hospital; or
 - (ii) a State or Territory service (however described) established to provide assistance in emergencies.

[21] Dictionary, Part 1, after definition of *synthetic training device*

insert

terminal instrument flight procedure means an instrument approach procedure or instrument departure procedure.

Schedule 2 Amendments commencing on 1 April 2012

(regulation 3)

[1] Regulation 139.030

substitute

139.030 Restrictions on use of terminal instrument flight procedures

- (1) The operator of an aerodrome commits an offence if:
- (a) the aerodrome is not a certified aerodrome or registered aerodrome; and
 - (b) there is a terminal instrument flight procedure for the aerodrome; and
 - (c) the terminal instrument flight procedure is not only for use in a specialised helicopter operation.

Penalty: 10 penalty units.

- (2) The operator of an aerodrome commits an offence if:
- (a) there is a terminal instrument flight procedure for the aerodrome; and
 - (b) the terminal instrument flight procedure is not only for use in a specialised helicopter operation; and
 - (c) the aerodrome:
 - (i) ceases to be a certified aerodrome and does not become a registered aerodrome; or
 - (ii) ceases to be a registered aerodrome and does not become a certified aerodrome; and
 - (d) the operator does not, in writing and as soon as possible after the cessation, tell each of the following of the cessation:
 - (i) the AIS;
 - (ii) the certified designer of the procedure.

Penalty: 10 penalty units.

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- (3) An offence against subregulation (1) or (2) is an offence of strict liability.
- (4) In this regulation:
certified designer has the meaning given by regulation 173.015.

[2] Regulation 139.040, note

substitute

Note See also regulation 139.030 for restrictions on the use of terminal instrument flight procedures.

[3] Subregulation 139.260 (1), note

substitute

Note See also regulation 139.030 for restrictions on the use of terminal instrument flight procedures.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frl.gov.au>.