



Australian Government

Civil Aviation Safety Authority

Instrument number CASA EX05/24

I, STEVEN JAMES CAMPBELL, Executive Manager, National Operations & Standards, a delegate of CASA, make this instrument under regulations 11.160 and 11.205 of the *Civil Aviation Safety Regulations 1998*.

[Signed S. Campbell]

Steven Campbell

Executive Manager, National Operations & Standards

30 July 2024

CASA EX05/24 — Part 91 Requirements (Anti-collision and Navigation Lights) (CASA EX86/21) Amendment Instrument 2024

1 Name

This instrument is *CASA EX05/24 — Part 91 Requirements (Anti-collision and Navigation Lights) (CASA EX86/21) Amendment Instrument 2024*.

2 Commencement

This instrument commences on the day after it is registered.

3 Amendment of instrument CASA EX86/21

Schedule 1 amends *CASA EX86/21 – Part 138 and Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2021*.

Schedule 1 Amendments

[1] After section 14 in Part 3

insert

14A Application of Part 91 requirements for anti-collision and navigation lights — exemption and conditions

(1) In this section:

ACAS means airborne collision avoidance system.

approved transponder has the meaning given by section 26.67 of the Part 91 MOS.

external lights, for an aircraft, means anti-collision lights (as the term is used in section 26.22 of the Part 91 MOS) and navigation lights (as the term is used in section 26.24 of the Part 91 MOS).

GNSS has the meaning given by section 1.07 of the Part 91 MOS.

IFR has the meaning given by Part 1 of the CASR Dictionary.

lights-out operation means a surveillance operation, conducted for law enforcement purposes by a relevant operator using a relevant aircraft, in which the

relevant aircraft's external lights are not to be displayed while flying over the relevant area.

navigation specification has the meaning given by section 1.07 of the Part 91 MOS.

relevant aircraft means an aircraft operated by a relevant operator for a lights-out operation.

relevant air traffic service means the air traffic service for the airspace over the area in which a lights-out operation is conducted.

relevant area means the area:

- (a) within which the target of the surveillance is located; and
- (b) over which the relevant pilot considers it necessary for the relevant aircraft's external lights not to be displayed so that the aircraft remains unseen.

relevant operator means an aerial work operator that conducts lights-out operations as, or under an arrangement with, any of the following government authorities:

- (a) the Australian Federal Police;
- (b) the Australian Border Force;
- (c) a State or Territory police service;
- (d) the Department of Home Affairs or an agency under the Department of Home Affairs.

relevant pilot means the pilot in command of a relevant aircraft operated for a lights-out operation.

surveillance operation has the meaning given by section 1.04 of the Part 138 MOS.

- (2) This section applies to a relevant operator and a relevant pilot in relation to the conduct of a lights-out operation in Australian territory.
- (3) The relevant operator and relevant pilot are each exempt from regulation 91.810 of CASR, to the extent that the regulation requires compliance with the following provisions of the Part 91 MOS in relation to the conduct of a lights-out operation:
 - (a) subsection 26.22 (3);
 - (b) subsection 26.22 (4);
 - (c) subsection 26.22 (5);
 - (d) that part of subsection 26.24 (2) that requires navigation lights fitted to the aircraft to be displayed during a flight.
- (4) The exemption granted to the relevant operator in subsection (3) is subject to the conditions set out in paragraphs (6) (a) and (b) and subsections (7) to (9).
- (5) The exemption granted to the relevant pilot in subsection (3) is subject to the conditions set out in paragraph 6 (c), subsection (8) and subsections (10) to (12).
- (6) Before conducting a lights-out operation:
 - (a) the relevant operator must notify CASA that it is an operator that conducts lights-out operations; and
 - (b) the relevant operator must ensure that the relevant aircraft is equipped with the following functional items of equipment:
 - (i) an ACAS with horizontal situation display and aural traffic advisory;
 - (ii) GNSS capable of navigating to a navigation specification of RNP 2;

- (iii) radiocommunication systems capable of ensuring communication with the relevant air traffic service and other nearby traffic;
 - (iv) despite section 26.73 of the Part 91 MOS, an approved transponder; and
 - (c) the relevant pilot must ensure that the relevant air traffic service is advised of the intention to operate in the relevant area without displaying external lights.
 - (7) The relevant operator must ensure that only the minimum number of crew members required for the lights-out operation are carried on the relevant aircraft for the operation.
 - (8) The relevant operator and relevant pilot must ensure that the lights-out operation is conducted under the IFR.
 - (9) The relevant operator must ensure that the operator's operations manual contains the following:
 - (a) procedures regarding entry to, and exit from, a relevant area;
 - (b) a statement of the following requirements for the relevant pilot:
 - (i) to monitor the aircraft's tracking in accordance with regulation 91.257 of CASR and subsection 14.02 (4) of the Part 91 MOS;
 - (ii) to maintain vigilance to see and avoid other aircraft in accordance with regulation 91.325 of CASR and by maintaining a scan of ACAS;
 - (iii) to continuously monitor the primary communications medium used by the relevant air traffic service in accordance with regulations 91.635 and 91.640 of CASR.
 - (10) The relevant pilot must not turn off external lighting except where it is necessary for the lights-out operation.
 - (11) The relevant pilot must ensure that external lights are displayed while the relevant aircraft is climbing to, descending from, transiting between, or travelling to or from the relevant area.
 - (12) The relevant pilot must turn the external lights on immediately if any of the following occurs during a lights-out operation:
 - (a) an item of equipment mentioned in paragraph (6) (b) fails to function as intended;
 - (b) the relevant pilot becomes aware of nearby air traffic and assesses that there is a reasonable risk of collision;
 - (c) a pilot of another aircraft, or the relevant air traffic service, requests that the external lights be displayed in order to identify the relevant aircraft as air traffic.
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