

## CHAPTER 11 AIR TRAFFIC SERVICES — PRESCRIBED REQUIREMENTS

### Division 11.1 Use of a class of airspace

#### 11.01 Purpose and definition

- (1) For subregulation 91.255 (1), this Division prescribes requirements in relation to the use by an aircraft of a class of airspace or a portion of a class of airspace.
- (2) In this Division:  
*oceanic airspace* means:
  - (a) for any airspace within an Australian FIR — the airspace within the lateral boundaries of an oceanic control area described in the AIP; or
  - (b) for any airspace not within an Australian FIR — the airspace:
    - (i) described by the relevant NAA as an oceanic control area; or
    - (ii) if subparagraph (i) does not apply — within an area, predominantly over an ocean or sea, where aircraft are unlikely to maintain VHF radiocommunications with an air traffic service.

*Note* The effect of subsection (2) is that the vertical limits of an oceanic control area have no relevance to the definition of *oceanic airspace* within an Australian FIR. At the commencement of this instrument, the AIP document describing the geographic boundaries of oceanic control areas is the Designated Airspace Handbook.

#### 11.02 Transition altitude, transition layer and transition level

- (1) This section applies to a flight using any class of airspace, whether controlled or uncontrolled, that is within an Australian FIR.
- (2) The transition altitude is 10 000 ft.
- (3) The transition level is as set out in Table 11.02 (3), so that for an area QNH mentioned in an item of column 1, the transition level is that mentioned in the same item of column 2.

**Table 11.02 (3) — Transition level**

	<b>Column 1</b>	<b>Column 2</b>
<b>Item</b>	<b>Area QNH</b>	<b>Transition level</b>
1	Equal to, or greater than, 1 013.2 hPa	FL 110
2	At least 997 hPa but less than 1 013.2 hPa	FL 115
3	At least 980 hPa but less than 997 hPa	FL 120
4	At least 963 hPa but less than 980 hPa	FL 125
5	Less than 963 hPa	FL 130

*Note* The intention is to retain a minimum buffer of 1 000 ft above the transition altitude.

- (4) An aircraft must not cruise within the transition layer.
- (5) For an operation at or below the transition altitude, an aircraft's altimeter setting must be:
  - (a) the current local QNH (either an accurate QNH as defined in section 10.06 or a forecast QNH) of a station along the route within 100 NM of the aircraft; or
  - (b) the current forecast area QNH.

*Note* Under section 10.03, if an aircraft is at a known elevation, and an accurate QNH is available, then, before take-off, the pilot in command of the aircraft must check the accuracy of each of the aircraft's pressure altitude systems.

- (6) For an operation above the transition altitude, an aircraft's altimeter setting must be 1 013.2 hPa.
- (7) On climb, after passing the transition altitude, but before levelling off, an aircraft's altimeter setting must be changed from QNH to 1 013.2 hPa.
- (8) On descent, just before passing the transition layer, an aircraft's altimeter setting must be changed from 1 013.2 hPa to QNH.

### 11.03 Oceanic airspace

- (1) This section applies to a flight in any class of airspace that is oceanic airspace.

*Note* **Oceanic airspace** is defined in section 11.01. At the commencement of this instrument, the AIP document specifying the geographic boundaries of oceanic control areas is the Designated Airspace Handbook.

- (1A) In this subsection:

**INS** means inertial navigation system.

**IRS** means inertial reference system.

**long range navigation system**, or **LRNS**, means a navigation system, capable of area navigation in oceanic airspace, that comprises an INS, or an IRS, or an approved GNSS position source.

- (1B) The pilot in command of an aircraft that has been declared in a flight plan as capable of navigating to a navigation specification that is RNP 2, RNP 4 or RNP 10 must, immediately before entering oceanic airspace, ensure that a check has been completed that the aircraft has at least 2 independent and operative LRNSs capable of navigating to the required navigation specification (**capable LRNS**).

*Note* The requirements of this subsection do not override the minimum navigation system equipment requirements required by the Part 91, Part 121, Part 133 or Part 135 Manual of Standards.

- (1C) If, as a result of the check mentioned in subsection (1B), the number of capable LRNSs is less than 2, the pilot in command of the aircraft must ensure that ATS is notified of the situation as soon as practicable.
  - (2) Before the departure of a flight planned to operate in oceanic airspace using GNSS, the pilot in command must obtain a prediction for GNSS FDE availability for the intended route.
  - (3) For subsection (2), the pilot in command must plan so that the maximum predicted duration of the loss of GNSS FDE availability is not more than:
    - (a) for an RNP-4 operation — 25 minutes; or
    - (b) for an RNP-10 operation — 34 minutes.
  - (4) The pilot in command of an aircraft whose approved GNSS can achieve LNAV accuracy of less than 0.3 NM using requisite GNSS satellites may disregard subsections (2) and (3).

*Note* **Requisite GNSS satellites** is defined in section 1.07.

### 11.04 Loss of GNSS integrity

- (1) This section applies to a flight in any class of airspace, whether controlled or uncontrolled:
  - (a) that is within an Australian FIR; and

- (b) for which the flight is:
  - (i) required to maintain regular contact with an ATS; or
  - (ii) being provided with a separation service by an ATS.

*Note* Regulation 91.630 requires certain flights to make regular reports or broadcasts to an ATS. Regulation 91.635 requires certain flights to continuously monitor the primary communications medium used by ATC in controlled airspace.

- (2) The pilot in command of an aircraft must advise ATS if any of the following occurs:
  - (a) during an en route phase of flight — there is RAIM loss or loss of GNSS integrity for more than 5 minutes;
  - (b) during a terminal phase of flight — there is RAIM loss or loss of GNSS integrity;
  - (c) when ATS requests the provision of GNSS-derived information — RAIM or GNSS integrity is not available;
  - (d) when ATS grants a clearance or imposes a requirement based on GNSS-derived information — RAIM or GNSS integrity is not available;
  - (e) the GNSS receiver is in dead-reckoning mode, or experiences loss of its navigation function, for more than 1 minute.
- (3) If a pilot has notified ATS of a RAIM loss or loss of GNSS integrity in accordance with subsection (2), the pilot must notify ATS when RAIM or GNSS integrity is restored.

### **11.05 Use and supply of distance information**

- (1) This section applies to a flight using any class of airspace, whether controlled or uncontrolled, that is within an Australian FIR.
- (2) When supplying distance information requested by the ATS, the pilot in command must be satisfied that ATS is aware of the source and the point of reference of the distance measurement.

*Note* Here are examples of source and the point of reference: 115 GNSS ML VOR, 80 GNSS CTM NDB, 267 GNSS BEEZA 86 DME BN.

- (3) When supplying GNSS-derived distance information, the pilot in command must ensure that the information is obtained:
  - (a) from an approved GNSS; and
  - (b) by reference to data from a valid database.

### **11.06 ACAS resolution advisory**

In any class of airspace, whether controlled or uncontrolled, in the event of an ACAS resolution advisory (an **RA**), the pilot in command of an aircraft must:

- (a) respond immediately by following the RA as indicated, unless doing so would jeopardize the safety of the aircraft; and
- (b) follow the RA even if there is a conflict between the RA and an ATC instruction to manoeuvre; and
- (c) limit the alterations of the flight path to the minimum extent necessary to comply with the RA; and
- (d) promptly return to the last assigned level when the conflict is resolved; and
- (e) notify ATC when returning to the last assigned level.

*Note* When this section is complied with, an RA satisfies the requirements of subregulation 91.257 (2) that is, it is a defence to the offence of failing to comply with an ATC clearance or instruction.

### 11.07 RVSM airspace

- (1) This section applies to a pilot in command of an aircraft conducting a flight in a class of airspace that is RVSM airspace.
- (2) The pilot in command must conduct the flight in accordance with procedures published in the authorised aeronautical information.
- (3) When changing levels in RVSM airspace in an Australian FIR, the pilot in command must ensure that the aircraft does not overshoot or undershoot its cleared FL by more than 150 ft.
- (4) If the cleared FL cannot be maintained, the pilot in command must:
  - (a) inform ATC as soon as possible of the circumstances; and
  - (b) either:
    - (i) obtain a revised ATC clearance (a **revised clearance**) before initiating any deviation from the cleared route or FL (the **deviation**); or
    - (ii) if a revised clearance cannot be obtained before the deviation, obtain a revised clearance as soon as possible after the deviation.
- (5) If it is not possible to obtain a revised clearance for an operation within RVSM airspace in an oceanic control area in an Australian FIR, the pilot in command may initiate a temporary lateral offset procedure with the intention of returning to the cleared route as soon as possible.

### 11.08 Requirements for flight in the NAT-HLA

- (1) This section applies to a flight in a portion of a class of airspace that is the NAT-HLA.
- (2) The pilot in command of an Australian aircraft must not operate in the NAT-HLA unless the operator of the aircraft holds an approval under regulation 91.045 to conduct operations in the NAT-HLA.
- (3) CASA must not issue an approval mentioned in subsection (2), unless:
  - (a) the aircraft meets all of the requirements for operational approval and aircraft systems for flight in the NAT-HLA as specified in NAT Doc 007, *North Atlantic Operations and Airspace Manual*, as in force from time to time; and
  - (b) evidence of meeting the requirements mentioned in paragraph (a) is contained in 1 or more of the following documents:
    - (i) the AFM;
    - (ii) an original equipment manufacturer service letter;
    - (iii) any other document from the entity responsible for the design approval of the equipment;
    - (iv) if the operator holds an AOC, an aerial work certificate or a Part 141 certificate:
      - (A) the operator's exposition, operations manual or AOC; or
      - (B) any other civil aviation authorisation held by the operator.

*Note* NAT Doc 007, *North Atlantic Operations and Airspace Manual* contains requirements relating to, but not limited to, flight rules, flight plans, communications, navigation (PBN), surveillance, air traffic service provision, safety monitoring, air traffic flow management, special procedures, phraseology, SAR, meteorology and aeronautical information services.

## 11.09 Performance-based communication and surveillance requirements

- (1) This section applies to a flight of an aircraft within any class of airspace, whether it is controlled or uncontrolled, that involves:
  - (a) the conduct of datalink operations using FANS 1/A; and
  - (b) the declaration of RCP or RSP capabilities for the aircraft on the flight plan for the flight.
- (1A) In this section:

***automatic dependent surveillance – contract***, or ***ADS-C***, means a contract between ATC and an aircraft's system:

- (a) for the reporting of aircraft position and other data via a datalink; and
- (b) which specifies:
  - (i) under what conditions ADS-C reports are to be initiated; and
  - (ii) what data is to be contained in the reports.

***communication services provider***, or ***CSP***, means any public or private entity which, under a contract or agreement, provides communication services for general air traffic which may include services provided by a satellite service provider (***SSP***) or services provided by the CSP in its own capacity as an SSP.

***controller-pilot datalink communications***, or ***CPDLC***, is the means of communication between ATC and a pilot, using datalink for ATC communications.

***datalink operations*** means aircraft operations using FANS 1/A avionics.

***FANS 1/A***, which is taken to include ***FANS 1/A+***, is a direct datalink communication between the pilot of an aircraft and ATC via FANS 1/A avionics and FANS 1/A ground end systems, based on EUROCAE ED-100A/RTCA DO-258A, or a later version, as in force from time to time.

***performance-based communication***, or ***PBC***, means communication based on performance specifications applied to the provision of air traffic services.

***performance-based communications and surveillance***, or ***PBCS***, means the application of required communication performance (***RCP***) and required surveillance performance (***RSP***) specifications to ensure appropriate performance levels for relevant air traffic management operations.

***performance-based surveillance***, or ***PBS***, means surveillance based on performance specifications applied to the provision of air traffic services.

***RCP 240*** is the value for the communication expiry time (namely, 240 seconds) after which the initiator of the communication is required to revert to an alternative procedure.

*Note* In the context of RCP, the initiator is normally an air traffic controller.

***RCP allocation*** is a portion of an RCP parameter, and is a time value assigned to a specific component of the communication system used for transferring messages between aircraft and ATC.

***RCP parameters*** are performance characteristics that:

- (a) provide the basis for developing an RCP specification; and
- (b) include RCP transaction time, RCP continuity, RCP availability and RCP integrity.

**RCP pilot operational response time**, or **RCP PORT**, is an RCP allocation that specifies the maximum time for a flight crew member to recognise and respond to an ATC instruction.

**required communication performance**, or **RCP specification**, means the requirements needed to support PBC, being requirements for the following:

- (a) ATC and associated ground equipment;
- (b) the communication service provider;
- (c) aircraft equipment;
- (d) flight crew members.

**required surveillance performance (RSP) specification** means the requirements needed to support PBS, being requirements for the following:

- (a) ATC and associated ground equipment;
- (b) the communication service provider;
- (c) aircraft equipment.

**RSP 180** is the value for the surveillance data delivery time (namely, 180 seconds) at which the surveillance data delivery is considered overdue.

*Note* RSP 180 means that 99.9% of surveillance data must be delivered in less than 180 seconds.

**RSP allocation** is a portion of an RSP parameter and is a time value assigned to a specific component of the communication system used for transferring surveillance reports from aircraft to ATC.

**RSP parameters** are performance characteristics that:

- (a) provide the basis for developing an RSP specification; and
- (b) include RSP data delivery time, RSP continuity, RSP availability and RSP integrity.

**satellite service provider**, or **SSP**, means an entity, or group of entities, that provides the portion of the communication system that involves the operation of 1 or more satellites.

*Flight plan declaration of capability*

- (2) Before declaring RCP 240 or RSP 180 capabilities on a flight plan, the pilot in command of the aircraft must:
  - (a) check with the operator of the aircraft whether the operator has received advice from Airservices Australia that the relevant aircraft has consistently not met the operational criteria of RCP 240 and RSP 180 specifications; and
  - (b) if such advice has been received — be reasonably satisfied that the operator of the aircraft has ensured that the aircraft consistently meets the operational criteria of the specifications.

*Note* Airservices Australia monitors datalink communications in Australian-administered airspace and advises when operational criteria of RCP 240 and RSP 180 specifications are consistently not met.

- (3) A declaration must not be made on a flight plan, submitted to ATS for a flight, that the aircraft has RCP capability or RSP capability unless:
  - (a) the declaration relates solely to RCP 240 or RSP 180 capabilities; and
  - (b) the requirements of subsections (4) to (7) are complied with at the time of the declaration.

*Note* It is ultimately a matter for the relevant aviation authority to be satisfied that an aircraft operator's declaration is, in actual fact, valid for the relevant aircraft at the time of any declaration, audit or inspection. A false declaration would constitute an offence under regulation 11.255 of the *Civil*

*Aviation Safety Regulations 1998* and could result in other legal consequences under the *Civil Aviation Act 1988*.

#### *Equipment*

- (4) The aircraft must:
- (a) be equipped with avionics supporting ADS-C and CPDLC applications over FANS 1/A (the **equipment**); and
  - (b) the equipment must be operative for the flight.

#### *Aircraft documentation*

- (5) Subject to subsection (6), 1 of the following documents:
- (a) the AFM;
  - (b) an original equipment manufacturer service letter;
  - (c) any other document from the entity responsible for the design approval of the aircraft datalink communications equipment;
- must include a statement of compliance (an **SOC**) indicating that:
- (d) the aircraft system is approved for datalink communications using FANS 1/A avionics: and
  - (e) the aircraft datalink system meets the aircraft-allocated requirements of the RCP 240 and RSP 180 specifications.
- (6) If a document mentioned in paragraph (5) (a), (b) or (c) does not include an SOC, the following may act as a temporary substitute pending the formal issue of the SOC, provided there has been no indication of non-compliance given by the State of Design — a copy of the aircraft operator's written and dated request to the appropriate design authority for an SOC which indicates the matters mentioned in paragraphs (5) (d) and (e).

*Note* Allocation requirements for RCP 240 and RSP 180 specifications are as defined in ICAO Doc 9869, *Performance-based Communications and Surveillance (PBCS) Manual*.

#### *Communication service provider agreement*

- (7) Subject to subsection (8), the pilot in command must be reasonably satisfied that an agreement, or a relevant request under subsection (8), is in place between the aircraft operator and the CSP that includes the following terms and conditions:
- (a) that there is adequate subnetwork coverage in the route flown;
  - (b) that there is to be notification of coverage and performance failures;
  - (c) that there is to be recording of datalink messages for 30 days;
  - (d) that datalink messages mentioned in paragraph (c) will be available on written request by:
    - (i) CASA; or
    - (ii) the national aviation authority responsible for the regulation of flight plans to whom the declaration of an RCP or RSP capability on the flight plan is made;
  - (e) that datalink messages will not be manipulated or altered;
  - (f) that network-allocated requirements for the RCP 240 and RSP 180 specification are met according to the definitions contained in ICAO Doc 9869, *Performance-based Communications and Surveillance (PBCS) Manual*.
- (8) If the agreement between the operator of the aircraft and the CSP does not include the terms and conditions mentioned in subsection (7), the following may act as a temporary substitute pending the formal issue, as soon as practicable, of an agreement

that does include the terms and conditions (a *revised agreement*) — a copy of the relevant operator's written and dated request to the appropriate CSP for a revised agreement (the *relevant request*).

### 11.10 Australian domestic airspace — inoperative radio requirements

- (1) This section applies to a flight within any class of airspace, whether controlled or uncontrolled, that is within an Australian FIR and is not specified in the AIP as an oceanic control area.

*Note* At the commencement of this instrument, the AIP document specifying the geographic boundaries of oceanic control areas is the Designated Airspace Handbook.

- (2) If the radiocommunication system becomes inoperative during a flight, the pilot in command must do the following:
  - (a) if operating under the VFR in Class G or Class E airspace:
    - (i) select code 7600 on the aircraft transponder (if fitted); and
    - (ii) remain outside controlled airspace; and
    - (iii) assume the radiocommunication system is broadcasting and broadcast position and intentions on the frequency appropriate to the area of operation; and
    - (iv) as soon as practicable, descend below 5 000 ft to continue flight under the VFR;
  - (b) if operating under the VFR in Class A, B, C or D airspace or in a restricted area, or if operating under the IFR in any class of airspace whether controlled or uncontrolled:
    - (i) select code 7600 on the aircraft transponder (if fitted); and
    - (ii) assume the radiocommunication system is functioning and broadcast position and intentions on the frequency prescribed in the authorised aeronautical information; and
    - (iii) if the aircraft is in VMC and certain of maintaining VMC — remain in VMC and land at the most suitable aerodrome; and
    - (iv) if the aircraft is in IMC or is uncertain of maintaining VMC:
      - (A) maintain the last assigned altitude or level (or LSALT if higher) for 3 minutes; and
      - (B) maintain the last assigned vector for 2 minutes, or fly one more holding pattern; and
      - (C) after complying with sub-subparagraphs (A) and (B) — proceed in accordance with the latest ATC route clearance acknowledged; and
      - (D) commence descent in accordance with latest ATC route clearance acknowledged; and
      - (E) conduct the most suitable IAP.

### 11.10A Mandatory broadcast area requirements

- (1) This section applies to the pilot in command of a flight in a mandatory broadcast area (an *MBA*) mentioned in subsection (2).
- (2) A volume of Class G airspace within the Australian FIR is an MBA if it is so specified in the AIP, as in force from time to time.

*Note 1* At the commencement of this instrument, the AIP specifies which broadcast areas are mandatory broadcast areas and also the lateral and vertical boundaries of each MBA.



*Note 2* This section contains MBA requirements **other than those** for the specific radio broadcasts or reports required to be made in relation to an MBA, or the radio carriage or fitment requirements for flight within an MBA. Radio broadcast and report requirements for an MBA are contained in section 21.09. Radio carriage or fitment requirements for an MBA are contained in section 26.18.

- (3) For an MBA mentioned in an item of column 1 of Table 11.10A (3), the pilot in command must comply with the requirements mentioned in column 2 of the same item.

**Table 11.10A (3) — Mandatory Broadcast area requirements**

	<b>Column 1</b>	<b>Column 2</b>
<b>Item</b>	<b>Mandatory Broadcast Area</b>	<b>Requirements</b>
1	Ayers Rock MBA	Nil
2	Ballina/Byron Gateway MBA	When an SFIS is active for this MBA, operations in the MBA, or immediately before entering the MBA, must be conducted in accordance with the AIP.
3	Port Hedland MBA	Nil

## **Division 11.2 Use of controlled aerodromes, control areas and control zones**

### **11.11 Purpose**

For subregulation 91.255 (1), this Division prescribes requirements in relation to the use by an aircraft of a controlled aerodrome, a control area or a control zone.

*Note* Regulation 91.405 also places certain requirements on the pilot in command in relation to operations conducted at controlled aerodromes.

### **11.12 Readback of ATC clearances and instructions**

- (1) This section applies to the pilot in command of an aircraft in relation to the use by the aircraft of a controlled aerodrome, a control area or a control zone.
- (2) The pilot in command must:
  - (a) read back to an air traffic controller the safety-related parts of any ATC clearance or instruction which the controller has transmitted by voice (a ***relevant ATC clearance or instruction***); or
  - (b) ensure that another flight crew member (if any) does the reading back.
- (3) Without affecting subsection (2), the following parts of a relevant ATC clearance or instruction must always be read back to the air traffic controller:
  - (a) ATC route clearances, including any amendments;
 

*Note* ATC route clearances include departure, en route, arrival and approach clearances.
  - (b) en route holding instructions;
  - (c) route and runway-holding positions specified in a taxi clearance;
  - (d) clearances, conditional clearances and instructions to taxi on, enter, line up on, wait on, land on, take off from, hold short of, cross, or backtrack on, any runway; and
  - (e) the assigned runway or HLS, altimeter settings, Mode A transponder codes, data link logon addresses, altitude instructions, heading and speed instructions;
  - (f) radio frequency instructions.

### **11.13 Controlled aerodromes**

- (1) Aircraft operations at a controlled aerodrome must be conducted in accordance with the authorised aeronautical information.
- (2) Subject to subsection (3), the pilot in command of an aircraft operating at a controlled aerodrome must obtain ATC clearance to do any of the following:
  - (a) taxi on any part of the manoeuvring area;
  - (b) enter, cross, or backtrack on, a runway;
  - (c) take-off;
  - (d) land.
- (3) Subsection (2) does not apply when an ATC service is not in operation for the aerodrome.
- (4) Subject to subsection (5), the pilot in command of an aircraft taxiing on the manoeuvring area of a controlled aerodrome:
  - (a) must stop and hold at all illuminated stop bars; and
  - (b) may only proceed beyond the stop bars when the stop bar lights are switched off.
- (5) Despite subsection (4), the pilot in command of the aircraft may proceed beyond a lighted stop bar if ATC:
  - (a) advises the pilot that stop bar contingency measures are in effect for the stop bar; and
  - (b) identifies the relevant lighted stop bar to the pilot by reference to the specific holding position; and
  - (c) instructs the pilot to cross the lighted stop bar.

### **11.14 Controlled aerodromes — other requirements**

RESERVED

*Note* This section has been reserved to preserve the MOS structure for any future provisions that would be appropriate following consultation.

### **11.15 Control zones and control areas — entry into Class A, B, C, D or E airspace**

- (1) Subject to subsections (2) and (3), a pilot in command of an aircraft must not enter a control zone or a control area that is Class A, B, C, D or E airspace without ATC clearance.
- (2) Despite subsection (1), a VFR flight does not require clearance to enter Class E airspace.
- (3) Subsection (1) does not apply when an ATC service is not in operation for the control zone or the control area.

### **11.16 Control zones and control areas — operating within**

- (1) Aircraft operations in a control zone or a control area must be conducted in accordance with the authorised aeronautical information.
- (2) The pilot in command of an aircraft operating in a control zone or a control area must take positive action to regain track as soon as a deviation from the cleared track is recognised.

### **11.17 Control areas – IFR flights – VFR climb/descent and VFR-on-top**

- (1) The pilot in command of an IFR flight must obtain clearance for a VFR climb or VFR descent in a control area.
- (1A) A pilot in command of an IFR flight may only request a clearance for a VFR climb or VFR descent in a control area that is Class D or Class E airspace.
- (2) During the VFR climb or VFR descent, the pilot in command must:
  - (a) be in VMC at all times; and
  - (b) comply with IFR reporting and communication requirements; and  
*Note* See Division 21.2.
  - (c) maintain separation from other aircraft; and
  - (d) visually maintain obstacle clearance.
- (3) The pilot in command of an IFR flight must obtain clearance for VFR-on-top operations.
- (3A) A pilot in command of an IFR flight may only request a clearance for a VFR-on-top operation in a control area that is Class E airspace.
- (4) During the VFR-on-top operation, the pilot in command must:
  - (a) be in VMC at all times; and
  - (b) comply with IFR reporting and communication requirements; and  
*Note* See Division 21.2.
  - (c) maintain separation from other aircraft; and  
*Note* Pilots are advised that maintaining separation from other aircraft includes wake turbulence separation.
  - (d) operate on specified VFR cruising levels.
- (5) The pilot in command of an IFR flight must obtain ATC clearance to cancel the VFR climb or VFR descent, or the VFR-on-top operation.

### **11.18 Certain oceanic control areas — inoperative radio requirements**

- (1) This section applies to a flight that is within Australian-administered airspace specified in the AIP as an oceanic control area.  
*Note* At the commencement of this instrument, the AIP document specifying the geographic boundaries of oceanic control areas is the Designated Airspace Handbook.
- (2) If the radiocommunication system becomes inoperative during the flight, the pilot in command must do the following:
  - (a) set code 7600 on the aircraft's transponder (if fitted);
  - (b) assume the radiocommunication system is broadcasting and, using the frequency appropriate to the area of operation:
    - (i) broadcast position and intentions; and
    - (ii) make normal position reports;
  - (c) keep a lookout for conflicting traffic, including by reference to ACAS and traffic displays;
  - (d) as far as practicable, turn on all exterior aircraft lights;

- (e) maintain the last assigned speed and level for a period of 60 minutes following the aircraft's failure to report its position over a compulsory reporting point (including ADS-C flights), and thereafter adjust speed and altitude in accordance with the filed flight plan;
- (f) upon exiting the oceanic control area, conform, as far as practicable, to the relevant State procedures and regulations.

## Division 11.3 Prohibited, restricted and danger areas

### 11.19 Purpose

For subregulation 91.255 (1), this Division prescribes requirements in relation to the use by an aircraft of a prohibited area, a restricted area or a danger area.

### 11.20 Prohibited areas

*Note* For prohibited areas, see CASA's OAR 6-monthly *Designation of Prohibited, Restricted and Danger Areas – Declaration and Determination (Permanent PRDs) Instruments* and the relevant Designated Airspace Handbooks, as each exists, or is in force, from time to time. Entry or flight in a prohibited area is an offence under regulations 6, 15 and 16 of the *Airspace Regulations 2007* and regulation 91.260 of Part 91 of CASR.

### 11.21 Restricted areas

*Note* For restricted areas, see CASA's OAR 6-monthly *Designation of Prohibited, Restricted and Danger Areas – Declaration and Determination (Permanent PRDs) Instruments* and the relevant Designated Airspace Handbooks, as each exists, or is in force, from time to time. Unauthorised entry or flight in an active restricted area is an offence under regulations 6, 15 and 16 of the *Airspace Regulations 2007* and regulation 91.260 of Part 91 of CASR.

### 11.22 Danger areas

The pilot in command of an aircraft may fly within or across a danger area, but only if the pilot complies with any applicable requirements or conditions expressed in the following:

- (a) until the end of 14 June 2023:
  - (i) a declaration of the area as a danger area, made under regulation 6 of the *Airspace Regulations 2007* (the *AsR*), as in force from time to time; and
  - (ii) instrument *CASA 26/21 – Direction – Australian Aircraft and Foreign Registered Aircraft in Australian-administered Airspace Instrument 2021 (CASA 26/21)*, or any CASA instrument that is expressed to be a successor instrument to *CASA 26/21*, as in force from time to time; or
- (b) from 15 June 2023 — a declaration of the area as a danger area, made under regulation 6 of the *AsR*, as amended by the *Airspace Amendment (Danger Areas) Regulations 2022*.

*Note 1* It is expected that a regulation amendment, to be known as the *Airspace Amendment (Danger Areas) Regulations 2022*, will make amendments to regulation 6 of the *AsR* in relation to danger areas that will affect section 11.22 on and from 15 June 2023 when the first *Designation of Prohibited, Restricted and Danger Areas – Declaration and Determination (Permanent PRDs) Instrument for 2023* takes effect (see also Note 2).

*Note 2* Danger area declarations are made or revised by CASA approximately every 6 months in the instrument known as *Designation of Prohibited, Restricted and Danger Areas – Declaration and Determination (Permanent PRDs) Instruments*. The declarations also appear in the Designated Airspace Handbooks, as each exists or is in force in the AIP, at the time of the flight.

*Note 3* Flight in a danger area is subject to compliance with this section. The pilot in command of an aircraft should be aware of the specific activity which causes an area to be a danger area, and, while complying with this section, take appropriate precautions against any safety risks that could arise from the flight.

*Note 4* It is an offence under subregulation 91.255 (2) to not comply with the section 11.22 requirements for a danger area.