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Division 26.16 - Surveillance Equipment (Extract)

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Division 26.16 Surveillance equipment

26.66 Exceptions to (E)TSO or NAA requirements

(1) In this section:

relevant aircraft means any of the following:

(a) a light sport aircraft for which a special certificate of airworthiness has been issued and is in force under regulation 21.186 of CASR;

(b) a light sport aircraft for which an experimental certificate has been issued and is in force under paragraph 21.191 (j) or (k) of CASR;

(c) any other aircraft for which an experimental certificate has been issued and is in force under paragraph 21.191 (g) or (h) of CASR.

(2) A requirement in this Division that an item of equipment, or element of an item of equipment, be authorised in accordance with a particular TSO or ETSO, does not apply to a relevant aircraft in respect of any surveillance equipment if:

(a) the configuration of the surveillance equipment that is fitted or carried provides the pilot, other aircraft and ATS with the same surveillance capability as would be provided if the equipment complied with the particular TSO or ETSO; and

(b) the pilot or the operator has a statement of conformance (however described) from the equipment manufacturer stating the particular standard or standards of the TSO or ETSO with which the equipment conforms.

(3) The requirement in subsection 26.75 (4) that an approved integrated TABS device (the ***equipment***) be authorised by the relevant NAA of the equipment manufacturer does not apply to a relevant aircraft if:

(a) the configuration of the equipment that is fitted or carried provides the pilot, other aircraft and ATS with the same surveillance capability as would be provided if the equipment had been expressly authorised by the relevant NAA; and

(b) the pilot or the operator has a statement of conformance (however described) from the equipment manufacturer stating the equipment meets the requirements of this Division for the equipment.

26.67 Definitions

In this Division:

14 CFR 91.225 means regulation 91.225 of the United States Title 14 Code of Federal Regulations (CFR) titled *Automatic Dependent Surveillance-Broadcast (ADS-B) Out equipment and use*.

ADS-B means automatic dependent surveillance – broadcast.

ADS-B test flight means a flight to prove ADS-B transmitting equipment that is newly installed on the aircraft undertaking the flight.

ADS-B OUT means the functional capability of an aircraft or vehicle to periodically broadcast its state vector (position and velocity) and other information derived from on-board systems in a format suitable for ADS-B IN capable receivers.

aircraft address means a unique combination of 24 bits available for assignment to an aircraft for the purpose of air-ground communications, navigation and surveillance.

alternate ADS-B OUT equipment configuration: see paragraph (b) of the definition of ***approved ADS-B OUT equipment configuration***.

approved ADS-B OUT equipment configuration means an equipment configuration capable of ADS-B OUT operation on the ground and in flight, and that is 1 of the following:

(a) an approved Mode S transponder with ADS-B capability connected to an approved GNSS position source;

(b) an alternate ADS-B OUT equipment configuration meeting the requirements mentioned in section 26.72;

(c) another system approved under Part 21 of CASR as having a level of performance equivalent to a system mentioned in paragraph (a) or (b).

approved EC device configuration means an equipment configuration meeting the requirements mentioned in section 26.72C.

approved GNSS position source means a GNSS position source that is:

(a) authorised by the FAA or EASA in accordance with 1 of the following:

(i) (E)TSO-C145a;

(ii) (E)TSO-C146a;

(iii) (E)TSO-C196a; or

(b) an alternate GNSS position source meeting the requirements mentioned in section 26.71; or

(c) another system approved under Part 21 of CASR as having a level of performance equivalent to performance in accordance with paragraph (a) or (b).

approved integrated TABS configuration means an equipment configuration meeting the requirements mentioned in section 26.72B.

approved Mode A/C transponder means a Mode A transponder or a Mode C transponder that is authorised:

(a) by CASA or the NAA of a recognised country in accordance with TSO-C74c or ETSO-C74d; or

(b) by CASA in accordance with ATSO-1C74c.

approved Mode S transponder means a Mode S transponder that is:

(a) authorised by CASA or the NAA of a recognised country in accordance with TSO-C112 or ETSO-2C112a; or

(b) another system approved under Part 21 of CASR as having a level of performance equivalent to a system mentioned in paragraph (a).

approved Mode S transponder with ADS-B capability means an approved Mode S transponder that is:

(a) authorised by CASA or the NAA of a recognised country in accordance with (E)TSO-C166; or

(b) another system approved under Part 21 of CASR as having a level of performance equivalent to a system mentioned in paragraph (a).

approved Mode S transponder with Class B TABS position source device configuration means an equipment configuration meeting the requirements mentioned in section 26.72A.

approved transponder means an approved Mode A/C transponder or an approved Mode S transponder.

assigned aircraft address means an aircraft address that is assigned to an aircraft by:

(a) for an aircraft registered on the Australian Civil Aircraft Register — CASA; or

(c) for an aircraft that is a foreign-registered aircraft — the relevant NAA.

Class A TABS means TABS functionality relating to transponder function, altitude source function, and ADS-B OUT function, in accordance with (E)TSO-C199.

Class B TABS means TABS functionality relating to position source function, in accordance with (E)TSO-C199.

Class B TABS position source device means a device with a Class B TABS functionality.

DAPs means Mode S EHS downlink aircraft parameters.

EASA AMC 20-24 means Annex II to ED Decision 2008/004/R titled *Certification Considerations for the Enhanced ATS in Non-Radar Areas using ADS-B Surveillance (ADS-B-NRA) Application via 1090 MHz Extended Squitter*, dated 2 May 2008, of EASA.

EASA CS-ACNS means Annex I to ED Decision 2013/031/R titled *Certification Specifications and Acceptable Means of Compliance for Airborne Communications, Navigation and Surveillance CS-ACNS*, dated 17 December 2013, of EASA, or any later version.

GPS means Global Positioning System.

HPL means the horizontal protection level of the GNSS position of an aircraft as an output of the GNSS receiver or system.

integrated TABS device means a device with integrated Class A TABS and Class B TABS functionality.

Mode A is a transponder function that transmits a 4-digit octal identification code for an aircraft's identity when interrogated by an SSR.

Mode A code is the 4-digit octal identification code transmitted by a Mode A transponder function.

Mode C is a transponder function that transmits a 4-digit octal identification code for an aircraft's pressure altitude when interrogated by an SSR.

Mode S is a transponder function that uses a unique aircraft address to selectively call individual aircraft and support advanced surveillance using Mode S EHS, Mode S ELS, or Mode S ES capabilities.

Mode S EHS means Mode S enhanced surveillance, which is a data transmission capability of a Mode S transponder.

Mode S ELS means Mode S elementary surveillance, which is a data transmission capability of a Mode S transponder.

Mode S ES means Mode S extended squitter, which is a data transmission capability of a Mode S transponder used to transmit ADS-B OUT information.

NACp means Navigation Accuracy Category – Position as specified in paragraph 2.2.3.2.7.1.3.8 of RTCA/DO-260B.

NIC means Navigation Integrity Category as specified in paragraph 2.2.8.1.16 of RTCA/DO-260B.

NUCp means Navigation Uncertainty Category – Position as specified in paragraph 2.2.8.1.5 of RTCA/DO-260.

RTCA/DO-229D means document RTCA/DO-229D titled *Minimum Operational Performance Standards for Global Positioning System/Wide Area Augmentation System Airborne Equipment*, dated 13 December 2006, of the RTCA Inc. of Washington D.C. USA (***RTCA Inc.***).

RTCA/DO-260 means RTCA Inc. document RTCA/DO-260 titled *Minimum Operational Performance Standards for 1090 MHz Automatic Dependent Surveillance – Broadcast (ADS-B)*, dated 13 September 2000.

RTCA/DO-260B means RTCA Inc. document RTCA/DO-260B titled *Minimum Operational Performance Standards for 1090 MHz Extended Squitter Automatic Dependent Surveillance – Broadcast (ADS-B) and Traffic Information Services – Broadcast (TIS-B)*, dated 2 December 2009, unless a later version as in force from time to time is expressly referred to.

SA means Selective Availability, and is a function of the GPS that has the effect of degrading the accuracy of the computed GPS position of a GNSS equipped aircraft.

SDA means System Design Assurance as specified in section 2.2.3.2.7.2.4.6 of RTCA/DO-260B.

SIL means Source Integrity Level as specified in paragraph 2.2.3.2.7.1.3.10 of RTCA/DO-260B.

SSR, or ***secondary surveillance radar***, means a surveillance radar system which uses transmitters/receivers (interrogators) and transponders.

surveillance equipment means equipment that broadcasts data as a means to identify an aircraft, determine its three-dimensional position or obtain other information (such as, but not limited to, velocity and selected altitude or flight level).

surveillance radar means radar equipment used to determine the position of an aircraft in range and azimuth.

TABS means traffic awareness beacon system.

transponder means an aircraft's SSR transponder.

UK CAP 1391 means Civil Aviation Authority of the United Kingdom document number CAP 1391 titled *Electronic conspicuity devices*, 2nd edition, dated April 2018, or any later edition.

26.68 Required surveillance equipment

(1) An aircraft for a flight for which surveillance equipment is required under this section must be fitted with surveillance equipment that meets the requirements relevant to the intended operation and class of airspace.

Note See section 26.66 regarding certain aircraft that can be fitted with, or carry, surveillance equipment that is not in accordance with a TSO or ETSO provided certain conditions are met.

(1A) An aircraft operating at Brisbane, Sydney, Melbourne or Perth aerodrome must be fitted with, or carry, at least 1 approved Mode S transponder with ADS-B capability.

Note An approved Mode S transponder with ADS-B capability is not required to transmit ADS-B OUT for a VFR flight.

(2) For subsection (1), an aircraft in an operation mentioned in column 1 of an item in Table 26.68 (2), in the class of airspace mentioned in column 2 of the item, must be fitted with surveillance equipment meeting the requirements mentioned in column 3 of the item.

Table 26.68 (2) – Surveillance equipment – requirements

	Column 1	**Column 2**	**Column 3**
Item	**Operation**	**Class of airspace**	**Requirements**
1	IFR	Any (Classes A, B, C, D, E and G)	At least 1 approved ADS-B OUT equipment configuration.
2	VFR	Any — from FL290 and above	At least 1 approved ADS-B OUT equipment configuration.
3	VFR	Class A, B or C (below FL290)	At least 1: (a) approved ADS-B OUT configuration; or (b) approved Mode S transponder with Class B TABS position source device configuration; or (c) approved transponder being: (i) for an aircraft, manufactured on or after 6 February 2014, or modified by having its transponder installation replaced on or after 6 February 2014 — an approved Mode S transponder

	Column 1	Column 2	Column 3
Item	**Operation**	**Class of airspace**	**Requirements**
			with ADS-B capability; or (ii) for any other aircraft — approved transponder. *Note* An approved Mode S transponder with ADS-B capability is not required to transmit ADS-B OUT for a VFR flight.
4	VFR	Class E (not above FL290) Class G — from 10 000 ft to not above FL290	At least 1: (a) approved ADS-B OUT configuration; or (b) approved equipment configuration of a Mode S transponder with Class B TABS position source device; or (c) approved transponder being: (i) for an aircraft, manufactured on or after 6 February 2014, or modified by having its transponder installation replaced on or after 6 February 2014 — a Mode S transponder with ADS-B capability; or (ii) for any other aircraft — an approved transponder; or (d) an approved integrated TABS device. *Note* An approved Mode S transponder with ADS-B capability is not required to transmit ADS-B OUT for a VFR flight.

(3) Item 4 in Table 26.68 (2) does not apply to an aircraft if the aircraft does not have:

(a) an engine; or

(b) sufficient engine-driven electrical power generation capacity to power the surveillance equipment.

26.68A Requirements for other surveillance equipment for VFR aircraft

(1) An aircraft may be fitted with, or carry, surveillance equipment in addition to the surveillance equipment required by section 26.68, but only if the requirements of this section are met.

(2) An aircraft may be fitted with, or carry, surveillance equipment in circumstances where surveillance equipment is not required by section 26.68, but only if the requirements of this section are met.

(3) For subsections (1) and (2), an aircraft in an operation mentioned in column 1 of Table 26.68A (3), in the class of airspace mentioned in column 2 of the item, may be fitted with, or carry, surveillance equipment that meets the requirements mentioned in column 3 of the item.

Table 26.68A (3) – Optional surveillance equipment – requirements

Item	Operation	Class of airspace	Capability and Requirements
	Column 1	**Column 2**	**Column 3**
1	VFR	Classes A, B, C or E — below FL290 Class G — from 10 000 ft but not above FL290	An approved EC device configuration. *Note* An EC device may be operated concurrently with a Mode A/C, or a Mode S transponder (other than one that is transmitting ADS-B — see section 26.72C.
2	VFR	Class G — below 10 000 ft	Any of the following: (a) approved ADS-B OUT configuration; (b) approved equipment configuration of a Mode S transponder with Class B TABS position source device; (c) approved transponder being: (i) for an aircraft manufactured on or after 6 February 2014, or modified by having its transponder installation replaced on or after 6 February 2014 — a Mode S transponder with ADS-B capability; or (ii) for any other aircraft — an approved transponder; (d) an approved integrated TABS device; (e) an approved EC device configuration. *Note* An approved Mode S transponder with ADS-B capability is

Item	Operation	Class of airspace	Capability and Requirements
	Column 1	**Column 2**	**Column 3**
			not required to transmit ADS-B OUT for a VFR flight. *Note* An EC device may be operated concurrently with a Mode A/C, or a Mode S transponder (other than one that is transmitting ADS-B).

26.69 Operation of surveillance equipment — general requirements

(1) The requirements of this section are subject to section 26.73.

(2) Surveillance equipment required to be fitted to, or carried on, an aircraft by section 26.68 must be continuously operated during the circumstances mentioned in section 26.68.

Note Continuous operation for a transponder means that the equipment must be operated in a mode that enables an SSR response to be transmitted and, where an altitude reporting capability is available, that this capability is also activated.

(2A) Surveillance equipment (other than approved transponders) fitted to, or carried on, an aircraft under section 26.68A must be continuously operated during the circumstances mentioned in that section for the specific kind of equipment.

(3) Subsections (2) and (2A) do not apply if ATC has issued an instruction that the surveillance equipment is not to be operated.

(4) Unless otherwise required by ATC, an aircraft that is flying in formation with, or is in-company with, 1 or more other aircraft, is not required to operate surveillance equipment if serviceable surveillance equipment is operated by any of the other aircraft at all times while the aircraft are flying in formation or are in-company.

(5) If an aircraft is fitted with more than 1 approved transponder, only 1 transponder is to be operated at any time.

(6) If an approved transponder is fitted to an aircraft for a flight, the Mode A code must be set:

(a) to the transponder code assigned by ATS for the flight; or

(b) if no transponder code is so assigned — to the relevant standard code in Table 26.69 (7).

(7) For paragraph (6) (b), for a situation mentioned in column 1 of an item in Table 26.69 (7), the Mode A code is the number mentioned in column 2 for the item.

(7A) Subject to subsection (7B), if an emergency situation described in an item of column 1 of Table 26.69 (7A) occurs during a flight, a pilot of the aircraft for the flight must set the Mode A code mentioned in column 2 for the item.

(7B) Despite subsection (7A), a pilot of an aircraft for a flight does not have to set a Mode A code mentioned in column 2 of Table 26.69 (7A) if the pilot reasonably believes that maintaining an existing Mode A code would result in a safer outcome.

(8) Pressure altitude information reported by an approved transponder or approved ADS-B OUT equipment configuration must be determined by:

(a) a barometric encoder of a type that is authorised in accordance with (E)TSO-C88a; or

(b) another system approved under Part 21 of CASR as having a level of performance equivalent to a system mentioned in paragraph (a).

Table 26.69 (7) – Transponders – Mode A standard codes

	Column 1	Column 2
Item	**Situation**	**Mode A Code**
1	(a) Flights in Class A, B, C or D airspace; (b) IFR flights in Class E airspace.	3000
2	IFR flights in Class G airspace.	2000
3	VFR flights in Class E or Class G airspace.	1200
4	Flights in Class G over water at a distance greater than 15 NM from shore.	4000
5	Flights engaged in coastal surveillance.	7615
6	Ground testing by aircraft maintenance staff.	2100

Table 26.69 (7A) – Transponders – Mode A emergency codes

	Column 1	Column 2
Item	**Situation**	**Mode A Code**
1	Unlawful interference.	7500
2	Loss of radiocommunication.	7600
3	In-flight emergency (unless otherwise instructed by ATC).	7700

26.70 Mode S transponders, ADS-B OUT and electronic conspicuity equipment — specific requirements

(1) An approved Mode S transponder fitted to an aircraft for a flight must have the following items entered into the equipment:

(a) the assigned aircraft address;

(b) as far as practicable for the equipment — 1 of the following forms of aircraft flight identification:

(i) if a flight notification is filed with ATS for the flight — the aircraft identification mentioned on the flight notification;

(ii) if no flight notification is filed with ATS for the flight — the aircraft registration mark.

(2) An approved ADS-B OUT equipment configuration, approved integrated TABS configuration or approved EC device configuration, fitted to, or carried on, an aircraft for a flight, must have the following items entered into the equipment:

(a) the assigned aircraft address;

(b) 1 of the following forms of aircraft flight identification:

(i) if a flight plan is filed with ATS for the flight — the aircraft identification mentioned on the flight plan;

(ii) if no flight plan is filed with ATS for the flight — the aircraft registration mark.

(3) An approved Mode S transponder must transmit each of the following when interrogated on the manoeuvring area of an aerodrome or in flight:

(a) the assigned aircraft address;

(b) the Mode A code;

(c) the Mode C code;

(d) subject to subsection (4) — the aircraft flight identification.

(4) Transmission of the aircraft flight identification by an approved Mode S transponder is optional for an aircraft that was first certificated in its country of manufacture before 9 February 2012 (an ***older aircraft***). However, an older aircraft that is equipped to do so may transmit its aircraft flight identification.

(5) If an approved Mode S transponder transmits any Mode S EHS DAPs, the transmitted DAPs must comply with the standards set out in paragraph 3.1.2.10.5.2.3 and Table 3-10 of *Volume IV, Surveillance and Collision Avoidance Systems*, of ICAO Annex 10.

Note 1 Paragraph 3.1.2.10.5.2.3 includes paragraphs 3.1.2.10.5.2.3.1 and 3.1.2.10.5.2.3.2 and 3.1.2.10.5.2.3.3.

Note 2 Australian Mode S SSR supports EHS DAPs. Transmission of Mode S EHS DAPs that are not in accordance with the ICAO standards may provide misleading information to ATS. Operators need to ensure that EHS DAPs are being transmitted.

(6) If an approved Mode S transponder is fitted to an aircraft first certificated in its country of manufacture on or after 9 February 2012:

(a) that has a certificated MTOW above 5 700 kg; or

(b) that is capable of normal operation at a maximum cruising true airspeed above 250 kts;

then the transponder's receiving and transmitting antennae must:

(c) be located in the upper and lower fuselage; and

(d) operate in diversity, as specified in paragraphs 3.1.2.10.4 to 3.1.2.10.4.5 (inclusive) of *Volume IV, Surveillance and Collision Avoidance Systems*, of ICAO Annex 10.

Note Paragraph 3.1.2.10.4.2.1 is recommendatory only.

(7) Subject to subsection (8), an aircraft fitted with, or carrying, ADS-B OUT equipment that is not an approved ADS-B OUT equipment configuration, approved EC device configuration, approved integrated TABS configuration or approved Mode S transponder with Class B TABS position source device configuration, must not fly in Australian territory, unless the equipment is:

(a) deactivated; or

(b) set to transmit only a value of zero for the NUCp, NACp, NIC or SIL.

Note It is considered equivalent to deactivation if NUCp, NACp, NIC or SIL is set to continually transmit only a value of zero.

(8) Subsection (7) does not apply to an aircraft if it is undertaking an ADS-B test flight in VMC in airspace below FL 290.

26.71 Alternate GNSS position source for ADS-B OUT — requirements

(1) For an aircraft first certificated in its country of manufacture on or after 8 December 2016, an alternate GNSS position source is acceptable if the source:

(a) is certified by the NAA of a recognised country for use in IFR flight; and

(b) has included in its specification and operation the following:

(i) GNSS FDE, computed in accordance with the definition at paragraph 1.7.3 of ***RTCA/DO-229D***;

(ii) the output function HPL, computed in accordance with the definition at paragraph 1.7.2 of ***RTCA/DO-229D***;

(iii) functionality that, for the purpose of HPL computation, accounts for the absence of the SA of the GPS in accordance with paragraph 1.8.1.1 of RTCA/DO-229D.

(2) For an aircraft first certificated in its country of manufacture before 8 December 2016, an alternate GNSS position source is acceptable if it meets the requirements of subsection (1), other than subparagraph (1) (b) (iii) which is optional.

26.72 Alternate ADS-B OUT equipment configuration — requirements

An alternate ADS-B OUT equipment configuration must meet the following requirements:

(a) it has been approved or accepted by:

(i) the NAA of a recognised country as meeting the standards of EASA AMC 20-24 or EASA CS-ACNS; or

(ii) the FAA as meeting the standards of 14 CFR 91.225 for 1090 Megahertz (MHz) Extended Squitter ADS-B; and

(b) the AFM or flight manual supplement attests to the certification; and

(c) the GNSS system meets the relevant performance requirements mentioned in section 26.71.

26.72A Approved Mode S transponder with Class B TABS position source device equipment configuration — requirements

(1) A Mode S transponder must be of a type that is:

(a) authorised in accordance with (E)TSO-C166B; or

(b) approved under Part 21 of CASR as having a level of performance equivalent to that of a type compliant with paragraph (a).

(2) When required to be operated, the Mode S transponder must transmit NACp, NIC, SIL and SDA values in accordance with the authorised capability of the GNSS position source.

(3) The geographical position transmitted by the Mode S transponder must be determined by:

(a) a Class B TABS position source device that is authorised in accordance with (E)TSO-C199; or

(b) another source approved under Part 21 of CASR as having a level of performance equivalent to that of a device compliant with paragraph (a).

(4) If a Mode S transponder with Class B TABS position source device transmits a SIL value of less than 2, the aircraft must not enter any controlled airspace in which the aircraft must be fitted with, or carry, equipment that is of an approved ADS-B OUT equipment configuration.

26.72B Approved integrated TABS device — requirements

(1) An approved integrated TABS device (the ***device***) must only be operated in transmitting mode if the flight is conducted:

(a) under the VFR; and

(b) below FL290; and

(c) in Class D, E or G airspace.

(2) The device must meet the technical specifications in (E)TSO-C199 that are for a device with integrated Class A TABS and Class B TABS functionality.

(3) The device must transmit a SIL value of 1.

(4) The device must be authorised by the relevant NAA of the equipment manufacturer as meeting the standards mentioned in subsections (2) and (3).

Note Section 26.66 provides for an exception to the relevant NAA authorisation requirement for certain kinds of light sport, experimental and other aircraft.

26.72C Approved EC device — requirements

(1) An approved EC device (an ***EC device***) must only be operated in transmitting mode if the flight is conducted:

(a) under the VFR; and

(b) below FL290.

(2) The EC device must not be operated in transmitting mode concurrently with a Mode S transponder that is also transmitting ADS-B.

Note An EC device may be operated concurrently with a Mode A/C, or a Mode S transponder (other than one that is transmitting ADS-B) but it is not a substitute for mandatory carriage of a transponder in relevant airspace.

(3) The EC device must meet the technical specifications in UK CAP 1391, except in relation to the matters mentioned in subsections (4), (5) and (6).

(4) The EC device must use a Class B TABS position source that complies with the performance standards specified in (E)TSO-C199.

(5) The EC device must:

(a) be capable of transmitting a SIL value of 1, in accordance with the standards in UK CAP 1391 for an EC device that uses a Class B TABS position source; and

(b) transmit that SIL value of 1.

(6) The EC device must:

(a) meet the requirements described in paragraph 2.2.3.2.7.2.4.6 of RTCA/DO-260B for transmitting an SDA of 1; and

(b) transmit an SDA value of 1.

(7) The EC device must use a barometric encoder for altitude information.

(8) The EC device must be mounted in accordance with the manufacturer's instructions.

(9) The EC device, when mounted in accordance with the manufacturer's instructions, must not:

(a) interfere with aircraft controls; or

(b) otherwise affect the safe operation of the aircraft.

(10) The following administrative standards for the EC device must be complied with:

(a) an EC device must have a statement of compliance (however described) from the EC device manufacturer certifying that the device meets the following requirements (***a declaration of capability and conformance*** or ***declaration***):

(i) if the declaration was made before 2 December 2021 — clauses 1 to 5 of Part B of Appendix XIV of Civil Aviation Order 20.18 as in force immediately before 2 December 2021;

(ii) otherwise — subsections (3) to (7);

(b) the pilot in command of an aircraft that uses the EC device must carry the declaration, or a copy of it, on board the aircraft;

(c) an EC device model must not be operated in a transmit mode anywhere in Australia unless it is listed on the CASA website as an EC device model for which the manufacturer has made a valid declaration;

(d) the manufacturer of an EC device model may apply in writing to CASA:

(i) for a statement that CASA considers that the manufacturer has made a valid declaration of capability and conformance to subsections (3) to (7); and

(ii) for inclusion of the EC device model on the CASA website;

(e) CASA may remove an EC device model from the CASA website if:

(i) the manufacturer requests its removal in writing; or

(ii) if CASA is satisfied that removal is required in the interests of aviation safety.

26.73 Aircraft flown with inoperative surveillance equipment

Surveillance equipment required by section 26.68 may be inoperative at the beginning of a flight if:

(a) the flight begins from an aerodrome at which there is no facility for the surveillance equipment to be repaired or replaced; and

(b) the flight ends not more than 72 hours after the time the surveillance equipment was found to be inoperative; and

(c) before the flight commences, the pilot in command informs ATS about the unserviceability.

Note See also section 26.04 for additional requirements related to flight with inoperative equipment. For a flight with inoperative surveillance equipment, within controlled airspace or at a controlled aerodrome, Division 11.2 has requirements related to ATC clearances. Whether a clearance is issued, or when a clearance may be issued, could be affected by the flight's inoperative equipment.

Division 26.17 Equipment for NVIS flights

26.74 Purpose

For subregulation 91.810 (1), this Division prescribes requirements relating to:

(a) the fitment and non-fitment of NVIS equipment to an aircraft; and

(b) the carrying of NVIS equipment on an aircraft; and

(c) NVIS equipment that is fitted to, or carried on, an aircraft.

Note The effect of item 16 of Table 91.035 is that this Division 26.17 applies to all NVIS flights except NVIS flights conducted as a Part 133 operation. The Part 133 MOS contains the equipment requirements for such flights.